

Tollgate Road, Colney Heath

St Albans Housing Land Supply Statement

April 2023

Introduction

1. This Housing Land Supply Statement has been prepared in support of a planning appeal by Vistry Group against St Albans City and District Council's failure to determine the following planning application¹:

Outline application (access sought) - Demolition of existing house and stables and the construction of up to 150 dwellings including affordable and custom-build dwellings together with all ancillary works

at:

Land to the Rear of 42-100 Tollgate Road & 42 Tollgate Road, Colney Heath

2. In considering the Council's housing land supply ("HLS") position for the five-year period 1st April 2023 – 31st March 2028, consideration has been given to:
 - i. the relevant planning policy context, including the Development Plan and relevant material considerations²
 - ii. relevant case law
 - iii. relevant appeal decisions
3. Table HLS7 of this Statement outlines the Appellant's HLS Position for St Albans District for the period 2023/24-2027/28, concluding that it the Council can only demonstrate a HLS of 1.99-years (1.96 if a 5% discount is applied to sites of 1-4 dwellings that are un-started), and this could reduce to 1.29-years if the Council cannot provide compelling evidence to justify its windfall delivery rate. The Council's best case is a HLS of 2.27-years.
4. Table HLS8 at the end of this Statement sets out the anticipated areas of agreement and disagreement between the Appellant and the Council. In summary, and based upon the Overarching Statement of Common Ground between the Appellant and the Council in relation to a live planning appeal at land south of Chiswell Green³ (dated March 2023), it is anticipated that agreement can be reached that at least 'Very Substantial Weight' should be attributed to the benefits of delivering both market and affordable housing within St Albans District.

The Development Plan and Relevant Material Considerations

5. The Development Plan for St Albans City and District Council is the City and District of St Albans District Local Plan Review 1994 (adopted November 1994).

¹ Ref. 5/2022/1988

² Including the National Planning Policy Framework ("the Framework") and the National Planning Practice Guidance ("the PPG")

³ APP/B1930/W/22/3313110

6. The Site is not subject to any made Neighbourhood Plans, although a Neighbourhood Area for the emerging Colney Heath Neighbourhood Plan was designated by St Albans City and District Council in February 2014 and the Site is located within this.

City and District of St Albans District Local Plan Review 1994

7. In accordance with a Direction issued by the Secretary of State under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004 in September 2007, the District Local Plan Review 1994 is expired other than for where specified policies have been saved under the Direction.
8. The Council published a 'Saved and Deleted Policies Version' of the District Local Plan Review 1994 in July 2020 to identify the saved and deleted policies.
9. Given the age of the District Local Plan Review and the 15 years that have expired since the Secretary of State's 2007 Direction, there are no policies of relevance for determining St Albans' HLS position.

Emerging St Albans Local Plan

10. St Albans City and District Council had prepared new Local Plan to cover the period 2020-2036 and replace the District Local Plan Review 1994. This new Local Plan was submitted to the Secretary of State in March 2019 but was withdrawn by the Council in November 2020 in response to concerns raised by the examining Inspectors in relation to the satisfaction of the Duty to Cooperate and its soundness⁴.
11. The Council has commenced work on a revised new Local Plan to cover the period 2020-2038, with a Call for Sites held between 25th January and 8th March 2021. The Council's timetable for the revised new Local Plan was published in September 2022 and outlines the following key stages:
 - i. Regulation 18 Consultation: July – September 2023
 - ii. Regulation 19 Pre-Submission Publication: July-September 2024
 - iii. Submission: December 2024
 - iv. Examination: December 2024 – November 2025
 - v. Adoption: December 2025

Emerging Colney Heath Neighbourhood Plan

12. The emerging Colney Heath Neighbourhood Plan has been delayed by St Albans City and District Council's inability to adopt a new Local Plan and, more recently, by St Albans City and District Council's proposals to split the extant Colney Heath Parish. Nevertheless, paragraph 17 of the Framework outlines that strategic policies (such as housing requirements⁵) cannot be contained within Neighbourhood Plan.
13. Therefore, the only relevance of the emerging Colney Heath Neighbourhood Plan progressing to be 'made' for the purposes of considering the HLS matters is the triggering of paragraph 14 of the Framework. This and the non-strategic implications of the emerging Colney Heath Neighbourhood Plan is considered in greater detail within the Appellant's Statement of Case.

⁴ As outlined by the Inspectors' letter dated 1st September 2020

⁵ As per paragraph 20a of the Framework

Relevant Material Considerations

National Planning Policy Framework

14. The Framework was republished in July 2021 is a material consideration of particular importance in the determination of planning applications. The relevant sections of the Framework are not repeated in full within this Statement, but attention is drawn to the following paragraphs of particular relevance to the consideration of housing land supply matters:
- i. In relation to the presumption in favour of sustainable development and the decision making framework, paragraph 11d provides that where there are no relevant development plan policies or the policies which are most important for determining the application are out of date (including where the local planning authority cannot demonstrate a five year housing land supply⁶), planning permission should be granted unless: (i) policies in the Framework provide a clear reason for refusing the development proposed; or (ii) any adverse impacts from granting planning permission would significantly and demonstrably outweigh the benefits.
 - ii. Paragraph 60 identifies the Government’s overarching objective to significantly boost the supply of homes, identifying the importance of a sufficient amount and variety of land coming forward where it is needed.
 - iii. Paragraph 61 outlines that the minimum number of homes needed should be informed by a local housing needs assessment conducted using the standard method in national planning guidance, unless exceptional circumstances justify an alternative approach.
 - iv. Paragraph 68 sets out the need to provide a five-year supply of deliverable sites for housing. It also requires developable housing sites for years 6-10 and beyond. The definition of what constitutes a ‘deliverable’ site is set out in the glossary at Annex 2 on page 66 of the Framework. This definition, alongside that set out in the PPG (paragraph ref. ID 68-007-20190722) is used to inform the HLS assessment undertaken in this Statement.
 - v. Paragraph 74 states that Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement, including an appropriate buffer of 5%, 10% or 20% depending on the specific circumstances.

National Planning Practice Guidance

15. The relevant sections of the PPG, notably the ‘Housing supply and delivery’ section, are not repeated in full within this HLS Statement. However, for ease of reference the relevant PPG extracts / sections that are referred to in this Statement are included as **Appendix HLS1**.

Government Statements and Commitments

16. The 2011 Coalition Government’s ‘Laying the foundations: a housing strategy for England’ set out a comprehensive package of reforms to get the housing market moving again following the 2008/2009 global economic crash. The strategy recognised the importance of housebuilding for economic growth and recovery, with the following outlined under point 11 of the Executive Summary:

“Housing had a direct impact on economic output, averaging 3 per cent of GDP in the last decade. For every new home built, up to two new jobs are created for a year. Without building new homes our economic recovery will take longer than it needs to.”

⁶ Footnote 8 of the Framework

17. The Conservative Party manifesto in 2015 made a commitment to deliver one million net additions to the housing stock by the end of Parliament (expected to be in 2020). However, in 2016 the House of Lords Select Committee on Economic Affairs concluded within the ‘Building More Homes’ Select Committee Report⁷ that this was insufficient as it, amongst other things, did not take into account the backlog of housing need. The Select Committee recommended that:

“To meet that demand [arising from the aforementioned backlog] and have a moderating effect on house prices, at least 300,000 homes a year need to be built for the foreseeable future.”⁸

18. February 2017 saw the publication of the Housing White Paper ‘Fixing our broken housing market’, which set out a comprehensive package of reform to increase housing supply and halt the decline in housing affordability. The White Paper identified a threefold problem of⁹:

- i. Not enough local authorities planning for the homes they need;
- ii. Housebuilding that is simply too slow; and
- iii. A construction industry that is too reliant on a small number of big players.

19. In 2017, the elected Conservative Government manifesto made the commitment to deliver 1.5 million net additions to the housing stock by 2022, an increase of 500,000 from the 2015 Conservative Party manifesto.

20. Within the Autumn Budget 2017 the Government set out its pledge *“to put England on track to deliver 300,000 new homes a year”*. In January 2018, the Department for Communities and Local Government (DCLG) was renamed to the ‘Ministry of Housing, Communities and Local Government’ (MHCLG) to reflect the renewed focus to deliver more homes.

21. The 2019 elected Conservative Government manifesto makes the commitment to *“continue to increase the numbers of homes built”¹⁰* and refers to continuing *“our progress towards our target of 300,000 homes a year by the mid-2020s. This will see us build at least a million more homes, of all tenures, over the next Parliament – in the areas that really need them.”¹¹*

22. A central theme within the 2020 Planning White Paper titled ‘Planning for the future’¹² was that the planning system has contributed to the long-term failure to deliver enough new homes in the places where the need for new homes is highest.

23. The Government’s June 2022 response to the Levelling Up, Housing and Communities Select Committee report titled ‘The Future of the Planning System in England’ reaffirms the commitment to deliver 300,000 homes per year on average and create a market that will sustain delivery at this level.

24. In December 2022 the Government launched a consultation on reforms to national planning policy under the Levelling-up and Regeneration Bill, with views sought on proposed updates to the Framework. Notwithstanding the content of the proposed amendments to the Framework that were subject to this consultation, the consultation document outlined the Government’s continued commitment to delivering 300,000 homes a year by the mid-2020s¹³.

⁷ Dated 15th July 2016

⁸ Page 4

⁹ Taken from page 9 of the document

¹⁰ Page 30

¹¹ Page 31

¹² Dated August 2020

¹³ Paragraph 6 under Chapter 1, and paragraph 7 under Chapter 2

Housing Delivery Test

25. Since the introduction of the Housing Delivery test in 2018, St Albans has consistently fallen significantly short of its housing delivery requirements.
- i. 2018: 58%, buffer outcome
 - ii. 2019: 63%, buffer outcome
 - iii. 2020: 63%, presumption outcome
 - iv. 2021: 69%, presumption outcome
26. The Housing Delivery Test 2021 outcome for St Albans is 69%. In view of this, in accordance with paragraph 74 and footnote 41 of the Framework, a 20% buffer is applied to St Albans City and District Council’s housing requirement for the purposes of calculating its HLS.

The Council’s Latest Published Position

27. St Albans City and District Council’s Annual Monitoring Report 2022 (1 April 2021 to 31 March 2022) was re-published on 16th March 2023 to correct an errata. The AMR concludes that the Council considers that, on its own evidence it can demonstrate only a **2.0-year housing land supply** for the period 2022/23 – 2026/27.
28. A copy of the AMR 2022 is included at **Appendix HLS2** and its housing land supply calculations are reproduced in **Table HLS1**, below:

Ref	Housing Land Supply Element	Dwellings	Commentary
A	Housing Need – Local Housing Need figure x 5	4,450	This is the figure for the 2022/23 – 2026/27 five-year period
B	20% buffer (A / 5)	890	This is based on the figure for the 2022/23 – 2026/27 five-year period – reviewed later in this Statement
C	Total five-year HLS Requirement (A+B)	5,340	This is based on the figure for the 2022/23 – 2026/27 five-year period – reviewed later in this Statement
D	Annual five-year HLS Requirement (C / 5)	1,068	This is based on the figure for the 2022/23 – 2027/28 five-year period – reviewed later in this Statement
E	Permissions (Estimated Future Completions) (5% discount applied to sites of 1-4 dwellings that are un-started)	1,599	Taken from Figure 20 of the AMR 2022

Ref	Housing Land Supply Element	Dwellings	Commentary
F	Ste Allocations (2023/24 – 2027/28)	0	Taken from Figure 20 of the AMR 2022
G	Windfall Allowance (2023/24 – 2027/28)	546 (182 dwellings per annum from 2024/25)	Taken from Figure 20 of the AMR 2022
H	Total Identified Supply (2023/24 – 2027/28) (E+F+G)	2,145	
I	Five Year HLS Position (2023/24 – 2027/28) ((H / C) x 5)	2.01 years	
J	Shortfall (H – C)	-3,195	

Table HLS1 - The Council's HLS Position 2022/23-2026/27

29. The Council's most recently published position, above, is based upon the five-year period 2022/23–2026/27. However, the relevant five-year period for the purposes of considering this planning appeal is 2023/24–2027/28¹⁴. The assessment within this Statement is undertaken on this basis.
30. Figure 20 of the AMR outlines the Council's housing trajectory for the period 2022/23 – 2040/41. It therefore includes a projected supply for 2027/28 and establishes a five-year supply figure for the period 2023/24 – 2027/28 of 1,979, which is 166 dwellings below the supply for the period 2022/23 – 2026/27. However, it is recognised that recently granted planning permissions not captured by the 2022 AMR also need to be taken into consideration in producing an up-to-date HLS position.
31. The below sections review each of the components contained within the above table having regard to the latest evidence as required by the PPG¹⁵.

Five Year HLS Requirement

Housing Need

32. The paragraph 004¹⁶ of the PPG note titled 'Housing and economic needs assessment' details each of the steps for calculating LHN through the standard method.
33. In relation to Step 1, the PPG is clear that the current year should be used as the starting point for calculating the average projected household change over a 10-year period. Therefore, the baseline is calculated by taking the average household growth over the period 2023-2033 using the 2014-based household projections for England¹⁷.
34. This calculation is as follows:

$$(69,990 - 63,651) / 10 = 633.9$$

¹⁴ In accordance with the PPG – paragraph ref. ID: 68-013-20190722

¹⁵ Paragraph ref. ID: 68-004-20190722

¹⁶ Paragraph ref. ID: 2a-004-20201216

¹⁷ Provided by the Office for National Statistics

35. For Step 2, the latest median work-place based affordability ratios were published by the Office for National Statistics on 22nd March 2023, which includes the ratio for 2022. The 2022 ratio for St Albans is 18.44, with the affordability adjustment calculated as follows using the formula provided by the PPG:

$$(((18.44-4) / 4) \times 0.25) + 1 = 1.9025$$

36. Step 3 of the standard method applies a cap to the level of increase to ensure that the minimum LHN being planned for is as deliverable as possible. However, the PPG is clear that the cap does not reduce housing need itself¹⁸.
37. As the District Local Plan Review 1994, the latest local plan to be adopted by the Council, was adopted most than five years ago (significantly in this case) and the housing requirement has not been adopted since, the cap is set at 40% above the higher of the average housing requirement set out in the adopted Local Plan or the household projection change (identified at Step 1 of the standard method). Policy 3 of the District Local Plan Review 1994 The average housing requirement for the period 1986-2001 of 7,200 dwellings, which equates to 480 per annum. It is clear that the average household projection change figure calculated under Step 1 of the standard method is greater than this, so the cap is applied at 40% above the average household projections.
38. The capped LHN figure is as follows:

$$633.9 \times 1.4 = 887.46$$

39. Step 4 of the standard method applies a 35% uplift to the figure for the top 20 cities or urban centres. St Albans is not identified as one of the top 20 cities or urban centres, so Step 4 is not necessary.
40. In light of the above, the LHN figure for St Albans is 888 dwellings per annum (887.46 rounded up to the next whole dwelling).
41. Over the five-year period subject to this HLS Statement, the housing need is **4,440 dwellings**.
42. This figure is very marginally lower than that outlined within the Council's AMR 2022 due to the average household projection growth being slightly reduced for the period 2023-2033 compared to 2022-2032.

Buffer

43. As established earlier in this Statement, the Council's housing requirement for the purposes of calculating its HLS is subject to a 20% buffer as a consequence of its housing delivery test result. This is not disputed by the Council.
44. Accordingly, the buffer (based on the previously established LHN figure) is **888 dwellings**.

Total Five-Year HLS Requirement / Annual Average Five-Year HLS Requirement

45. In light of the above, the housing need + 20% buffer is **5,328 dwellings**. The annual average five-year HLS requirement is 1,066 dwellings.
46. These figures are very marginally lower than that outlined within the Council's AMR 2022 due to the average household projection growth being slightly reduced for the period 2023-2033 compared to 2022-2032.
47. It is anticipated that the housing requirement will be confirmed as common ground between the Appellant and the Council.

Components of Supply

48. As per the AMR 2022, the Council's land supply comprises the following three elements:

¹⁸ Paragraph ref. ID: 2a-007-20190220

- i. Permissions (Estimated Future Completions)
- ii. Allocations
- iii. Windfall

49. The deliverability of the identified components of the supply is assessed within this section of the HLS Statement.

Methodology of this Assessment

50. The assessment is based on the requirements of the Framework to “annually update a supply of deliverable sites”¹⁹. What constitutes a ‘deliverable’ site is defined with the Framework’s glossary as follows:

“Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

- a) *“sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans)”* [Category A Sites]
- b) *“where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years”* [Category B Sites]

51. The PPG also emphasises the importance of evidence to justify the deliverability of sites within the supply trajectory²⁰:

“In order to demonstrate 5 years’ worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions. Annex 2 of the National Planning Policy Framework defines a deliverable site. As well as sites which are considered to be deliverable in principle, this definition also set out the sites which would require further evidence to be considered deliverable, namely those which:

- *have outline planning permission*
- *are allocated in the development plan*
- *have a grant of permission in principle*
- *are identified on a brownfield register*

Such evidence, to demonstrate deliverability, may include:

- *current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;*

¹⁹ Paragraph 74

²⁰ Paragraph ref. ID: 68-007-20190722)

- *firm progress being made towards the submission of an application –for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers’ intentions and anticipated start and build-out rates;*
- *firm progress with site assessment work; or*
- *clear relevant information about siter viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.*

Plan-makers can use the Housing and Economic Land Availability Assessment in demonstrating the deliverability of sites.”

52. The above is very clear that the burden of proof falls on the Council to demonstrate the deliverability of ‘Category B’ sites. Without such evidence being provided the decision-taker can only assume that these sites are not deliverable.
53. With regard to the application of the Framework and the PPG definition of ‘deliverable’, paragraphs 97 to 99 of an appeal decision in respect of a residential-led development at Willow Tree House, Brookers Hill, Shinfield, Wokingham Borough²¹ (**Appendix HLS3**) is noted:

“I have been referred to an appeal at Land on East Side of Green Road, Woolpit, Suffolk ²⁰ where the Inspector concluded that in order to meet the definition of deliverable, a site would need to have a resolution to grant within the assessment period, that is by the cut-off date for the assessment period. The Inspector took the view that to include sites granted planning permission after the cut-off date but before the publication of the assessment, in that case the Annual Monitoring Report, would be erroneous. This was due to it overinflating the supply without a corresponding adjustment of need.

“Whilst the findings of this Inspector are noted, I do not find it is that clear cut. The PPG sets out that to demonstrate a 5YHLS, the local planning authority should use the latest available evidence. To my mind, whilst this may include formal land availability assessments or the Annual Monitoring Report, it does not suggest that a base-line or cut-off date means no further evidence can be taken into account if available.

“In coming to this view, I have regard to an appeal at Woburn Sands, Buckinghamshire ²¹ where the Secretary of State also concurred with the view of the Inspector that it is acceptable in relation to an assessment of housing land supply, that evidence can post-date the base date provided that it is used to support sites identified as deliverable as of the base date. It was also held in that appeal that a proforma can, in principle, provide clear evidence of a site’s deliverability. This approach is reasonable and I have no reason to disagree.”

²⁰ APP/W3520/W/18/3194926 [**Appendix HLS4**]

²¹ APP/Y0435/W/17/3169314 [**Appendix HLS5**]

54. The above also formed part of a recent appeal decision dated 17th December 2021 in respect of a development at Land at Market Square, Woking Borough Council²² (**Appendix HLS6**)²³:

“It is important that the annual housing supply calculations should not be distorted by ad hoc additions or reductions throughout the monitoring year. Therefore, those dwellings arising from planning permissions, resolutions, or applications post-dating the annual report should be discounted.”

²¹ Appeal Reference: APP/X0360/W/21/3275086

²² Appeal Reference: APP/V1505/W/21/3279153

²³ Paragraph 92

55. The importance of having clear and cogent deliverability evidence was highlighted in paragraphs 20 and 21 of an appeal decision relating to care village development at the Little Sparrows, Sonning Common, South Oxfordshire (“the Sonning Common Appeal”)²⁴:

“I have also had regard to the PPG advice published on 22 July 2019 on ‘Housing supply and delivery’ including the section that provides guidance on ‘What constitutes a ‘deliverable’ housing site in the context of plan-making and decision-taking.’ The PPG is clear on what is required:

““In order to demonstrate 5 years’ worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions.” This advice indicates to me that expectations that ‘clear evidence’ must be something cogent, as opposed to simply mere assertions. There must be strong evidence that a given site will in reality deliver housing in the timescale and in the numbers contended by the party concerned.”

56. Accordingly, and having regard to the PPG, the analysis of the components of the supply undertaken within this section of the Statement considers planning permissions that were in place up to 27th April 2023 (i.e., the date of this Statement – in accordance with the previously quoted extracts from appeal decisions). Moreover, housing completions which the Council had projected during the year 2022/23 (i.e., before 31st March 2023) at Figure 21 of the 2022 AMR are discounted from the supply for the current five-year housing land supply period.
57. The following sources have been reviewed to establish the number of new approvals for residential development (net) that have been secured for new dwellings since 1st April 2022:
- i. St Albans City and District Council’s Weekly List of Planning Applications, Tree Works Applications and Decisions
 - ii. Planning Inspectorate Appeal Search
58. For the avoidance of doubt, the only approvals that have been included within the supply for the period 1st April 2022 – 27th April 2023 are:
- i. Outline planning permissions
 - ii. Full planning permissions
 - iii. Prior approvals
 - iv. Permissions in Principle
 - v. Certificates of Lawfulness where a new dwelling is formed.

59. Any double counting is addressed by reductions outlined later within this Statement.

60. The supply of new dwellings approved between 1st April 2022 and 27th April 2023 is set out at **Appendix HLS7**.

Permissions (Estimated Future Completions)

61. The Council’s position as outlined in the AMR 2022 (March 2023) is that its supply from planning permissions will reduce from 1,599 to 1,183 (including a 5% discount for smaller sites) by moving into the five-year period 2023/24 – 2027/28.

²⁴ Appeal Reference APP/Q3115/W/20/3265861

62. A full schedule of this supply is set out at **Appendix HLS8** of this Statement. As demonstrated by the penultimate line within Figure 21 of the 2022 AMR, the 5% discount for smaller sites that have not yet commenced equates to 7 dwellings. Therefore, the total supply from permissions, as per the Council’s own evidence, is 1,190 dwellings.
63. This provides a baseline figure to assess the deliverability of the sites which the Council relies upon for this component of its five-year HLS.
64. As outlined earlier, a full schedule of permissions for residential development (net) approved between 1st April 2022 and 27th April 2023 is outlined at **Appendix HLS7**.
65. **Table HLS2** below outlines the starting position in relation to supply from sites from Estimated Future Completions for the period 2023/24-2027/28:

Source of supply figure	Figure	5% discount for sites of 1-4 dwellings not commenced
AMR 2022 Trajectory	1,190	7
Planning permissions granted 1 st April 2022 - 31 st March 2023	396	4.15
Planning permissions granted 1 st April 2023 - 27 th April 2023	37	0.4
Total	1,623	1,611.45

Table HLS2 - Starting Position for Estimated Future Completions 2023/24-2027/28

66. In summary, with the new planning permissions added to the AMR’s calculated supply for the period 2023/24 – 2027/28, the total potential housing supply from planning permissions amounts to 1,623 dwellings (including sites where planning permission has been granted since 1st April 2023²⁵). Compared to the Council’s position for the period 2022/23 – 2026/27²⁶, this represents an increase of 24 dwellings.
67. However, having undertaken a robust interrogation of the sites which contribute to each component of the HLS (above), we disagree with the deliverability assumptions in relation to the following sites:

Land at Three Cherry Tree Lane (Spencer’s Park Phase 2), near Hemel Hempstead

68. Outline planning permission reference 5/2016/2845 (**Appendix HLS9**) was issued by the Council for the following development of this site in April 2019:

“up to 600 dwellings (C3), land for primary school (D1), land for local centre uses (A1, A3, A4, A5, D1, D2), land for up to 7,500 square metres of employment uses (B1, B2, B8), landscaping, open space and play areas, associated infrastructure, drainage and ancillary works, new roundabout access off Three Cherry Trees Lane, new priority junction off Three Cherry Trees Lane, new vehicular access to Spencer’s Park Phase 1 and an emergency access to the employment land off Cherry Tree Lane. Detailed approval is sought for access arrangements only, with all other matters reserved”

69. This is a cross boundary planning permission with Dacorum Borough Council and forms part of the Hemel Garden Communities.
70. This permission was secured by the Homes and Communities Agency (The Crown Estate), who are not a housebuilder. A parcel of the part of this site within Dacorum Borough has been acquired by Homes England and

²⁵ 1,611.45 with the 5% reduction applied to sites of 1-4 dwellings not yet started

²⁶ 1,599, as outlined by the AMR 2022

Countryside Properties²⁷. There is no evidence to indicate that the any element of this site within St Albans District has been acquired by a housebuilder.

71. The Council’s 2022 AMR includes the following trajectory for the delivery of the approved dwellings within St Albans District:

2027/28	2028/29	2029/30
55	55	50

Table HLS3 - The Council’s Projected Delivery Assumptions for Land at Three Cherry Tree Lane

72. Accordingly, the Council relies upon 55 dwellings from this site as part of its housing land supply for the period 2023/24-2027/28.
73. In addition to the requirement to secure reserved matters approval, this planning permission includes 11 pre-commencement conditions (some of which are on a phased basis). Two of these (conditions 12 – Construction Environmental Management Plan – and 22 – Archaeological Scheme of Investigation) have been discharged in relation to the whole site, and condition 18 has been removed. Some of the pre-commencement conditions have been discharge for phases of the development within Dacorum Borough.
74. However, for development to commence on the phase(s) of development within St Albans District, reserved matters approval(s) is / are required and a further eight pre-commencement conditions need to be discharged. Given that the only approvals secured to date (reserved matters, discharge of condition or non-material amendments) have been secured jointly on behalf of Homes England / Countryside Properties (who’s land is within the Dacorum Borough Council administrative area), no specific approvals have been secured in relation to the land within St Albans District.
75. There is currently no publicly available position to suggest that reserved matters and / or discharge of pre-commencement conditions are forthcoming in relation to the element of this planning permission within St Albans District.
76. The Framework and the conclusions of the aforementioned Sonning Common Appeal Decision are clear that an outline planning permission is in itself not sufficient to confirm its deliverability and that clear evidence is required to demonstrate its deliverability. In light of the above consideration, there is no clear evidence to suggest that housing delivery will commence within five years. Therefore, the dwelling numbers from this site being relied upon for the five year housing land supply for the period 2023/24-2027/28 should be discounted.
77. **Remove 55 dwellings.**

Land to the rear of 112-156B Harpenden Road, St Albans

78. Outline planning permission ref. 5/2021/0423 (**Appendix HLS10**) was issued by the Council in January 2022 for the following development of this site:

“Residential development of up to 150 dwellings together with all associated works”

79. The planning permission was secured by Hunston Properties and the Trustees of the Sewell Trust, who do not appear to be housebuilders.
80. The Council’s 2022 AMR includes the following trajectory for the delivery of this site:

²⁷ As evidenced by their reserved matters – Dacorum Borough application ref. 4/02539/16/MOA

2027/28	2028/29	2029/30
55	55	40

Table HLS4 - The Council’s Projected Delivery Assumptions for Land to the rear of 112-156B of Harpenden Rd

- 81. In addition to the requirement to secure reserved matters approval, this planning permission includes 15 pre-commencement conditions.
- 82. The Council’s online planning register does not include records of any reserved matters of discharge of condition (or variation of such via S73 or Non-Material Amendment applications) for the development of this site.
- 83. There is currently no publicly available position to suggest that reserved matters and / or discharge of pre-commencement conditions are forthcoming in relation to this planning permission. Moreover, there is no evidence of this site having been sold to a housebuilder.
- 84. The Framework and the conclusions of the aforementioned Sonning Common Appeal Decision are clear that an outline planning permission is in itself not sufficient to confirm its deliverability and that clear evidence is required to demonstrate its deliverability.
- 85. Therefore, it cannot be concluded that any dwellings can be delivered on this site within the next five years.
- 86. **Remove 55 dwellings.**

Roundhouse Farm, Bullens Green Lane, Colney Heath

- 87. Outline planning permission ref. 5/2020/1992 was secured via appeal (ref. APP/B1930/W/20/3265925 – decision at **Appendix HLS11**) in June 2021 for the following development of this site:

“The development proposed is outline application for the erection of up to 100 dwellings, including 45% affordable and 10% self build, together with all ancillary works (All matters reserved except access)”

- 88. This is a cross-boundary planning permission with Welwyn Hatfield Borough Council, with the Council’s AMR 2022 indicating that 50% of the dwelling numbers to be delivered by each authority. The housing trajectory within the AMR is reflective of this.
- 89. This planning permission was secured by Canton Ltd, but the site has been acquired by Taylor Wimpey who have secured reserved matters approval for the development.
- 90. The Council’s 2022 AMR includes the following trajectory for the delivery of this site:

2027/28	2028/29	2029/30
20	20	10

Table HLS5 - The Council’s Projected Delivery Assumptions for Roundhouse Farm

- 91. In addition to the requirement to secure reserved matters approval, this planning permission includes 15 pre-commencement conditions, some of which have been subject to applications to discharge.
- 92. The Council’s online planning register also includes an application (ref. 5/2023/0996) to vary conditions 1, 4, 6, 7, 8, 10 and 11 of the reserved matters approval. This application is due to be determined by 21st August 2023.

93. On this basis, there is no evidence to suggest that this site will not be delivered in accordance with the Council's projected delivery assumptions.

94. **No change.**

Noke Lane Business Centre, Noke Lane, St Albans

95. Outline planning permission ref. 5/2021/0724 was issued in October 2021 for the following development:

"Demolition of existing units and construction of apartment block consisting of 5 studio, 20 one bedroom and 11 two bedroom apartments with associated bin stores, landscaping and parking"

96. However, this has now been superseded by full planning permission ref. 5/2022/0337, which is for the following development:

"Demolition of existing units and construction of apartment block consisting of 5 studio, 23 one bedroom and 18 two bedroom apartments with associated bin stores, landscaping and parking"

97. To avoid double-counting, **36 dwellings should be removed from the supply.**

98. As the most recent approval is for full planning permission, this supply is not challenged.

Land Rear Of 97 to 105 The Hill, Wheathampstead

99. The original planning permission for three dwellings at this site (ref. 5/2021/3212) was issued in February 2022. However, this has now been replaced by a new planning permission (ref. 5/2022/1026), which was issued in June 2022.

100. To avoid double-counting, **remove 3 dwellings.**

Land adjacent (South) Winslo House 200 Redlett Road Frogmore St Albans

101. This site was granted is subject to the following three separate outline planning permissions:

- i. 5/2020/2792 – 9 dwellings
- ii. 5/2021/0346 – 8 dwellings
- iii. 5/2021/0402 – 7 dwellings

102. The 9 dwelling application was allowed at appeal in June 2021. Whilst duplicate applications have been approved for 8 and 7 dwellings, respectively, the reserved matters approvals secured relate to the 9 dwelling approval.

103. As such, to avoid double counting, **15 dwellings should be removed from the supply of planning permissions since 1st April 2022.**

Verulam Industrial Estate

104. Full planning permission (ref. 5/2021/2417) was issued in June 2022 for the redevelopment of this site to deliver 62 dwellings (**Appendix HLS12**). This planning permission has 5 pre-commencement conditions.

105. However, a Non Material Amendment ("NMA") application was submitted in October 2022 to amend the approved floor plans and dwelling mix, and this was refused in November 2022. No further applications, including any discharge of condition, has been submitted since.

106. The NMA application and absence of discharge of condition applications suggest that the approved development is not deliverable and / or viable. Indeed, the Planning Statement that accompanies the NMA application (**Appendix HLS13**) states the following:

“The consented scheme had several units that were significantly over the required areas set by the national housing standards and, whilst providing good homes, were not particularly efficient. The additional space, combined with core efficiency has been reapportioned to create more bedrooms to several units. Increasing housing choices throughout.”

107. Accordingly, in line with the Framework, there is clear evidence that this site cannot currently contribute towards the Council’s HLS.

108. **Remove 62 dwellings from the supply of planning permissions since 1st April 2022.**

Old Apiary Site Hatching Green St Albans

109. Two separate planning permissions have been granted for the development of this site to deliver 5 dwellings. Both permissions are identified within the schedule of planning permissions granted since 1st April 2022 (**Appendix HLS7**). The latest planning permission (ref. 5/2022/1814) was issued in December 2022 and the discharge of conditions applications relate to this permission.

110. To avoid double counting, **remove 5 dwellings from the supply of planning permissions since 1st April 2022.**

116 Cambridge Road, St Albans

111. Two separate planning permissions have been granted for the development of this site to deliver 1 dwelling. Both permissions are identified within the schedule of planning permissions granted since 1st April 2022 (**Appendix HLS7**). The latest planning permission (ref. 5/2022/2079) was issued in December 2022.

112. To avoid double counting, **remove 1 dwelling from the supply of planning permissions since 1st April 2022.**

37 Burston Drive

113. Two separate planning permissions have been granted for the development of this site to deliver 1 dwelling. Both permissions are identified within the schedule of planning permissions granted since 1st April 2022 (**Appendix HLS7**). The latest planning permission (ref. 5/2022/1762) was issued in November 2022.

114. To avoid double counting, **remove 1 dwelling from the supply of planning permissions since 1st April 2022**

Permissions (Estimated Future Completions) Summary

115. In light of the above, **remove 253 dwellings from the total housing supply from planning permissions.**

116. Following these justified deductions, the supply of dwellings from Permissions (Estimated Future Completions) is **1,370 dwellings²⁸**.

Site Allocations

117. Based on the Council’s AMR 2022, the projected delivery of dwellings from allocations over the period 2023/24 – 2027/28 is 68 dwellings, which all come from the year 2027/28.

²⁸ 1,358.45 with the 5% discount applied to sites of 1-4 dwellings

118. However, we disagree with the Council’s delivery assumptions in relation to the following sites that form part of this component of its HLS:

HA1 – Harpenden Memorial Hospital, Harpenden

119. This site is allocated by the made Harpenden Neighbourhood Plan (Policy H10) to deliver a minimum of 34 dwellings.

120. Despite the Harpenden Neighbourhood Plan being made in 2019, there is no current planning application for the development of this site and no indication provided by the Council to suggest that a planning application is forthcoming.

121. The Framework is clear that the allocation of a site in a development plan is in itself not sufficient to confirm its deliverability and that clear evidence is required to demonstrate its deliverability. This is not provided within the AMR and none of the forms of information outlined at PPG paragraph ref. ID: 68-007-20190722 are available in the public domain. Accordingly, this site cannot be concluded to be deliverable.

122. **Remove 15 dwellings.**

8D – 222 London Road, St Albans

123. This site now has planning permission²⁹, which was granted in April 2022. Accordingly, delivery from this site now forms part of the planning permissions component of the supply.

124. Notwithstanding this, whilst the site was being included by the Council to deliver 34 dwellings, the planning permission is for the conversion of the existing Vickers House building to form 9 apartments and the construction of 23 dwellings in place of the remaining industrial buildings. Accordingly, the supply is reduced from 34 dwellings to 32 dwellings, as reflected in the planning permission component of the supply.

125. **Remove 34 dwellings.**

RS46 – Jewsons Depot, Cape Road, St Albans

126. This site was allocated by the District Local Plan 1994.

127. Despite the site having been allocated for 29 years there are no planning records for its development and online mapping indicates that it remains in commercial use.

128. The Framework is clear that the allocation of a site in a development plan is in itself not sufficient to confirm its deliverability and that clear evidence is required to demonstrate its deliverability. This is not provided within the AMR and none of the forms of information outlined at PPG paragraph ref. ID: 68-007-20190722 are available in the public domain. Accordingly, this site cannot be concluded to be deliverable.

129. **Remove 15 dwellings.**

HA4 – Jewsons, Grove Road, Harpenden

130. This site is allocated by the made Harpenden Neighbourhood Plan (Policy H10) to deliver a minimum of 14 dwellings.

131. Despite the Harpenden Neighbourhood Plan having been formally made four years ago, there are no planning application records on this site and a review of the Jewsons website suggests that it remains operational³⁰.

²⁹ Ref. 5/2021/1972

³⁰ <https://www.jewson.co.uk/branch-finder/harpenden-branch>

132. The Framework is clear that the allocation of a site in a development plan is in itself not sufficient to confirm its deliverability and that clear evidence is required to demonstrate its deliverability. This is not provided within the AMR and none of the forms of information outlined at PPG paragraph ref. ID: 68-007-20190722 are available in the public domain. Accordingly, this site cannot be concluded to be deliverable.

133. **Remove 14 dwellings.**

HA6 – Land at 63 High Street, Harpenden

134. This site is allocated by the made Harpenden Neighbourhood Plan (Policy H10) to deliver a minimum of 5 dwellings.

135. Despite the Harpenden Neighbourhood Plan being made in 2019, there is no indication provided by the Council to suggest that a planning application is forthcoming.

136. The Framework is clear that the allocation of a site in a development plan is in itself not sufficient to confirm its deliverability and that clear evidence is required to demonstrate its deliverability. This is not provided within the AMR and none of the forms of information outlined at PPG paragraph ref. ID: 68-007-20190722 are available in the public domain. Accordingly, this site cannot be concluded to be deliverable.

137. **Remove 5 dwellings.**

HA8 – Land at Garages at Longfield Road, Harpenden

138. This site is allocated by the made Harpenden Neighbourhood Plan (Policy H10) to deliver a minimum of 4 dwellings.

139. Despite the Harpenden Neighbourhood Plan being made in 2019, there is no indication provided by the Council to suggest that a planning application is forthcoming.

140. The Framework is clear that the allocation of a site in a development plan is in itself not sufficient to confirm its deliverability and that clear evidence is required to demonstrate its deliverability. This is not provided within the AMR and none of the forms of information outlined at PPG paragraph ref. ID: 68-007-20190722 are available in the public domain. Accordingly, this site cannot be concluded to be deliverable.

141. **Remove 4 dwellings.**

Allocated Sites Summary

142. Other than 222 London Road, which now has full planning permission and is included in that permissions component of the supply, the Council has not provided sufficient evidence to justify the deliverability of the other site allocations that it has included within its supply, as required by the Framework. Accordingly, these dwellings should all be removed from the supply.

143. **Remove 68 dwellings.**

Windfall Rates

144. The Council has adopted an assumed windfall delivery rate of 182 dwellings per annum from 2024/25 onwards (up to 2040/41). For the five-year period 2023/24-2027/28, this amounts to 728 dwellings.

145. Paragraph 71 of the Framework outlines the following in relation to reliance upon delivery from windfall sites:

“Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends.”

146. The AMR 2022 does not provide any evidence to justify the Council’s projected windfall delivery rate of 182 per annum from 2024/25 onwards.

147. The Appellant reserves the right to present further evidence on the Council’s projected windfall delivery rate, but for the purposes of this Statement the position is taken as read.

Housing Land Supply Position

148. The below tables outline the HLS position for St Albans based on the following scenarios:

- i. Taking the Council’s trajectory for the period 2023/24 – 2027/28 as read, factoring in the new permissions secured between 1st April 2022 and 27th April 2023 (and assuming all dwelling numbers from recent permissions are deliverable within the five year period), and updating the LHN figure to reflect the latest Standard Method calculation – **Table HLS6: Best Case Housing Land Supply Position 2023/24-2027/28**
- ii. Taking into account the reductions set out in the previous sub-section of this Assessment – **Table 7: Appellant’s Housing Land Supply Position**

Ref	Housing Land Supply Element	Dwellings	Commentary
A	Housing Need – Local Housing Need figure x 5	4,440	Calculated using the latest figures, in accordance with the Standard Method
B	20% buffer (A / 5)	888	
C	Total five-year HLS Requirement (A+B)	5,328	
D	Annual five-year HLS Requirement (C / 5)	1,065.6	
E	Estimated Future Permissions (5% discount for sites of 1-4 dwellings that are un-started not applied)	1,623	Based on the figures for the 2023/24 – 2027/28 period as outlined at Figure 20 of the AMR and the inclusion of all new planning permissions that include a net gain in residential dwellings
F	Ste Allocations (2023/24 – 2027/28)	68	Based on the figures for the 2023/24 – 2027/28 period as outlined at Figure 20 of the AMR
G	Windfall Allowance (2023/24 – 2027/28)	728 (182 dwellings per annum from 2024/25)	Based on the figures for the 2023/24 – 2027/28 period as outlined at Figure 20 of the AMR

Ref	Housing Land Supply Element	Dwellings	Commentary
H	Total Identified Supply (2023/24 – 2027/28) (E+F+G) (5% discount for sites of 1-4 dwellings that are un-started not applied)	2,419	
I	Five Year HLS Position (2023/24 – 2027/28) ((I/C) x 5) (5% discount for sites of 1-4 dwellings that are un-started not applied)	2.27 years	
J	Shortfall (H-C) (5% discount for sites of 1-4 dwellings that are un-started not applied)	--2,909	

Table HLS6: Best Case Housing Land Supply Position 2023/24-2027/28

149. Therefore, based on the evidence available, the very best-case HLS scenario that the Council can demonstrate is **2.27 years HLS**. If the 5% discount for sites of 1-4 dwellings is applied this reduces to **2.26 years HLS**.
150. However, having made appropriate deductions having interrogated the delivery of all sites that could form part of the supply and taken into account any double counting, the Appellant considers the Council’s HLS position to be as follows:

Ref	Housing Land Supply Element	Dwellings	Commentary
A	Housing Need – Local Housing Need figure x 5	4,440	Calculated using the latest figures, in accordance with the Standard Method
B	20% buffer (A / 5)	888	
C	Total five-year HLS Requirement (A+B)	5,328	
D	Annual five-year HLS Requirement (C / 5)	1,065.6	
E	Estimated Future Permissions (5% discount for sites of 1-4 dwellings that are un-started not applied)	1,390	Based on the figures for the 2023/24 – 2027/28 period as outlined at Figure 20 of the AMR and the inclusion of all new planning permissions that include a net gain in residential dwellings
F	Ste Allocations (2023/24 – 2027/28)	0	Based on the figures for the 2023/24 – 2027/28 period as outlined at Figure 20 of the AMR
G	Windfall Allowance (2023/24 – 2027/28)	728 (182 dwellings per	Based on the figures for the 2023/24 – 2027/28 period as

Ref	Housing Land Supply Element	Dwellings	Commentary
		annum from 2024/25)	outlined at Figure 20 of the AMR 2022
H	Total Identified Supply (2023/24 – 2027/28) (E+F+G) (5% discount for sites of 1-4 dwellings not applied)	2,118	
I	Five Year HLS Position (2023/24 – 2027/28) ((I/C) x 5) (5% discount for sites of 1-4 dwellings that are un-started not applied)	1.99 years	
J	Shortfall (H-C) (5% discount for sites of 1-4 dwellings that are un-started not applied)	3,210	

Table HLS7: Appellant’s Housing Land Supply Position 2023/24-2027/28

- 151. In light of the above, the Appellant considers that the Council can demonstrate an at best HLS position of **1.99 years**. If the 5% discount for sites of 1-4 dwellings is applied this reduces to **1.96 years HLS**.
- 152. For the purposes of this Statement the Council’s projected windfall delivery rate is taken as read. However, the Appellant reserves the opportunity to interrogate any evidence that the Council may provide on this during the course of the Appeal to establish whether this meets the tests of paragraph 71 of the Framework.
- 153. For reference, if no evidence is provided to justify the projected windfall delivery rate and that this is discounted from the supply in full, the HLS would reduce to **1.29 years**.

Weight Given to Housing Delivery

- 154. The matter of weight to be afforded to housing delivery is the subject of a significant number of appeal decisions across England. In particular, and to provide recent examples, the following are of particular note:
 - i. **APP/M2270/V/21/3273015 – Land adjacent to Turnden, Hartley Road, Cranbrook (6th April 2023)** – paragraph 20 of the Secretary of State’s decision (**Appendix HLS14**) states:

*“The Secretary of State has had regard to the Inspector’s conclusions on the weight which should be attached to these policies in this respect at IR819, and the weight which should be attached to the conflict with these policies at IR837. In paragraph 26 below he agrees that **the shortfall in housing supply, which amounts to 77 dwellings over five years, could reasonably be described as slight, and that housing delivery in the borough appears to have improved in recent times (IR760). Given that there is only a slight shortfall, and in the circumstances of this case, he considers that the policies in this respect should carry moderate weight, and that the harm arising from conflict with the policies should also attract moderate weight. He therefore disagrees with the Inspector’s assessment that both the policies and the conflict with them carry limited weight.**”*

(Emphasis added)

- ii. **APP/V1505/W/22/3296116 – Land at Maitland Lodge, Southend Road, Billericay (11th November 2022)** – paragraphs 28-30 of this decision (**Appendix HLS15**) read as follows in relation to market housing delivery:

*“28. A housing land supply range has been agreed between the parties, of between 1.6 and 2.33 years. Anywhere within this range is a **very substantial shortfall** against the target to identify a five year supply of housing land as set out in paragraph 68 of the Framework. In numerical terms, the shortfall equates to between 3,345 and 4,200 homes. There is also an under-delivery of housing in the Borough. The Government’s 2021 Housing Delivery Test figures confirm a delivery rate of 41% against the housing requirement. Footnote 8 of the Framework states that even a delivery rate of 75% should be considered as substantially below the requirement. 41% is therefore a very substantial under-delivery. The delivery is also on a downward trend, with the most recent results being 45% in 2020, 44% in 2019 and 75% in 2018.*

*“29. Under cross-examination, the Council accepted that housing delivery has been persistently poor over several years. This is also stated at paragraph 2.4 of the Council’s Draft Housing Delivery Test Action Plan July 2021 (the Action Plan 2021). It would be difficult to come to any other conclusion on the basis of the above evidence. **The shortfalls in housing land supply and housing delivery are stark. There is also no evidence before me that there is likely to be a marked improvement in the delivery of housing in the short to medium term. The Council’s Action Plan 2021 states that the level of supply is not expected to significantly improve until a new Local Plan is adopted. In this regard, the Council’s emerging Local Plan was recently withdrawn and its tentative timetable for the production of a new Local Plan would result in adoption, at best, in 2027.***

*“30. It is important to remember that there are real world implications from the under-delivery of homes, including increased house prices, decreased affordability and an increasing number of individuals and families being forced to remain in unsuitable accommodation for their current needs. I therefore place **very substantial positive weight** on the proposed 26 open market homes.”*

(Emphasis added)

Paragraph 33 makes the following conclusion in relation to the weight that should be given to affordable housing delivery:

*“33. The proposed provision of 45% of total units, at 21 homes, is in excess of the policy requirements. However, given the critical situation regarding affordable housing delivery in the Borough, I place **very substantial positive weight** on all of the proposed affordable homes, not just those over and above policy requirements.”*

(Emphasis added)

155. For St Albans District specifically, a planning appeal for 100 dwellings at Roundhouse Farm, Bullens Green Land, Colney Heath³¹ was allowed in June 2021. The decision (**Appendix HLS11**) concluded the following in relation to the Council’s housing land supply shortfall at paragraph 48:

*“It is common ground that neither SADC or WHBC can demonstrate a five year supply of deliverable homes. Whilst there is disagreement between the parties regarding the extent of this shortfall, the parties also agreed that this is not a matter upon which the appeals would turn. I agree with this position. **Even taking the Councils supply positions of WHBC 2.58 years and SADC at 2.4 years, the position is a bleak one and the shortfall in both local authorities is considerable and significant.**”*

(Emphasis added)

156. As a consequence of the above, paragraph 49 of the appeal decision concluded the following:

³¹ Appeal references APP/C1930/W/20/3265925 and APP/C1950/W/20/3265926

*“There is therefore no dispute that given the existing position in both local authority areas, the delivery of housing represents a benefit. Even if the site is not developed within the timeframe envisaged by the appellant, and I can see no compelling reason this would not be achieved, it would nevertheless, when delivered, positively boost the supply within both local authority areas. **From the evidence presented in relation to the emerging planning policy position for both authorities, this is not a position on which I would envisage there would be any marked improvement on in the short to medium term. I afford very substantial weight to the provision of market housing which would make a positive contribution to the supply of market housing in both local authority areas.**”*

(Emphasis added)

157. Further, and more recently, the Overarching Statement of Common Ground (**Appendix HLS16**)³² prepared pursuant to the live appeal³³ made by Alban Developments and CALA Homes against the Council’s refusal of an outline planning application for up to 391 dwellings³⁴ on land south of Chiswell Green Lane (“the Chiswell Green Lane Appeal”) confirmed the following at paragraph 6.2 (inter alia):

*“v. The delivery of market sale homes is to be given **very substantial weight.***

*“vi. The delivery of affordable homes is to be given **very substantial weight.**”*

(Emphasis added)

158. The Council’s acceptance of this position is informed by its own acknowledgement that it can only demonstrate a 2.2-year housing land supply³⁵.
159. The Chiswell Green Lane Appeal has recently been subject of a Public Inquiry with a decision anticipated shortly.
160. Irrespective of the outcome of the Chiswell Green Lane Appeal, there is an accepted position that the Council’s substantial housing land supply shortfall results in very substantial weight being afforded to the provision of market and affordable housing within St Albans District.
161. As demonstrated earlier within this Statement, the inclusion of an appropriate portion of the 391 dwellings subject to the Chiswell Green Lane within the Council’s will not make a material difference to the HLS position – the shortfall will remain very substantial.
162. Moreover, Appellant’s HLS position for the period 2023/24 - 2027/28 (Row I of Table HLS7) is lower than the agreed 2.2-year supply as agreed as part of the Chiswell Green Lane Appeal. Accordingly, the weight that should be attributed towards the benefits of delivering both market and affordable housing is even more weighty for the purposes of determining this appeal.
163. In light of this, at least ‘Very Substantial Weight’ should be afforded to benefits of the provision of both the market and affordable housing in the determination of this appeal.

Areas of Agreement / Disagreement

164. It is proposed that the following areas of agreement and disagreement with the Council can be established in relation to its HLS:

³² Dated March 2023

³³ APP/B1930/W/22/3313110

³⁴ Ref. 5/2022/0927

³⁵ Paragraph 6.4 (i) of the Statement of Common Ground pursuant to this appeal

Housing Land Supply Statement – Tollgate Road, Colney Heath continued

Section of this Statement	Housing Land Supply Element	Appellant's Figure	Anticipated Agreement Position
Paragraph 29	The HLS period for the purposes of determining the appeal is 2023/24-2027/28	N/A	Agreed
Ref. A of Tables HLS6 and HLS7	Local Housing Need	4,440	Agreed
Ref. B of Tables HLS6 and HLS7	20% buffer	888	Agreed
Ref. C of Tables HLS6 and HLS7	Total five-year HLS Requirement	5,328	Agreed
Table HLS2	Total supply of potential Estimated Future Completions	1,623	Agreed
Paragraph 59, 97-105, 125-127	Removal of any potential double counting of sites	N/A	Agreed
Paragraphs 68-77	Land at Three Cherry Tree Lane	0	Not Agreed
Paragraphs 78-86	Land to the rear of 112-156B Harpenden Road, St Albans	0	Not Agreed
Paragraphs 87-94	Roundhouse Farm, Bullens Green Lane, Colney Heath	20	Agreed
Paragraphs 104-108	Verulam Industrial Estate	0	Potential to be Agreed (this site is not in the AMR 2022)
Ref. E of Table HLS7	Appellant's Supply Position from Permissions (Estimated Future Completions) (5% discount for sites of 1-4 dwellings that are un-started not applied))	1,390	Not Agreed
N/A	Application of a 5% discount for sites of 1-4 dwellings that are un-started	N/A	Agreed
Paragraphs 119-122	HA1 – Harpenden Memorial Hospital	0	Not Agreed
Paragraph 123-125	8D – 222 London Road	0	Agreed (to avoid double counting)

Section of this Statement	Housing Land Supply Element	Appellant's Figure	Anticipated Agreement Position
Paragraph 126-129	RS46 – Jewsons Depot, Cape Road	0	Potential to be Agreed
Paragraph 121-133	HA4 – Jewsons, Grove Road, Harpenden	0	Potential to be Agreed
Paragraph 134-137	HA6 – Land at 63 High Street, Harpenden	0	Not Agreed
Paragraph 138-141	HA8 – Land at Garages at Longfield Road, Harpenden	0	Not Agreed
Ref. E of Table HLS7	Supply from Site Allocations	0	Not Agreed
Ref. G of Tables HLS6 and HLS7	Windfall Rate	728 (128 per annum from 2024/25)	Agreed (although the Appellant reserves the opportunity to review this position)
Ref. H of Table HLS7	Appellant's Supply for the period 2023/24	2,118 (1,390 if the windfall sites are discounted)	Not Agreed
Rows I of Tables HLS6 and HLS7, and Paragraph 155	Range of the Council's HLS Position for the period 2023/24-2027/28	1.30-2.27 years	Potential to be Agreed
Row J of Tables HLS6 and HLS7, and Paragraph	Range of the Council's HLS Shortfall	2,889-3,938	Potential to be Agreed
N/A	The HLS shortfall is at least 'Very Substantial'	N/A	Potential to be Agreed
Paragraph 163	At least 'Very Substantial Weight' (the highest weight that can be attributed by a planning decision) to be given to both the benefits of delivering market homes and affordable homes is each	N/A	Agreed

Table HLS8 - Summary of Anticipated Agreement Position

Appendix HLS1 - PPG Extracts

1. Home (<https://www.gov.uk/>)
2. Housing, local and community (<https://www.gov.uk/housing-local-and-community>)
3. Planning and building (<https://www.gov.uk/housing-local-and-community/planning-and-building>)
4. Planning system (<https://www.gov.uk/housing-local-and-community/planning-system>)

Guidance

Housing supply and delivery

Guidance on 5 year housing land supply and Housing Delivery Test.

From:

Ministry of Housing, Communities & Local Government

(<https://www.gov.uk/government/organisations/ministry-of-housing-communities-and-local-government>)

Published

22 July 2019

Contents

- 5 year housing land supply
- Demonstrating a 5 year housing land supply
- Confirming 5 year housing land supply
- Demonstrating a housing land supply beyond 5 years
- Calculating 5 year housing land supply
- Counting completions when calculating 5 year housing land supply
- Counting other forms of accommodation
- Housing Delivery Test
- Housing Delivery Test – Action Plans

[Print this page](#)

This guidance includes updated sections that were previously included in the Housing and economic land availability assessment guidance – see previous version

(<https://webarchive.nationalarchives.gov.uk/20190607102654/https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment>).

What policies are in place to encourage local authorities to promote a sufficient supply of land for housing and support delivery?

The standard method for calculating local housing need (<https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>) provides a minimum number of homes to be planned for. Authorities should use the standard method as the starting point when preparing the housing requirement in their plan, unless exceptional circumstances (<https://www.gov.uk/guidance/national-planning-policy-framework/5-delivering-a-sufficient-supply-of-homes#para60>) justify an alternative approach.

The Housing Delivery Test measures whether planned requirements (or, in some cases, local housing need) have been met over the last 3 years. The 5 year housing land supply is a calculation of whether there is a deliverable supply of homes to meet the planned housing requirement (or, in

some circumstances, local housing need) over the next 5 years.

Paragraph: 001 Reference ID: 68-001-20190722

Revision date: 22 July 2019

5 year housing land supply

What is a 5 year land supply?

A 5 year land supply is a supply of specific deliverable (<https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary#deliverable>) sites sufficient to provide 5 years' worth of housing (and appropriate buffer) against a housing requirement (<https://www.gov.uk/guidance/national-planning-policy-framework/5-delivering-a-sufficient-supply-of-homes#para73>) set out in adopted strategic policies, or against a local housing need figure, using the standard method, as appropriate in accordance with paragraph 73 of the National Planning Policy Framework.

Paragraph: 002 Reference ID: 68-002-20190722

Revision date: 22 July 2019

What is the purpose of the 5 year housing land supply?

The purpose of the 5 year housing land supply is to provide an indication of whether there are sufficient sites available to meet the housing requirement set out in adopted strategic policies for the next 5 years. Where strategic policies are more than 5 years old, or have been reviewed and found in need of updating, local housing need calculated using the standard method should be used in place of the housing requirement.

Paragraph: 003 Reference ID: 68-003-20190722

Revision date: 22 July 2019

Demonstrating a 5 year housing land supply

How can an authority demonstrate a 5 year supply of deliverable housing sites?

In plan-making, strategic policies should identify a 5 year housing land supply from the intended date of adoption of the plan.

For decision-taking purposes, an authority will need to be able to demonstrate a 5 year housing land supply when dealing with applications and appeals. They can do this in one of two ways:

- using the latest available evidence such as a Strategic Housing Land Availability Assessment (SHLAA), Housing and Economic Land Availability Assessment (HELAA), or an Authority Monitoring Report (AMR);
- 'confirming' the 5 year land supply using a recently adopted plan or through a subsequent annual position statement (as set out in paragraph 74 of the National Planning Policy Framework).

Paragraph: 004 Reference ID: 68-004-20190722

Revision date: 22 July 2019

What housing requirement figure should authorities use when calculating their 5 year housing land supply?

Housing requirement figures identified in adopted strategic housing policies should be used for calculating the 5 year housing land supply figure where:

- the plan was adopted in the last 5 years, or
- the strategic housing policies have been reviewed within the last 5 years and found not to need updating.

In other circumstances the 5 year housing land supply will be measured against the area's local housing need calculated using the standard method.

Paragraph: 005 Reference ID: 68-005-20190722

Revision date: 22 July 2019

Which strategic housing policies are used to calculate the 5 year housing land supply where there is more than one strategic housing requirement policy for an area?

Where there is a conflict between adopted strategic housing requirement policies (for example if a new spatial development strategy supersedes an adopted local plan), the most recently adopted policies will need to be used for the purposes of calculating 5 year housing land supply, in accordance with Section 38 (5) of the Planning and Compulsory Purchase Act 2004.

Paragraph: 006 Reference ID: 68-006-20190722

Revision date: 22 July 2019

What constitutes a 'deliverable' housing site in the context of plan-making and decision-taking?

In order to demonstrate 5 years' worth of deliverable housing sites, robust, up to date evidence needs to be available to support the preparation of strategic policies and planning decisions. Annex 2 of the National Planning Policy Framework (<https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary#deliverable>) defines a deliverable site. As well as sites which are considered to be deliverable in principle, this definition also sets out the sites which would require further evidence to be considered deliverable, namely those which:

- have outline planning permission for major development;
- are allocated in a development plan;
- have a grant of permission in principle; or
- are identified on a brownfield register.

Such evidence, to demonstrate deliverability, may include:

- current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;

- firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates;
- firm progress with site assessment work; or
- clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.

Plan-makers can use the Housing and Economic Land Availability Assessment (<https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment>) in demonstrating the deliverability of sites.

Paragraph: 007 Reference ID: 68-007-20190722

Revision date: 22 July 2019

What happens if an authority cannot demonstrate a 5 year housing land supply?

In plan-making, the Inspector examining the plan will test the evidence to ensure that the 5 year housing land supply identified in strategic policies is sound. If it is not, wherever possible the Inspector will recommend main modifications to the plan to ensure that the plan identifies a 5 year housing land supply from its date of adoption. In decision-taking, if an authority cannot demonstrate a 5 year housing land supply, including any appropriate buffer, the presumption in favour of sustainable development will apply, as set out in paragraph 11d of the National Planning Policy Framework (<https://www.gov.uk/guidance/national-planning-policy-framework/2-achieving-sustainable-development#para011>).

Paragraph: 008 Reference ID: 68-008-20190722

Revision date: 22 July 2019

Confirming 5 year housing land supply

How can authorities confirm their 5 year housing land supply?

When local planning authorities wish to confirm their 5 year housing land supply position once in a given year they can do so either through a recently adopted plan or by using a subsequent annual position statement (<https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary#annualposition>).

Paragraph: 009 Reference ID: 68-009-20190722

Revision date: 22 July 2019

How can a 5 year housing land supply be confirmed as part of the examination of plan policies?

The examination will include consideration of the deliverability of sites to meet a 5 year supply, in a way that cannot be replicated in the course of determining individual applications and appeals where only the applicant's / appellant's evidence is likely to be presented to contest an authority's position.

When confirming their supply through this process, local planning authorities will need to:

- be clear that they are seeking to confirm the existence of a 5 year supply as part of the plan-making process, and engage with developers and others with an interest in housing delivery (as set out in Paragraph 74a of the Framework (<https://www.gov.uk/guidance/national-planning-policy-framework/5-delivering-a-sufficient-supply-of-homes#para74>)), at draft plan publication (Regulation 19) stage.
- apply a minimum 10% buffer to their housing requirement to account for potential fluctuations in the market over the year and ensure their 5 year land supply is sufficiently flexible and robust. Where the Housing Delivery Test indicates that delivery has fallen below 85% of the requirement, a 20% buffer should be added instead.

Following the examination, the Inspector's report will provide recommendations in relation to the land supply and will enable the authority, where the authority accepts the recommendations, to confirm they have a 5 year land supply in a recently adopted plan (<https://www.gov.uk/guidance/national-planning-policy-framework/5-delivering-a-sufficient-supply-of-homes#fnref:39>).

Paragraph: 010 Reference ID: 68-010-20190722

Revision date: 22 July 2019

Can 'recently adopted plans' adopted under the 2012 Framework be used to confirm a 5 year land supply?

Plans that have been recently adopted (as defined by footnote 38 of the Framework) can benefit from confirming their 5 year housing land supply through an annual position statement, including those adopted under the 2012 Framework.

Authorities should be aware that sites counted as part of the supply will need to be assessed under the definition of 'deliverable' (<https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary#deliverable>) set out in the revised National Planning Policy Framework.

Paragraph: 011 Reference ID: 68-011-20190722

Revision date: 22 July 2019

How is a 5 year housing land supply confirmed through an annual position statement?

Where a local planning authority has a recently adopted plan (as set out in the the National Planning Policy Framework (<https://www.gov.uk/guidance/national-planning-policy-framework/5-delivering-a-sufficient-supply-of-homes#fn:38>)) and wishes to confirm their 5 year land supply position through an annual position statement (<https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary#annualposition>), they will need to advise the Planning Inspectorate of their intention to do so by 1 April each year.

To ensure their assessment of the deliverability of sites is robust, the local planning authority will also need to carry out an engagement process to inform the preparation of the statement, before submitting their statement to the Planning Inspectorate for review by 31 July of the same year.

So long as the correct process has been followed, and sufficient information has been provided about any disputed sites, the Planning Inspectorate will issue their recommendation in October of the same year. The local planning authority can then confirm their housing land supply until the following October, subject to accepting the recommendations of the Planning Inspectorate.

Paragraph: 012 Reference ID: 68-012-20190722

Revision date: 22 July 2019

How will an annual position statement be assessed?

When assessing an annual position statement, the Planning Inspectorate will carry out a 2 stage assessment:

- first, they will consider whether the correct process has been followed, namely whether:
 - the authority has a 'recently adopted plan' (defined by footnote 38 of the Framework) or they are renewing a confirmed land supply following a previous annual position statement; and
 - satisfactory stakeholder engagement has been carried out.
- second, they will look at whether the evidence is sufficient to demonstrate a 5 year supply of deliverable housing sites (with the appropriate buffer), using 1st April as the base date in the relevant year. In doing so, they will consider whether the sites identified in the assessment are 'deliverable' within the next five years, in line with the definition in Annex 2 of the Framework (<https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary#deliverable>).

The Planning Inspector's assessment will be made on the basis of the written material provided by the authority, and the Inspector will not refer back to the local planning authority or other stakeholders to seek further information or to discuss particular sites. It is therefore important that the authority has carried out a robust stakeholder engagement process and that adequate information is provided about disputed sites.

Paragraph: 013 Reference ID: 68-013-20190722

Revision date: 22 July 2019

What information will annual position statements need to include?

Assessments need to be realistic and made publicly available in an accessible format as soon as they have been completed. Assessments will be expected to include:

- for sites with detailed planning permission, details of numbers of homes under construction and completed each year; and where delivery has either exceeded or not progressed as expected, a commentary indicating the reasons for acceleration or delays to commencement on site or effects on build out rates;
- for small sites, details of their current planning status and record of completions and homes under construction by site;
- for sites with outline consent or allocated in adopted plans (or with permission in principle identified on Part 2 of brownfield land registers, and where included in the 5 year housing land supply), information and clear evidence that there will be housing completions on site within 5 years, including current planning status, timescales and progress towards detailed permission;
- permissions granted for windfall development by year and how this compares with the windfall allowance;
- details of demolitions and planned demolitions which will have an impact on net completions;

- total net completions from the plan base date by year (broken down into types of development e.g. affordable housing); and
- the 5 year housing land supply calculation clearly indicating buffers and shortfalls and the number of years of supply.

Paragraph: 014 Reference ID: 68-014-20190722

Revision date: 22 July 2019

What engagement will an authority need to undertake to prepare an annual position statement?

Authorities will need to engage with stakeholders who have an impact on the delivery of sites. The aim is to provide robust challenge and ultimately seek as much agreement as possible, so that the authority can reach a reasoned conclusion on the potential deliverability of sites which may contribute to the 5 year housing land supply. Those authorities who are seeking to confirm a 5 year housing land supply through an annual position statement can produce an engagement statement and submit this to the Planning Inspectorate, including:

- an overview of the process of engagement with site owners / applicants, developers and other stakeholders and a schedule of site-based data resulting from this;
- specific identification of any disputed sites where consensus on likely delivery has not been reached, including sufficient evidence in support of and opposition to the disputed site(s) to allow a Planning Inspector to reach a reasoned conclusion; as well as an indication of the impact of any disputed sites on the number of years of supply;
- the conclusions which have been reached on each site by the local planning authority in the light of stakeholder engagement;
- the conclusions which have been reached about the overall 5 year housing land supply position.

Paragraph: 015 Reference ID: 68-015-20190722

Revision date: 22 July 2019

Who can the authority engage with?

Local planning authorities will need to engage with developers and others who have an impact on delivery. This will include:

- small and large developers;
- land promoters;
- private and public land owners;
- infrastructure providers (such as utility providers, highways, etc) and other public bodies (such as Homes England);
- upper tier authorities (county councils) in two-tier areas;
- neighbouring authorities with adjoining or cross-boundary sites; and
- any other bodies with an interest in particular sites identified.

Beyond this, it is for the local planning authority to decide which stakeholders to involve. This may include any general consultation bodies the authority considers are appropriate.

Local planning authorities may wish to set up an assessment and delivery group which could contribute towards Housing and Economic Land Availability Assessments (<https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments>), annual 5 year housing land supply assessments and Housing Delivery Test action plans for the delivery of housing. Delivery groups can assist authorities to not only identify any delivery issues but also help to find solutions to address them. They may also set out policies in their Statement of Community Involvement setting out who will be consulted when applying to confirm their 5 year housing land supply.

The Planning Inspectorate will publish on their website a list of local authorities who have notified them of their intention to seek confirmation of their 5 year housing land supply. However, interested parties who wish to be involved in the process should contact the local planning authority directly.

Paragraph: 016 Reference ID: 68-016-20190722

Revision date: 22 July 2019

What happens where there is disagreement about sites?

Where agreement on delivery prospects for a particular site has not been reached through the engagement process, the Planning Inspectorate will consider the evidence provided by both the local authority and stakeholders and make recommendations about likely site delivery in relation to those sites in dispute.

Paragraph: 017 Reference ID: 68-017-20190722

Revision date: 22 July 2019

What can an authority do once the Planning Inspectorate has reached a conclusion and provided recommendations?

When considering an annual position statement, the Planning Inspectorate will assess whether the evidence provided by the local authority is sufficient to demonstrate that there is a 5 year housing land supply, including the appropriate buffer. If this is the case, the Planning Inspectorate will then recommend that the authority can confirm that they have a 5 year housing land supply for one year. This will be a material consideration in the determination of planning applications and appeals.

The local planning authority will need to publish their annual position statement incorporating the recommendations of the Planning Inspectorate in order to confirm their 5 year housing land supply position for a one year period.

Paragraph: 018 Reference ID: 68-018-20190722

Revision date: 22 July 2019

Demonstrating a housing land supply beyond 5 years

Is it essential to identify specific developable sites or broad locations for housing growth, beyond 5 years?

As set out in the National Planning Policy Framework, local planning authorities should identify a supply of specific, developable sites or broad locations for growth for years 6-10 and, where possible, for years 11-15. Local plans and spatial development strategies may be able to satisfy the tests of soundness where they have not been able to identify specific sites or broad locations for growth in

years 11-15. However, if longer-term sites are to be included, for example as part of a stepped requirement, then plan-makers will need to demonstrate that there is a reasonable prospect that they are likely to come forward within the timescale envisaged.

Paragraph: 019 Reference ID: 68-019-20190722

Revision date: 22 July 2019

How can plan-making authorities demonstrate there is a reasonable prospect that housing sites are ‘developable’?

Annex 2 of the National Planning Policy Framework (<https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary#developable>) defines what constitutes a developable site. In demonstrating that there is a ‘reasonable prospect’ plan-makers can use evidence such as (but not exclusively):

- written commitment or agreement that relevant funding is likely to come forward within the timescale indicated, such as an award of grant funding;
- written evidence of agreement between the local planning authority and the site developer(s) which confirms the developers’ delivery intentions and anticipated start and build-out rates;
- likely buildout rates based on sites with similar characteristics; and
- current planning status - for example, a larger scale site with only outline permission where there is supporting evidence that the site is suitable and available (<https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment>), may indicate development could be completed within the next 6-10 years.

A pragmatic approach is appropriate when demonstrating the intended phasing of sites. For example, for sites which are considered developable within 6-10 years, the authority may need to provide a greater degree of certainty than those in years 11-15 or beyond. When producing annual updates of the housing land supply trajectory, authorities can use these to provide greater certainty about the delivery of sites initially considered to be developable, and those identified over a longer time span.

Further guidance is provided in the plan-making chapter (<https://www.gov.uk/guidance/plan-making#delivery-of-strategic-matters>) about how authorities can demonstrate that strategic matters can be delivered within a particular timescale. Plan-makers can use the Housing and Economic Land Availability Assessment (<https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment>) in demonstrating the developability of sites.

Paragraph: 020 Reference ID: 68-020-20190722

Revision date: 22 July 2019

When is a stepped housing requirement appropriate for plan-making?

A stepped housing requirement may be appropriate where there is to be a significant change in the level of housing requirement between emerging and previous policies and / or where strategic sites will have a phased delivery or are likely to be delivered later in the plan period. Strategic policy-makers will need to identify the stepped requirement in strategic housing policy, and to set out evidence to support this approach, and not seek to unnecessarily delay meeting identified development needs. Stepped requirements will need to ensure that planned housing requirements are met fully within the plan period. In reviewing and revising policies, strategic policy-makers should ensure there is not continued delay in meeting identified development needs.

Where there is evidence to support a prioritisation of sites, local authorities may wish to identify priority sites which can be delivered earlier in the plan period, such as those on brownfield land and where there is supporting infrastructure in place e.g. transport hubs. These sites will provide additional flexibility and more certainty that authorities will be able to demonstrate a sufficient supply of deliverable (<https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary#deliverable>) sites against the housing requirement.

Paragraph: 021 Reference ID: 68-021-20190722

Revision date: 22 July 2019

Calculating 5 year housing land supply

How should buffers be added to the 5 year housing land supply requirement?

To ensure that there is a realistic prospect of achieving the planned level of housing supply, the local planning authority should always add an appropriate buffer, applied to the requirement in the first 5 years (including any shortfall), bringing forward additional sites from later in the plan period. This will result in a requirement over and above the level indicated by the strategic policy requirement or the local housing need figure.

Buffers are not cumulative, meaning that an authority should add one of the following, depending on circumstances:

- 5% - the minimum buffer for all authorities, necessary to ensure choice and competition in the market, where they are not seeking to demonstrate a 5 year housing land supply;
- 10% - the buffer for authorities seeking to 'confirm' 5 year housing land supply for a year, through a recently adopted plan or subsequent annual position statement (as set out in paragraph 74 of the National Planning Policy Framework (<https://www.gov.uk/guidance/national-planning-policy-framework/5-delivering-a-sufficient-supply-of-homes#para74>)), unless they have to apply a 20% buffer (as below); and
- 20% - the buffer for authorities where delivery of housing taken as a whole over the previous 3 years, has fallen below 85% of the requirement, as set out in the last published Housing Delivery Test results.

Paragraph: 022 Reference ID: 68-022-20190722

Revision date: 22 July 2019

How is 5 year housing land supply calculated in National Parks and the Broads Authority?

Within National Parks and the Broads Authority, and those local planning authorities where local authority boundaries overlap with these areas, housing requirements identified in strategic policies that are less than 5 years old are used. Where plans are more than 5 years old (unless those policies have been reviewed and found not to require updating), a locally derived (<https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments#para014>) housing requirement figure may be used.

Paragraph: 023 Reference ID: 68-023-20190722

Revision date: 22 July 2019

How is 5 year housing land supply calculated in Development Corporation areas?

In areas covered by Development Corporations with plan-making powers, housing requirements identified in strategic policies that are less than 5 years old, or older and found not to require updating will be used (this can be in local plan(s) or a spatial development strategy). For Development Corporations which do not have, or do not exercise, plan-making powers the requirement will be set in the relevant strategic policies and monitored by the strategic policy-making authority.

Paragraph: 024 Reference ID: 68-024-20190722

Revision date: 22 July 2019

How is 5 year housing land supply calculated in new local planning authorities which result from a local government reorganisation?

Planning policies adopted by predecessor authorities will remain part of the development plan for their area upon reorganisation, until they are replaced by adopted successor authority policies or until the fifth anniversary of reorganisation.

Where a newly formed local planning authority is covered by strategic housing requirement policies adopted by predecessor authorities, these policies can continue to be used as the housing requirement for calculating the 5 year housing land supply in the areas they apply where these are less than 5 years old, or they are older but have been reviewed within the last 5 years and found not to need updating.

Where strategic housing requirement policies, covering the predecessor authority area, are older than 5 years and require updating, local housing need should be used, where this is available. Where the data required to calculate local housing need is not available an alternative approach (<https://www.gov.uk/guidance/housing-and-economic-development-needs-assessments#para014>) will have to be used.

Paragraph: 025 Reference ID: 68-025-20190722

Revision date: 22 July 2019

How is 5 year housing land supply measured where authorities have stepped rather than annual average requirements?

Five year land supply is measured across the plan period against the specific stepped requirements for the particular 5 year period.

Paragraph: 026 Reference ID: 68-026-20190722

Revision date: 22 July 2019

How is 5 year housing land supply measured where authorities set out their housing requirements as a range?

Where strategic policy-makers have successfully argued through plan-making and examination for a requirement set out as a range, the 5 year land supply will be measured against the lower end of the range.

Paragraph: 027 Reference ID: 68-027-20190722

Revision date: 22 July 2019

How will areas with joint plans be monitored for the purposes of a 5 year land supply?

Areas which have a joint plan have the option to monitor their 5 year housing land supply and have the Housing Delivery Test applied over the whole of the joint planning area or on a single authority basis. The approach to using individual or combined housing requirement figures will be established through the plan-making process and will need to be set out in the strategic policies.

Where the 5 year housing land supply is to be measured on a single authority basis, annual housing requirement figures for the joint planning area will need to be apportioned to each area in the plan. If the area is monitored jointly, any policy consequences of under-delivery or lack of 5 year housing land supply will also apply jointly.

Paragraph: 028 Reference ID: 68-028-20190722

Revision date: 22 July 2019

Counting completions when calculating 5 year housing land supply

What counts as a completion?

For the purposes of calculating 5 year land supply, housing completions include new build dwellings, conversions, changes of use and demolitions and redevelopments. Completions should be net figures (<https://www.gov.uk/government/collections/net-supply-of-housing>), so should offset any demolitions.

Paragraph: 029 Reference ID: 68-029-20190722

Revision date: 22 July 2019

How should authorities count bringing empty homes back into use?

To be included as a contribution to completions it would be for the authority to ensure that empty homes had not already been counted as part of the existing stock of dwellings to avoid double counting.

Paragraph: 030 Reference ID: 68-030-20190722

Revision date: 22 July 2019

How can past shortfalls in housing completions against planned requirements be addressed?

Where shortfalls in housing completions have been identified against planned requirements, strategic policy-making authorities may consider what factors might have led to this and whether there are any measures that the authority can take, either alone or jointly with other authorities, which may counter the trend. Where the standard method for assessing local housing need is used as the starting point in forming the planned requirement for housing, Step 2 of the standard method factors in past under-delivery as part of the affordability ratio, so there is no requirement to specifically address under-delivery separately when establishing the minimum annual local housing need figure. Under-delivery may need to be considered where the plan being prepared is part way through its proposed plan period, and delivery falls below the housing requirement level set out in the emerging relevant strategic policies for housing.

Where relevant, strategic policy-makers will need to consider the recommendations from the local authority's action plan prepared as a result of past under-delivery, as confirmed by the Housing Delivery Test.

The level of deficit or shortfall will need to be calculated from the base date of the adopted plan and should be added to the plan requirements for the next 5 year period (the Sedgefield approach), then the appropriate buffer should be applied. If a strategic policy-making authority wishes to deal with past under delivery over a longer period, then a case may be made as part of the plan-making and examination process rather than on a case by case basis on appeal.

Where strategic policy-making authorities are unable to address past shortfalls over a 5 year period due to their scale, they may need to reconsider their approach to bringing land forward and the assumptions which they make. For example, by considering developers' past performance on delivery; reducing the length of time a permission is valid; re-prioritising reserve sites which are 'ready to go'; delivering development directly or through arms' length organisations; or sub-dividing major sites where appropriate, and where it can be demonstrated that this would not be detrimental to the quality or deliverability of a scheme.

Paragraph: 031 Reference ID: 68-031-20190722

Revision date: 22 July 2019

How can past over-supply of housing completions against planned requirements be addressed?

Where areas deliver more completions than required, the additional supply can be used to offset any shortfalls against requirements from previous years.

Paragraph: 032 Reference ID: 68-032-20190722

Revision date: 22 July 2019

Does the 5 year housing land supply calculation affect a Housing Delivery Test result?

No. The 5 year housing land supply calculation is not used to determine future Housing Delivery Test results. Adopted strategic housing policies or local housing need calculated using the standard method are used, subject to the rules set out in the Housing Delivery Test rule book (<https://www.gov.uk/government/publications/housing-delivery-test-measurement-rule-book>).

Paragraph: 033 Reference ID: 68-033-20190722

Revision date: 22 July 2019

Counting other forms of accommodation

How can authorities count student housing in the housing land supply?

All student accommodation, whether it consists of communal halls of residence or self-contained dwellings, and whether or not it is on campus, can in principle count towards contributing to an authority's housing land supply based on:

- the amount of accommodation that new student housing releases in the wider housing market (by allowing existing properties to return to general residential use); and / or

- the extent to which it allows general market housing to remain in such use, rather than being converted for use as student accommodation.

This will need to be applied to both communal establishments and to multi bedroom self-contained student flats. Several units of purpose-built student accommodation may be needed to replace a house which may have accommodated several students.

Authorities will need to base their calculations on the average number of students living in student only accommodation, using the published census data (<https://www.ons.gov.uk/peoplepopulationandcommunity/housing/adhocs/008207ct07732011censusnumberofstudentsinstudentonlyhouseholdnationaltoauthoritylevel>), and take steps to avoid double-counting. The exception to this approach is studio flats designed for students, graduates or young professionals, which can be counted on a one for one basis. A studio flat is a one-room apartment with kitchen facilities and a separate bathroom that fully functions as an independent dwelling.

Paragraph: 034 Reference ID: 68-034-20190722

Revision date: 22 July 2019

How can authorities count older people's housing in the housing land supply?

Local planning authorities will need to count housing provided for older people, including residential institutions in Use Class C2, as part of their housing land supply. This contribution is based on the amount of accommodation released in the housing market. Further guidance is set out in Housing for Older and Disabled People (<https://www.gov.uk/guidance/housing-for-older-and-disabled-people#para016a>).

Paragraph: 035 Reference ID: 68-035-20190722

Revision date: 22 July 2019

Housing Delivery Test

How is the Housing Delivery Test calculated?

The method for calculating the Housing Delivery Test measurement is set out in the Housing Delivery Test measurement rule book (<https://www.gov.uk/government/publications/housing-delivery-test-measurement-rule-book>).

The rule book needs to be read in conjunction with this guidance on the Housing Delivery Test.

Paragraph: 036 Reference ID: 68-036-20190722

Revision date: 22 July 2019

Which organisations does the Housing Delivery Test apply to?

It applies to local planning authorities in a plan-making authority area: non-metropolitan districts, development corporations with plan-making and decision-making powers, metropolitan boroughs and London boroughs. The Housing Delivery Test does not apply to National Park Authorities, the Broads Authority and development corporations without (or not exercising) both plan-making and decision-making functions.

Paragraph: 037 Reference ID: 68-037-20190722

Revision date: 22 July 2019

Which delivery years does the Housing Delivery Test apply to?

The Housing Delivery Test, published in the November of any given year, provides a measure based on the preceding 3 financial years.

Paragraph: 038 Reference ID: 68-038-20190722

Revision date: 22 July 2019

What happens in areas with stepped requirements?

Where the adopted housing requirement is stepped, these stepped requirements will be used in the Housing Delivery Test in place of annual average requirement figures. A stepped requirement allows authorities to reflect step changes in the level of housing expected to be delivered across the plan period. The buffer applied to the 5 year housing land supply does not constitute a stepped requirement.

Paragraph: 039 Reference ID: 68-039-20190722

Revision date: 22 July 2019

What happens in areas with requirements set out as a range?

Where plan makers have successfully argued through plan-making and examination for a requirement set out as a range, the Housing Delivery Test will measure authorities against the lower end of the range.

Paragraph: 040 Reference ID: 68-040-20190722

Revision date: 22 July 2019

How does the Housing Delivery Test account for delivering communal accommodation?

Communal accommodation, including student accommodation and other communal accommodation, can count towards the Housing Delivery Test. Self-contained dwellings are included in the National Statistic for net additional dwellings. Communal accommodation will be accounted for in the Housing Delivery Test by applying adjustments in the form of two nationally set ratios. These are based on England Census data. The ratios for both net student and net other communal accommodation are found in the Housing Delivery Test measurement rule book (<https://www.gov.uk/government/publications/housing-delivery-test-measurement-rule-book>).

Paragraph: 041 Reference ID: 68-041-20190722

Revision date: 22 July 2019

What happens if the identified housing requirement is not delivered?

From the day following publication of the Housing Delivery Test measurement, where delivery of housing has fallen below the housing requirement, certain policies set out in the National Planning Policy Framework will apply. Depending on the level of delivery, these are:

- the authority should publish an action plan if housing delivery falls below 95%;

- a 20% buffer on the local planning authority's 5 year land supply if housing delivery falls below 85%; and
- application of the presumption in favour of sustainable development if housing delivery falls below 75%, subject to the transitional arrangements set out in paragraph 215 of the Framework (<https://www.gov.uk/guidance/national-planning-policy-framework/annex-1-implementation#para214>).

These consequences apply concurrently, for example those who fall below 85% should produce an action plan as well as the 20% buffer. The consequences will continue to apply until the subsequent Housing Delivery Test measurement is published. The relevant consequence for any under-delivery will then be applied. Should delivery meet or exceed 95%, no consequences will apply.

Where a new housing requirement is adopted after the publication of the measurement, the Housing Delivery Test calculation will be re-run using the new requirement as set out in paragraphs 17 to 18 of the Housing Delivery Test rule book (<https://www.gov.uk/government/publications/housing-delivery-test-measurement-rule-book>). Any consequences for under-delivery will be applied from the day after the publication of the re-run measurement.

Paragraph: 042 Reference ID: 68-042-20190722

Revision date: 22 July 2019

How will areas with joint plans be monitored for the purposes of the Housing Delivery Test?

For the purposes of the Housing Delivery Test, joint plans are joint local development documents as defined under Section 28 of the Planning and Compulsory Purchase Act 2004 (<https://www.legislation.gov.uk/ukpga/2004/5/section/28>).

Areas which have adopted joint plans will have the option to monitor their Housing Delivery Test over the whole of the joint planning area or on a single authority basis. This will be established through the plan-making process.

Where an adopted joint plan has a joint housing requirement and trajectory that is not demarcated by local planning authority boundaries, the authorities will be treated as one authority for the purposes of the Housing Delivery Test, with the consequences of their result applied to both authorities.

Where an adopted joint plan has a housing requirement and trajectory that is demarcated by local planning authorities, they will be treated separately for the purposes of the Housing Delivery Test, according to the apportionment outlined in the adopted plan. The consequences for each authority will be separate, according to their demarcated Housing Delivery Test results.

Paragraph: 043 Reference ID: 68-043-20190722

Revision date: 22 July 2019

How will Housing Delivery Test consequences apply to areas with a joint plan?

Housing Delivery Test consequences will apply to all local planning authorities with a joint plan collectively if the housing figure used to measure against the delivery test is the joint housing requirement. The consequences will apply individually if the housing figure used is the apportioned one.

Paragraph: 044 Reference ID: 68-044-20190722

Revision date: 22 July 2019

How do Housing Delivery Test consequences apply to areas covered by a Spatial Development Strategy (SDS)?

Local planning authorities covered by a Spatial Development Strategy will be monitored against their requirement as set out in the individual borough or district plan for the purposes of the Housing Delivery Test, where this requirement is less than 5 years old (or is older and a review has found this does not require updating). Housing Delivery Test consequences will therefore apply to local planning authorities covered by a spatial development strategy individually. The Housing Delivery Test measurement rule book (<https://www.gov.uk/government/publications/housing-delivery-test-measurement-rule-book>) sets out the circumstances for the calculation where the requirement is over 5 years old, or there is no individual borough or district plan.

Paragraph: 045 Reference ID: 68-045-20190722

Revision date: 22 July 2019

How is the Housing Delivery Test calculated in new local planning authorities formed as a result of recent reorganisation?

For those authorities who have recently undergone re-organisation, their Housing Delivery Test result, and any relevant consequences, will be based on predecessor authority boundaries in the first year following reorganisation.

Paragraph: 046 Reference ID: 68-046-20190722

Revision date: 22 July 2019

Housing Delivery Test – Action Plans

What is the Housing Delivery Test action plan?

The action plan is produced by the local planning authority where delivery is below 95% of their housing requirement. It will identify the reasons for under-delivery, explore ways to reduce the risk of further under-delivery and set out measures the authority intends to take to improve levels of delivery.

Paragraph: 047 Reference ID: 68-047-20190722

Revision date: 22 July 2019

Who can produce an action plan?

Local planning authorities, in collaboration with key stakeholders, are expected to produce the action plan. This will apply for each year of under-delivery where the Housing Delivery Test score is below 95%.

Apart from where an action plan is required as a consequence of the Housing Delivery Test, any authority may produce an action plan as a matter of good practice to identify ways to support delivery. In areas not measured by the Housing Delivery Test, such as National Park Authorities, the Broads Authority and development corporations without (or which do not exercise) both plan-making and decision-making functions, the use of an action plan is encouraged where appropriate to help identify any causes of under-delivery and actions to address these.

Paragraph: 048 Reference ID: 68-048-20190722

Revision date: 22 July 2019

Who can be involved in the creation of the action plan?

The local planning authority is responsible for producing the action plan, involving relevant stakeholders in the process. It is for the local planning authority to decide which stakeholders to involve, although representatives of those with an impact on the rate of delivery should be included, such as:

- small and large developers;
- land promoters;
- private and public land owners;
- infrastructure providers (such as utility providers, highways, etc) and other public bodies (such as Homes England);;
- upper tier authorities (county councils) in two-tier areas;
- neighbouring authorities with adjoining or cross-boundary sites.

Paragraph: 049 Reference ID: 68-049-20190722

Revision date: 22 July 2019

What could local planning authorities review as part of the action plan?

The local planning authority may wish to include an analysis of under-delivery considering:

- barriers to early commencement after planning permission is granted and whether such sites are delivered within permitted timescales;
- barriers to delivery on sites identified as part of the 5 year land supply (such as land banking, scheme viability, affordable housing requirements, pre-commencement conditions, lengthy section 106 negotiations, infrastructure and utilities provision, involvement of statutory consultees etc.);
- whether sufficient planning permissions are being granted and whether they are determined within statutory time limits;
- whether the mix of sites identified is proving effective in delivering at the anticipated rate.
- whether proactive pre-planning application discussions are taking place to speed up determination periods;
- the level of ongoing engagement with key stakeholders (for example, landowners, developers, utility providers and statutory consultees), to identify more land and encourage an increased pace of delivery;
- whether particular issues, such as infrastructure or transport, could be addressed at a strategic level - within the authority, but also with neighbouring and upper tier authorities where applicable.

Paragraph: 050 Reference ID: 68-050-20190722

Revision date: 22 July 2019

What actions could local planning authorities consider as part of the action plan?

Actions to boost delivery could include:

- revisiting the Strategic Housing Land Availability Assessment (SHLAA) / Housing and Economic Land Availability Assessment (HELAA) (<https://www.gov.uk/guidance/housing-and-economic-land-availability-assessment>) to identify sites potentially suitable and available for housing development that could increase delivery rates, including public sector land and brownfield land;
- working with developers on the phasing of sites, including whether sites can be subdivided;
- offering more pre-application discussions to ensure issues are addressed early;
- considering the use of Planning Performance Agreements;
- carrying out a new Call for Sites, as part of plan revision, to help identify deliverable sites;
- revising site allocation policies in the development plan, where they may act as a barrier to delivery, setting out new policies aimed at increasing delivery, or accelerating production of an emerging plan incorporating such policies;
- reviewing the impact of any existing Article 4 directions for change of use from non-residential uses to residential use;
- engaging regularly with key stakeholders to obtain up-to-date information on build out of current sites, identify any barriers, and discuss how these can be addressed;
- establishing whether certain applications can be prioritised, conditions simplified or their discharge phased on approved sites, and standardised conditions reviewed;
- ensuring evidence on a particular site is informed by an understanding of viability;
- considering compulsory purchase powers to unlock suitable housing sites;
- using Brownfield Registers to grant permission in principle to previously developed land; and
- encouraging the development of small and medium-sized sites.

Paragraph: 051 Reference ID: 68-051-20190722

Revision date: 22 July 2019

When can the action plan be published?

To ensure the document is as useful as possible, local planning authorities will need to publish an action plan within 6 months of publication of the Housing Delivery Test measurement.

Paragraph: 052 Reference ID: 68-052-20190722

Revision date: 22 July 2019

Will an action plan require formal public consultation?

The action plan will work best as a transparent, publicly accessible document. The decision about whether to consult on an action plan is for the local planning authority. Local planning authorities should be mindful of the need to both produce and implement the document's proposals in a timely fashion.

Paragraph: 053 Reference ID: 68-053-20190722

Revision date: 22 July 2019

How could the action plan be monitored?

Responsibility for creating the action plan lies with the local planning authority, as does monitoring of the action plan. However, the action plan is a collaborative process between various stakeholders, and all stakeholders have a responsibility to deliver the action plan.

Paragraph: 054 Reference ID: 68-054-20190722

Revision date: 22 July 2019

Published 22 July 2019

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- [Housing Delivery Test measurement rule book \(https://www.gov.uk/government/publications/housing-delivery-test-measurement-rule-book\)](https://www.gov.uk/government/publications/housing-delivery-test-measurement-rule-book)
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Appendix HLS2 - St Albans Authority's Monitoring Report 2022



St Albans City and District

Authority's Monitoring Report 2022

(1 April 2021 to 31 March 2022)

**Monitoring the 'saved' policies in the City and District of St Albans
District Local Plan Review 1994 (Adopted 30 November 1994)**

(Base Date 31/03/2022)

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1 Background to the Authority's Monitoring Report

- 1.1 The planning information and approach set out in this Authority's Monitoring Report (AMR) follows the usual convention of reflecting the situation as of 31 March 2022 and generally does not include subsequent information (available before the date of publication). The general monitoring period in this AMR is from 1 April 2021 to 31 March 2022.
- 1.2 Although the Localism Act 2011 removed the requirement for local authorities to submit an Annual Monitoring Report to Government (Secretary of State), the production of a report is still statutorily required. The title is changed to Authority's (rather than 'Annual') Monitoring Report.
- 1.3 At present, the current adopted Local Plan ¹ for St Albans City and District (SACD) is the District Local Plan Review 1994 ² (Adopted 30 November 1994). Under the Planning and Compulsory Purchase Act 2004 the policies in the adopted Local Plan were automatically 'saved' for three years and subsequently the Government agreed to some policies being saved for longer; effectively until they are replaced by a new Plan ³. The current statutory Development Plan for SACD is made up of the following six documents:
- District Local Plan Review 1994 (Saved Policies) ^{2 3}
 - Harpenden Neighbourhood Plan 2018-2033 (Made February 2019) ⁴
 - Sandridge Parish Neighbourhood Plan 2019-2036 (Made July 2021) ⁵
 - St Stephen Parish Neighbourhood Plan 2019-2036 (Made July 2022) ⁶
 - Hertfordshire Waste Core Strategy & Development Management Policies Development Plan Document 2011-2026 (Adopted November 2012) ⁷
 - Hertfordshire Waste Site Allocations Development Plan Document 2011-2026 (Adopted July 2014) ⁸
 - Hertfordshire Minerals Local Plan Review 2002-2016 (Saved Policies) (Adopted March 2007) ⁹
- 1.4 The Council withdrew the St Albans City and District Local Plan 2020-2036 Publication Draft 2018 from examination in November 2020 ¹⁰. Following this, the Council commenced preparation of a new Local Plan 2024-2041 in January 2021 ¹¹. Therefore, the AMR for 2021/2022 is focused on monitoring the 'saved' policies in the District Local Plan Review 1994.
- 1.5 Since the publication of the National Planning Policy Framework ¹² (NPPF) in March 2012 (revised July 2021), 'saved' policies are given due weight according to their degree of consistency with the NPPF, and this should be taken into account in considering their application.
- 1.6 Unless stated otherwise, the main source of data in this AMR is from the Hertfordshire County Council (HCC) planning monitoring and information system, SMART Herts. This system is maintained by the planning monitoring and information team at HCC on behalf of the ten Hertfordshire local planning authorities, including SADC.



Legal and Regulatory Requirements

- 1.7 The requirement to prepare a Monitoring Report each year originated in the Planning and Compulsory Purchase Act 2004 (Part 2, Section 35). This requirement was amended by the Localism Act 2011 (Part 6, Chapter 1, Section 113). Section 113 of the Localism Act 2011 requires every local planning authority to prepare a monitoring report. Section 35(2) of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) states:

(2) [Every local planning authority must prepare reports containing] such information as is prescribed as to—

(a) the implementation of the local development scheme;

(b) the extent to which the policies set out in the local development documents are being achieved.

Section 35(3) of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) states:

(3) [A report under subsection (2) must—

(a) be in respect of a period—

(i) which the authority considers appropriate in the interests of transparency,

(ii) which begins with the end of the period covered by the authority's most recent report under subsection (2), and

(iii) which is not longer than 12 months or such shorter period as is prescribed;]

(c) be in such form as is prescribed;

(d) contain such other matter as is prescribed.

Section 35(4) of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) states:

[(4) The authority must make the authority's reports under this section available to the public.]

- 1.8 The Town and Country Planning (Local Planning) (England) Regulations 2012 set out regulations for Authority's Monitoring Reports. Part 8, Regulation 34 of the Town and Country Planning (Local Planning) (England) Regulations 2012 states:

34.—(1) A local planning authority's monitoring report must contain the following information—



(a) the title of the local plans or supplementary planning documents specified in the local planning authority's local development scheme;

(b) in relation to each of those documents—

(i) the timetable specified in the local planning authority's local development scheme for the document's preparation;

(ii) the stage the document has reached in its preparation; and

(iii) if the document's preparation is behind the timetable mentioned in paragraph (i) the reasons for this; and

(c) where any local plan or supplementary planning document specified in the local planning authority's local development scheme has been adopted or approved within the period in respect of which the report is made, a statement of that fact and of the date of adoption or approval.

(2) Where a local planning authority are not implementing a policy specified in a local plan, the local planning authority's monitoring report must—

(a) identify that policy; and

(b) include a statement of—

(i) the reasons why the local planning authority are not implementing the policy; and

(ii) the steps (if any) that the local planning authority intend to take to secure that the policy is implemented.

(3) Where a policy specified in a local plan specifies an annual number, or a number relating to any other period of net additional dwellings or net additional affordable dwellings in any part of the local planning authority's area, the local planning authority's monitoring report must specify the relevant number for the part of the local planning authority's area concerned—

(a) in the period in respect of which the report is made, and

(b) since the policy was first published, adopted or approved.

(4) Where a local planning authority have made a neighbourhood development order or a neighbourhood development plan, the local planning authority's monitoring report must contain details of these documents.



(5) Where a local planning authority have prepared a report pursuant to regulation 62 of the Community Infrastructure Levy Regulations 2010, the local planning authority's monitoring report must contain the information specified in regulation 62(4) of those Regulations.

(6) Where a local planning authority have co-operated with another local planning authority, county council, or a body or person prescribed under section 33A of the Act, the local planning authority's monitoring report must give details of what action they have taken during the period covered by the report.

(7) A local planning authority must make any up-to-date information, which they have collected for monitoring purposes, available in accordance with regulation 35 as soon as possible after the information becomes available.

(8) In this regulation "neighbourhood development order" has the meaning given in section 61E of the Town and Country Planning Act 1990.

Neighbourhood Planning

- 1.9 The Localism Act 2011 also introduced Neighbourhood Development Plans as a new, optional, part of the statutory Development Plan, and complementary to Local Plans. Monitoring of Neighbourhood Plan progress will be reported alongside Local Plan work. As set out in Part 8, Regulation 34(4) of the Town and Country Planning (Local Planning) (England) Regulations 2012, the AMR will report any neighbourhood development plans that have been made by the Council.
- 1.10 Following a 'Yes' vote at referendum on 7 February 2019, the Harpenden Neighbourhood Plan ⁴ was made at Full Council on 20 February 2019. This covers the neighbourhood area of Harpenden Town and Harpenden Rural Parish. Following a 'Yes' vote at referendum on 6 May 2021, the Sandridge Neighbourhood Plan ⁵ was made at Full Council on 14 July 2021. This covers the neighbourhood area of Sandridge Parish. In addition, following a 'Yes' vote at referendum on 5 May 2022, the St Stephen Neighbourhood Plan ⁶ was made at Full Council on 20 July 2022. This covers the neighbourhood area of St Stephen Parish. The made Harpenden Neighbourhood Plan, Sandridge Neighbourhood Plan and St Stephen Neighbourhood Plan now form part of the Development Plan for SACD, and are material considerations in deciding planning applications in the three neighbourhood areas.
- 1.11 Once approved, other Neighbourhood Plans will form part of the Development Plan for SACD. Further details of documents for Neighbourhood Planning and the made Harpenden, Sandridge and St Stephen Neighbourhood Plans can be found on the Neighbourhood Planning page ¹⁴ of the Council's Planning Policy website.



Local Development Scheme

- 1.12 The Planning and Compulsory Purchase Act 2004 (Chapter 5, Part 2, Section 15) requires each local planning authority to prepare and maintain a Local Development Scheme (LDS). A LDS sets out a timetable (often a three year work programme) for the preparation of Development Plan Documents. As set out in Section 35(2) of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011), the AMR is required to report on the implementation of the LDS.
- 1.13 A new LDS was adopted and published by the Council in September 2022, outlining the timetable for the production of the new Local Plan (2024-2041) ¹⁵. It covers the period from 2023 to 2025 and is included below:

Figure 1: Local Development Scheme (September 2022)

	Regulation 18 Consultation	Regulation 19 Pre - Submission Consultation	Submission	Examination	Adoption
Local Plan	July – Sep 2023	July – Sep 2024	Dec 2024	Dec 2024 – Nov 2025	Dec 2025

- 1.14 As set out in Part 8, Regulations 34(1)(a) and 34(1)(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012, the AMR will report on the new LDS timetable and the stage the new Local Plan has reached in its preparation. For the 2021/2022 monitoring year, the New Local Plan 2024-2041 was at the preliminary stage of its preparation, with the production of the new Local Plan evidence base and Duty to Cooperate processes commencing in December 2020. As at 1 April 2022, the preparation of the new Local Plan is in accordance with the new LDS timetable above.
- 1.15 The timetable for the South West Hertfordshire Joint Strategic Plan is set out below:

Figure 2: South West Hertfordshire Joint Strategic Plan Timetable

	Regulation 18: Issues and Options Consultation	Regulation 18: Preferred Options Consultation	Regulation 19: Publication Plan Consultation	Submission	Examination	Adoption
South West Hertfordshire Joint Strategic Plan	September 2022	TBC	TBC	TBC	TBC	TBC



Duty to Co-operate

- 1.16 In accordance with the Localism Act 2011, when preparing Local Plans, Local Planning Authorities have a 'Duty to Co-operate' (DtC). This means that authorities must co-operate with other local planning authorities and other public bodies in so far as the Plan relates to a strategic matter.
- 1.17 Part 8, Regulation 34(6) of the Town and Country Planning (Local Planning) (England) Regulations 2012, states:
- “(6) Where a local planning authority have co-operated with another local planning authority, county council, or a body or person prescribed under section 33A of the Act, the local planning authority's monitoring report must give details of what action they have taken during the period covered by the report.”*
- 1.18 A summary of the Council's work on DtC is reported in the AMR.
- 1.19 The public bodies included in this are set out in The Town and Country Planning (Local Planning) (England) Regulations 2012. In the context of SADC, current Duty to Co-operate bodies are considered in the table below. However, these may be updated in future to include additional bodies as necessary.

Figure 3: SADC Current Neighbouring & Nearby Local Planning Authorities and Prescribed Bodies Subject to the Duty to Cooperate

Neighbouring & Nearby Local Planning Authorities	Prescribed Bodies
Hertfordshire County Council	The Environment Agency
Dacorum Borough Council	Historic England
Hertsmere Borough Council	Natural England
North Hertfordshire District Council	The Mayor of London
Three Rivers District Council	The Civil Aviation Authority
Watford Borough Council	Homes England
Welwyn Hatfield Borough Council	Herts Valleys Clinical Commissioning Group
Central Bedfordshire Council	NHS England
Luton Borough Council	Office of Rail and Road
Buckinghamshire Council (added 2022)	Transport for London
Hertfordshire County Council (added 2022)	Highways England
	Highways Authority (Hertfordshire Highways)
	The Marine Management Organisation
	Coal Authority (added 2022)

- 1.20 Local Planning Authorities must have regard to the activities of the Hertfordshire Local Economic Partnership (LEP) and Hertfordshire Local Nature Partnership (LNP); although the bodies are not subject to the formal requirements of the DtC.



- 1.21 As part of the preparation of the new Local Plan, SADC undertook Duty to Cooperate meetings with all neighbouring and nearby authorities as listed in Figure 2. These meetings took place from January to March 2021. Notes of these meetings were published at the Council's Local Plan Advisory Group meeting on 15 June 2021 ¹⁶ (see Appendix 1 to Appendix 9, Duty to Cooperate Meeting Notes).
- 1.22 SADC also wrote to relevant prescribed bodies set out in Figure 2 in February 2021.
- 1.23 On 6 September 2022 the Council held an online Duty to Cooperate workshop to which all the neighbouring and nearby authorities and prescribed bodies set out in Figure 2, along with the Hertfordshire Local Economic Partnership (LEP) and Hertfordshire Local Nature Partnership, were invited. The Council's approach to DtC was presented and strategic cross boundary matters were discussed. Comments received during and after the workshop were used to inform the Council's Duty to Cooperate process.
- 1.24 In addition, the Council is working closely with four neighbouring authorities (Dacorum Borough Council, Hertsmeire Borough Council, Three Rivers District Council and Watford Borough Council) as part of the South West Hertfordshire (SW Herts) area. The five authorities and Hertfordshire County Council have commenced work on a Joint Strategic Plan (JSP) for the South West Hertfordshire area ¹⁷. It is intended that the SW Herts JSP will set the strategic framework and priorities across the area, within which individual local plans will be prepared, covering some strategic matters such as housing, employment and infrastructure. The SW Herts group of authorities agreed a Memorandum of Understanding for strategic planning in February 2018. The SW Herts group prepared a Statement of Community Involvement for consultation in 2022. A draft Statement of Common Ground has also been progressed in this same period and agreed by all participating authorities. Public consultation on the JSP took place from 5 September to 4 November 2022, with more than 3,000 people taking part.



2 Monitoring Framework

- 2.1 The AMR Monitoring Framework, as shown below, sets out core measures and indicators of progress in implementation of the current adopted Local Plan. Specifically, these are the 'saved' policies of the District Local Plan Review 1994 and where relevant, policies in the NPPF.

Figure 4: AMR Monitoring Framework

Policy Topic	Measures / Indicators	Target
Housing	1 – Net additional dwellings completed	NPPF standard methodology (for relevant period)
	2 – Five year land supply (estimated dwelling numbers)	Five year land supply against NPPF standard methodology (for relevant period)
	3 – Number / percentage of additional dwellings built on previously developed land	No target set
	4 – Size - dwelling completions by number of bedrooms (bed spaces), on market / affordable split	No target set
	5 – Type - dwelling completion numbers by detached houses / terraced houses / apartments, on market / affordable split	No target set
	6 – Number / Percentage of gross dwellings completed as affordable	200 affordable dwellings per annum / 35%
	7 – Affordable housing completions by type	No target set
Gypsies, Travellers and Travelling Show People	8 – Net additional pitches	No target set
Employment Land	9 – Change in employment (B use class - B2 / B8 and E use class – E(g)(i) / E(g)(ii) / E(g)(iii)) floor space stock (by type - office / industrial and warehousing 'shed' - and by main employment location)	No employment floor space on Article 4 Directions employment areas lost to non-employment uses
	10 – New employment development land (hectares) immediately available (outline permission)	No target set



Policy Topic	Measures / Indicators	Target
Centres for Retail, Services and Leisure	11 – Change in retail / service / leisure floor space stock (by centre / frontage and by type - retail / food and drink / other services)	No target set
Transport Strategy	12 – Journeys to work by modal choice (measured at census dates, or by local survey if available)	No target set
Metropolitan Green Belt	13 – Area of Green Belt (Hectares)	No target set

- 2.2 The statutory annual Authority’s Monitoring Report (AMR) will be prepared on the basis of this Framework, but will also include other contextual information on economic, social and environmental change in the District.

Quick Reference Tables

- 2.3 Each topic is measured below with results and a target achievement for the previous monitoring year 2021/22. Further detail can be found in corresponding subsequent sections, where the grey tables relate directly to the grey tables below. Yellow and other coloured tables contain related information which is in addition to the Monitoring Framework.

Policy Topic: Housing

1 – Net additional dwellings completed

Settlement Category	Net Additional Dwellings Completed	Percent of Total (%)
Towns (excluded from the Green Belt)	54	17
Specified Settlements (excluded from the Green Belt)	24	8
Green Belt Settlements (located within the Green Belt)	-1	<-1
Metropolitan Green Belt	237	75
Overall Total	314	100

Target: NPPF standard methodology (for relevant period)

314 Net additional dwellings completed

NPPF standard methodology based target of 1,068 dwellings per annum (890 dwellings per annum + 20% Buffer) for 2021/2022 not met



2 – Five year land supply (estimated dwelling numbers)

Year	Estimated Net Dwellings
2022/23	561
2023/24	436
2024/25	522
2025/26	379
2026/27	247
Total	2,145

Target: Five year land supply against NPPF standard methodology (for relevant period)

Five year land supply (2022/23 to 2026/27) at 1 April 2022 = **2,145 net dwellings**

NPPF Standard Methodology:

Five year land supply at 1,068 dwellings per annum (890 dwellings per annum + 20% Buffer) at 1 April 2022 = **2.0 years**

Five year land supply of 2,145 net dwellings for period 2022/23 to 2026/27, against NPPF standard methodology based target of 1,068 dwellings per annum (890 dwellings per annum + 20% Buffer) for 2022/23 to 2026/27; Target not met

3 – Number / percentage of additional dwellings built on previously developed land

Net Additional Dwellings	Previously Developed Land			Greenfield	
	New Build	Conversions	Total	New Build	Total
Number	147	28	175	133	308
Percentage	48	9	57	43	100

N.B. Previously Developed Land / Greenfield status not known for 6 additional (net) dwellings

No Target Set

175 additional dwellings (net) / 57% of additional dwellings (net) built on previously developed land



4 – Size - dwelling completions by number of bedrooms (bed spaces), on market / affordable split

Tenure / Sector	Bed Size (Number of Gross Dwelling Completions)					Percent of Total (%)
	1 Bed	2 Bed	3 Bed	4+ Bed	Total	
Affordable Rent	4	21	12	0	37	10
Social Rent	3	1	0	0	4	1
Affordable Home Ownership	2	22	6	0	30	8
Total Affordable Housing	9	44	18	0	71	19
Market Housing	40	85	63	109	297	81
Total All Sectors	49	129	81	109	368	100

N.B. Unknown bed size for 10 dwellings (gross)

Tenure / Sector	Bed Size (Percentage of Gross Dwelling Completions)				
	1 Bed	2 Bed	3 Bed	4+ Bed	Total
Affordable Rent	11%	57%	32%	0%	100%
Social Rent	75%	25%	0%	0%	100%
Affordable Home Ownership	7%	73%	20%	0%	100%
Total Affordable Housing	13%	62%	25%	0%	100%
Market Housing	13%	29%	21%	37%	100%
Total All Sectors	13%	35%	22%	30%	100%

N.B. Unknown bed size for 10 dwellings (gross)

No Target Set

Dwelling Completions (Market): 1 Bed (13%), 2 Bed (29%), 3 Bed (21%), 4+ Bed (37%)

Dwelling Completions (Affordable): 1 Bed (13%), 2 Bed (62%), 3 Bed (25%), 4+ Bed (0%)

Dwelling Completions (All Sectors): 1 Bed (13%), 2 Bed (35%), 3 Bed (22%), 4+ Bed (30%)



5 – Type - dwelling completion numbers by detached houses / terraced houses / apartments, on market / affordable split

Dwelling Type	Number of Dwellings Completed (Gross)			Market / Affordable Split (%)	
	Market Housing	Affordable Housing	Total	Market Housing (%)	Affordable Housing (%)
Detached House	103	0	103	100%	0%
Semi-Detached House	48	6	54	89%	11%
Terraced House	43	34	77	56%	44%
Bungalow	3	0	3	100%	0%
Apartment (Flat / Maisonette)	95	31	126	75%	25%
Studio	4	0	4	100%	0%
Mobile or Temporary Dwelling	11	0	11	100%	0%
Dwelling Equivalent	0	0	0	0%	0%
Total	307	71	378	81%	19%

No Target Set

6 – Number / Percentage of gross dwellings completed as affordable

	Total Affordable Housing	Total Market Housing	Total
Number of gross dwellings completed	71	307	378
Percentage of gross dwellings completed (%)	19	81	100

Target: 200 affordable dwellings per annum / 35% of gross dwellings completed as affordable

71 gross affordable dwellings completed / 19% of gross dwellings completed as affordable

Target Not Met



7 – Affordable housing completions by type

	Affordable Housing Type			Total Affordable
	Affordable Rent	Social Rent	Affordable Home Ownership	
Number of affordable gross dwellings completed	34	4	33	71
Percentage of affordable gross dwellings completed (%)	48	6	46	100

No Target Set

48% Affordable Rent / 6% Social Rent / 46% Affordable Home Ownership

Policy Topic: Gypsies, Travellers and Travelling Show People

8 – Net additional pitches

Net Additional Pitches

0 net additional pitches granted planning permission by the Council in 2021/2022 monitoring year.

No Target Set



Policy Topic: Employment Land

9 – Change in employment (B use class – B2 / B8 and E use class – E(g)(i) / E(g)(ii) / E(g)(iii)) floor space stock (by type – office / industrial and warehousing ‘shed’ – and by main employment location)

Location	Floor Space	Employment (B and E Use Classes) Floor Space (m ²)						
		E(g)(i) Offices / B1(a) Offices	E(g)(ii) Research & Development / B1(b) Research & Development	E(g)(iii) Industrial Processes / B1(c) Light Industry	B2 General Industry	B8 Storage & Distribution	Total	Lost to Non-Employment (B) / (E) Uses
Article 4 Directions - Employment Areas	Gain	1,069	0	0	0	0	1,069	0
	Loss	0	0	0	0	340	340	340
	Net	1,069	0	0	0	-340	729	-340
Rest of District	Gain	171	54	0	252	328	805	0
	Loss	475	0	349	726	775	2,325	2,073
	Net	-304	54	-349	-474	-447	-1,520	-2,073
Total	Gain	1,240	54	0	252	328	1,874	0
	Loss	475	0	349	726	1,115	2,665	2,413
	Net	765	54	-349	-474	-787	-791	-2,413

Target: No employment floor space on Article 4 Directions employment areas lost to non-employment (non-B and E) uses

340 square metres of employment floor space lost to non-employment (non-B and E) uses in Article 4 Directions employment areas.

Target Not Met



10 – New employment development land (hectares) immediately available (outline permission)

Use Class	Description	Available Use Class Site Area (Hectares)	Outstanding Floor Space (m ²)
E(g)(i) / B1(a)	Offices	0.548	9,531
E(g)(ii) / B1(b)	Research and Development	0.088	1,155
E(g)(iii) / B1(c)	Industrial Processes / Light Industry	0.046	922
B2	General Industry	0.014	137
B8	Storage and Distribution	0.034	343
Total		0.730	12,088

0.036 hectares of the immediately available employment land includes outline permissions

No Target Set



Policy Topic: Centres for Retail, Services and Leisure

11 – Change in retail / service / leisure floor space stock (by centre / frontage and by type - retail / food and drink / other services)

Location	Retail / Service / Leisure Use Class Floor Space (m ²)											
	Floor Space	E(a) Retail / F2(a) Shops / A1 Shops	E(b) Food & Drink / A3 Restaurants & Cafes	E(c) Financial, Professional or Other Services / A2 Financial & Professional Services	E(d) Indoor Sport, Recreation or Fitness	E(e) Medical or Health Services	E(f) Creche, Day Nursery or Day Centre	E(g)(i) Offices / B1(a) Offices	D2 Assembly & Leisure	F1 Learning and Non-Residential Institutions	Sui Generis (including Pubs, Bars, Drinking Establishments and Hot Food Takeaways)	Total
St Albans City Centre	Gain	0	33	0	0	0	0	0	0	0	32	65
	Loss	32	122	0	0	0	0	128	155	0	0	437
	Net	-32	-89	0	0	0	0	-128	-155	0	32	-372
Harpenden Town Centre	Gain	0	13	0	0	0	0	0	0	0	98	111
	Loss	0	0	0	0	0	0	122	0	0	0	122
	Net	0	13	0	0	0	0	-122	0	0	98	-11
Rest of District	Gain	1,015	155	0	339	0	0	1,240	32	0	7,153	9,934
	Loss	1,129	145	0	0	458	0	225	499	316	1,468	4,240
	Net	-114	10	0	339	-458	0	1,015	-467	-316	5,685	5,694
Total	Gain	1,015	201	0	339	0	0	1,240	32	0	7,283	10,110
	Loss	1,161	267	0	0	458	0	475	654	316	1,468	4,799
	Net	-146	-66	0	339	-458	0	765	-622	-316	5,815	5,311

No Target Set



Policy Topic: Transport Strategy

12 – Journeys to work by modal choice (measured at census dates, or by local survey if available)

St Albans District – Mode of Travel to Work	Percent of Trips (%)		
	2015	2018	2022
Bus	0.0	1.7	3.3
Car / van as driver	56.6	54.9	67.6
Car / van as passenger	3.2	3.8	0.7
Cycle / bike	2.5	7.2	0.7
Motorcycle	0.7	0.0	1.6
Scooter	0.0	0.0	0.9
Taxi	0.0	0.0	1.8
Train	32.9	21.3	20.3
Tube	0.4	0.8	0.0
Walk	3.7	10.3	3.1
Other	0.0	0.0	0.0
Total (%)	100.0	100.0	100.0

No Target Set

Sources: Hertfordshire County Travel Survey 2015 (Table D.35)^{31 32}, 2018 (Table D.27)³³ and 2022 (Table D.30)

N.B. Caution should be observed when seeking to draw inference from these travel to work statistics. This may have been impacted by small sample sizes, e.g. cycle / bike trips changing from 2.5% in 2015 to 7.2% in 2018 to 0.7% in 2022.

Policy Topic: Metropolitan Green Belt

13 – Area of Green Belt (Hectares)

District Area of Green Belt (Hectares)
13,140 hectares (to nearest 10 hectares)

No Target Set



Housing

Policy Topic: Housing

1 – Net additional dwellings completed

- 3.1 During the monitoring year 2021/22, a total of 378 (gross) dwellings were completed with a total of 64 losses, resulting in 314 net dwelling completions. The table below shows the number of dwellings and percentage of the overall total completed in each settlement. The settlement hierarchy is based on saved policies in the current adopted local plan, the District Local Plan Review 1994. Specifically, Saved Policy 1 – Metropolitan Green Belt and Saved Policy 2 – Settlement Strategy. The majority of development (75% of net additional dwelling completions) was located within the Metropolitan Green Belt.
- 3.2 HCC undertake annual primary housing monitoring site surveys, on behalf of SADC, to record residential permissions and the number of dwellings which have been granted, started and completed.
- 3.3 Zero (net) C3 Use Class dwellings (from C2 Use Class dwelling equivalents) were included in the total net completions figure for the monitoring year 2021/22. The Government published updated Planning Practice Guidance (PPG) on ‘Housing for older and disabled people’¹⁸ in June 2019. Additional updates to the PPG on ‘Housing supply and delivery’¹⁹ were published in July 2019. With reference to the PPG updates above, the Council has included all student accommodation and housing provided for older people (including care homes and residential institutions), as part of the housing land supply in the 1 April 2022 baseline Housing Trajectory. A dwelling equivalent ratio of 1.8 has been applied to care homes in C2 Use Class and a dwelling equivalent ratio of 2.5 has been applied to student accommodation. This is shown in Appendix 1 – Housing Trajectory Schedule (see permissions, estimated future completions).
- 3.4 The overall figure of 314 net additional dwellings completed for 2021/2022 is lower than the figure of 1,068 dwellings per annum (890 dwellings per annum plus 20% Buffer), calculated using the standard methodology. The NPPF standard methodology based target for 2021/2022 has therefore not been met.



Table 1: Net Additional Dwellings Completed, by Settlement Category / Settlement (2021/22)

Policy Reference	Settlement Category / Settlement	Net Additional Dwellings Completed	Percent of Total (%)
Towns (excluded from the Green Belt)		54	17
T.1	St Albans	41	13
T.2	Harpenden	13	4
Specified Settlements (excluded from the Green Belt)		24	8
SS.1	Bricket Wood	2	1
SS.2	Chiswell Green	0	0
SS.3	How Wood	-3	-1
SS.4	London Colney	18	6
SS.5	Park Street/Frogmore	2	1
SS.6	Redbourn	5	2
SS.7	Wheathampstead	0	0
Green Belt Settlements (located within the Green Belt)		-1	<-1
GBS.1	Annables, Kinsbourne Green	0	0
GBS.2	Colney Heath (3 parts)	0	0
GBS.3	Folly Fields	0	0
GBS.4	Gustard Wood	0	0
GBS.5	Lea Valley Estate	0	0
GBS.6	Radlett Road (Frogmore)	0	0
GBS.7	Sandridge	0	0
GBS.8	Sleapshyde	0	0
GBS.9	Smallford	-1	<-1
Metropolitan Green Belt		237	75
Overall Total		314	100

- 3.5 A further table and chart illustrating historic net additional dwelling completions are included below. The data covers the period from when the District Local Plan Review 1994 was first adopted to present, from 1994/95 to 2021/22. An average of 395 net dwellings per year have been completed in the District between 1994/95 and 2021/22. The average delivery over the past 5 years (between 2017/18 and 2021/22) has been 455 net dwellings per year.



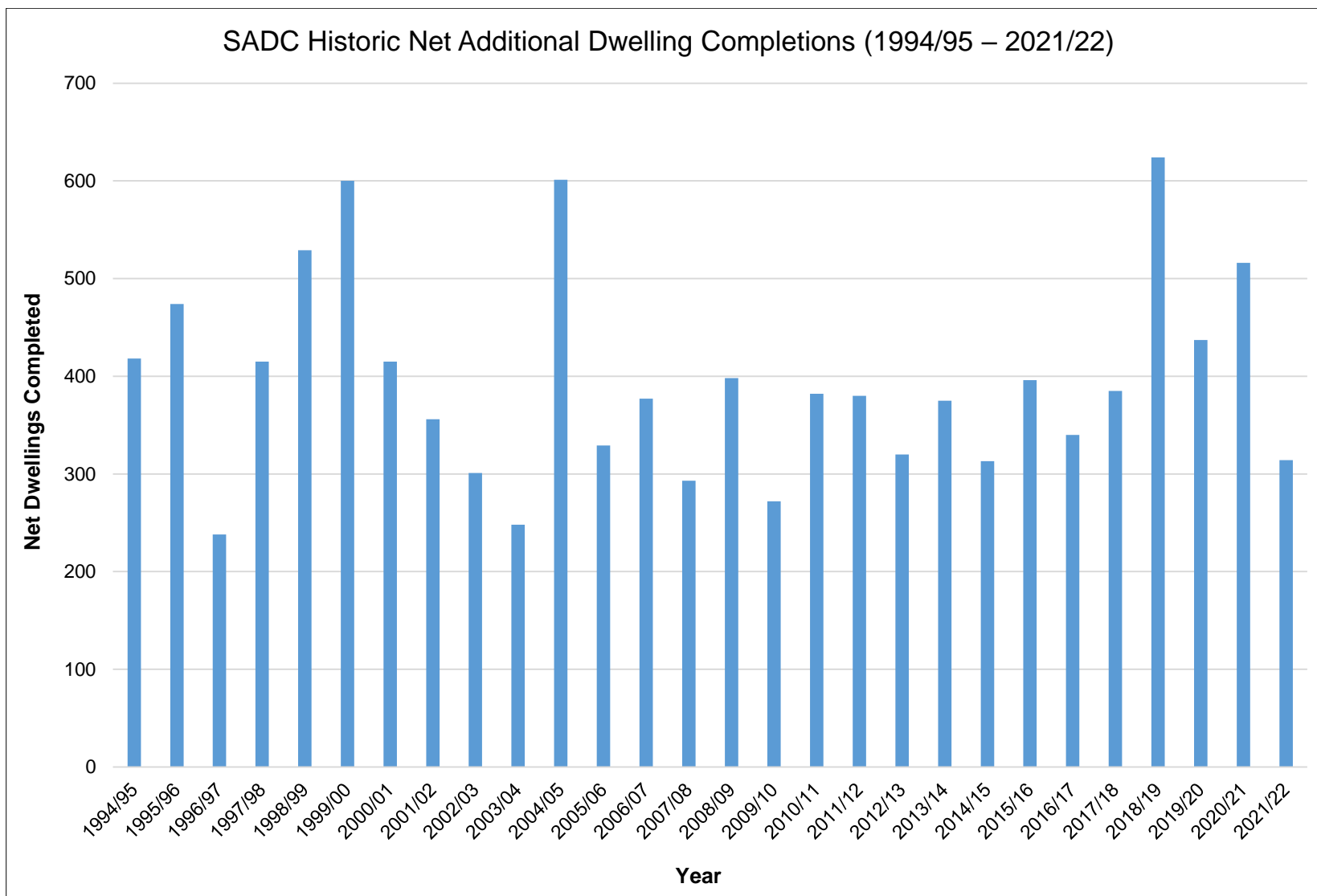
Table 2: SADC Historic Net Additional Dwelling Completions (1994/95 – 2021/22)

Monitoring Year	Net Dwelling Completions, Annual Total
1994/95	418
1995/96	474
1996/97	238
1997/98	415
1998/99	529
1999/00	600
2000/01	415
2001/02	356
2002/03	301
2003/04	248
2004/05	601
2005/06	329
2006/07	377
2007/08	293
2008/09	398
2009/10	272
2010/11	382
2011/12	380
2012/13	320
2013/14	375
2014/15	313
2015/16	396
2016/17	340
2017/18	385
2018/19	624
2019/20	437
2020/21	516
2021/22	314
Total	11,046
Average per year (1994/95 to 2021/22)	395
Average per year (2017/18 to 2021/22)	455

Sources: SADC and Hertfordshire County Council



Figure 5: Chart of SADC Historic Net Additional Dwelling Completions (1994/95 – 2021/22)



2 - Five year land supply (estimated dwelling numbers)

- 3.6 There is no definitive Development Plan housing target/requirement for the District. Therefore, a judgment will need to be reached as to what is the most appropriate target/requirement to use as a basis for assessment of housing land supply, taking account of the NPPF 2021.
- 3.7 In a Court of Appeal Decision regarding Sewell Park, St Albans, on 12 December 2013 (Hunston), the judges have set out in the absence of a Development Plan figure the decision taker must use “the most up-to-date figures” for “full objectively assessed needs” on which to base 5 year housing land supply calculations (this should now be related to NPPF 2021 paragraph 11, which refers to ‘objectively assessed needs’ as well as paragraphs 61 and 74 which refer to ‘local housing need’) ¹².
- 3.8 The standard method for assessing local housing need is set out in Planning Practice Guidance on ‘Housing and economic needs assessment’ ²⁰, updated in December 2020. It involves applying a formula consisting of four steps. First, 2014 based household projection figures ²¹ are used to calculate average annual household growth in the District over the ten year period from 2022 to 2032 (636 dwellings) as the set baseline. Second, the most recent District median workplace-based affordability ratio ²² for 2021 (17.32) is applied as an adjustment to take account of affordability. Third, a cap of 40% above the projected annual average household growth for the District over the ten year period 2022-2032 in step one is applied to limit the level of any increase the authority faces. Fourth, a 35% uplift is then applied for urban local authorities in the top 20 cities and urban centres list. The District is not included in the urban local authorities in the top 20 cities and urban centres list, therefore step 4 does not apply to SADC. Using these inputs, the standard method gives an outcome for the District of an average of **890 new households / dwellings per annum**.
- 3.9 The Council has not taken a decision on whether or not this or any other figures may more accurately represent “local housing need”, and wholly reserves its position on this point. The Council takes the view that this matter is properly to be decided as part of the decision making process on its new Local Plan.
- 3.10 NPPF 2021 paragraphs 74 and 76 set out that ‘Housing Delivery Test’ (HDT) results will be applied each year for plan-making authorities ¹². The HDT is a percentage measurement of the number of net homes delivered against the number of homes required by the HDT, over a three year period.
- 3.11 Results from the 2021 Housing Delivery Test for SADC ²³ (published in January 2022) indicated a HDT measurement of 69%. This result was calculated for the period 2018/19 to 2020/21, with 1,596 net homes delivered against the HDT housing requirement of 2,317 dwellings. As housing delivery for the District was below 85% of the Government’s new assessed housing requirement, at this time a 20% buffer as set out in NPPF 2021 paragraph 74c ¹² has been applied to the Council’s 5 year housing land supply calculation. In accordance with NPPF 2021 paragraph 76, the Council prepared the St Albans Housing Delivery Test Action Plan 2022 ²⁴. The HDT Action Plan analyses the key reasons for historic under-performance against the Government’s new assessed housing requirement and identifies measures the



Council intends to undertake to increase/maintain the delivery of new housing in the District.

- 3.12 The Council has updated its 5 year housing land supply schedule and considers that, at a baseline date of 1 April 2022 and including the relevant 20% buffer, there is approximately:

5 year housing land supply at 1,068 Dwellings Per Annum (890 Dwellings per Annum + 20% Buffer) at 1 April 2022: 2.0 years supply

- 3.13 This baseline figure looks forward in time only. There is no definitive approach to or timeframe over which any “surplus” or “shortfall” in past delivery should be measured. Therefore, the Council cannot demonstrate a 5 year housing land supply as set out in the NPPF 2021 Paragraph 74. Paragraph 11 of the NPPF 2021 is therefore engaged ¹².
- 3.14 Details of the currently anticipated housing trajectory that makes up the housing land supply position from 2022/23 to 2040/41 is set out below, and in further detail at Appendix 1 – Housing Trajectory Schedule.



Table 3: Housing Trajectory Data (1 April 2022)

Year	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Total	
Permissions (Past Completions)	437	516	314																				1,267	
Total Estimated Future Completions (Permissions, Site Allocations & Windfall Allowance)*				561	436	522	379	247	395	354	295	182	182	182	182	182	182	182	182	182	182	182	5,191	
Cumulative Completions (Total Past & Estimated Future Completions)				1,828	2,264	2,786	3,165	3,412	3,807	4,161	4,456	4,638	4,820	5,002	5,184	5,366	5,548	5,730	5,912	6,094	6,276	6,458	6,458	
PLAN - Emerging Local Housing Target / Requirement: 1,068 dwellings per year (890 dwellings per year + 20% Buffer) for Years 1 to 5 of Plan Period, 890 dwellings per year for Years 6 to 17 of Plan Period				1,068	1,068	1,068	1,068	1,068	890	890	890	890	890	890	890	890	890	890	890	890	890	890	890	17,800
MONITOR - Number of Dwellings Above or Below the Cumulative Target / Requirement				760	128	-418	-1,107	-1,928	-2,423	-2,959	-3,554	-4,262	-4,970	-5,678	-6,386	-7,094	-7,802	-8,510	-9,218	-9,926	-10,634	-11,342	-11,342	

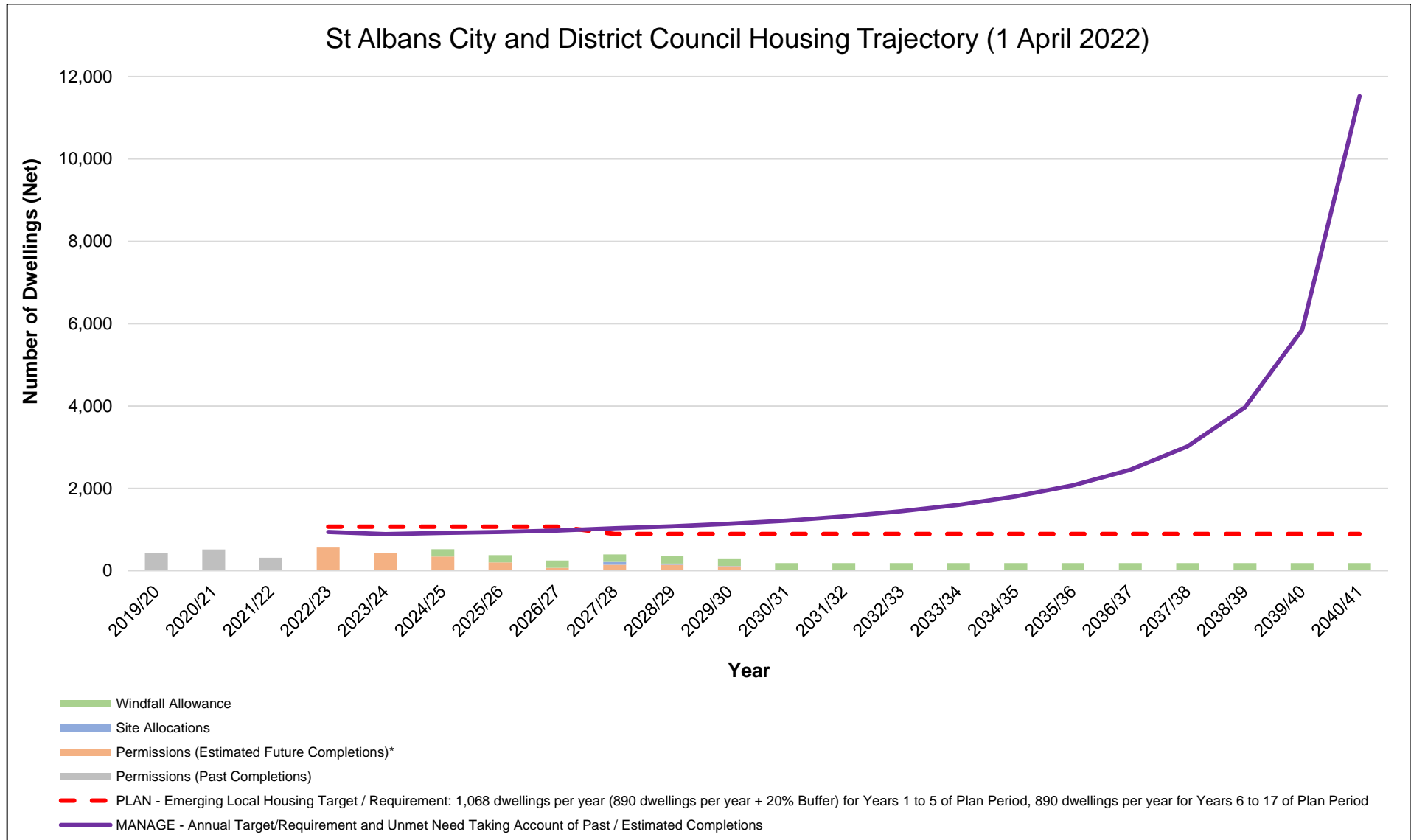


Year	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Total
MANAGE - Annual Target / Requirement and Unmet Need Taking Account of Past / Estimated Completions				937	887	914	938	976	1,028	1,076	1,137	1,213	1,316	1,442	1,600	1,802	2,072	2,450	3,018	3,963	5,853	11,524	2,324

*Includes 5% discount on un-started permissions for small sites (1 to 4 dwellings)



Figure 6: Chart of Housing Trajectory (1 April 2022)



*Includes 5% discount on un-started permissions for small sites (1 to 4 dwellings)



3 – Number / percentage of additional dwellings built on previously developed land

- 3.15 The majority of housing development in the District takes place on previously developed land (PDL), with a variety of previous uses. For 2021/22, a total of 175 additional dwellings (net) were built on PDL, accounting for 57% of total net additional dwellings built in the monitoring year. 43% of net additional dwelling completions (133 net dwellings) during 2021/22 were not built on previously developed land. Other (Including Sui Generis and Mixed Use) and Learning and Non-Residential Institutions (Use Classes D1 / F1) were the greatest contributors during the 2021/22 monitoring year. Both categories represented 83% of the existing land use of net additional dwellings completed. No target is set for the number / percentage of additional dwellings built on previously developed land. This AMR monitors the previous use classes of additional dwellings with reference to the updated Use Classes Order, which came into force on 1 September 2020, and previous revoked use classes.

Table 4: Additional Dwellings (Net) Built on Previously Developed Land (2021/2022)

Previous Use Class	Number of Additional Dwellings Built (Net)					Percent of Total (%)
	Previously Developed Land			Greenfield		
	New Build	Conversions	Total	New Build	Total	
Retail / Services / Leisure (A1 / E(a), A3 / E(b), A2 / E(c), E(d), E(f))	-1	2	1	0	1	<1
Employment (B1(a) / E(g)(i), B1 (b) / E(g)(ii), B1(c) / E(g)(iii), B2, B8)	2	15	17	0	17	6
Residential (C3)	15	9	24	6	30	10
Hotels / Residential Institutions / Houses in Multiple Occupation (C1, C2, C4)	0	0	0	0	0	0
Learning and Non-Residential Institutions (D1 / F1)	41	0	41	16	57	19
Agricultural	0	0	0	3	3	1
Other (Including Sui Generis and Mixed Use)	90	2	92	108	200	65
Total	147	28	175	133	308	100
Percent of Total (%)	48	9	57	43	100	

N.B. Previously Developed Land / Greenfield status of 6 additional dwellings (net) not known



- 3.16 A table outlining historic gross dwelling completions on previously developed land is included below. The data covers the period from 2001/02 to 2021/22. An average of 392 gross dwellings per year have been completed on previously developed land in the District between 2001/02 and 2021/22. On average, 87% of gross dwelling completions per year were completed on previously developed land in the District between 2001/02 and 2021/22.

Table 5: SADC Historic Dwellings Completions (Gross) on Previously Developed Land (2001/02 – 2021/22)

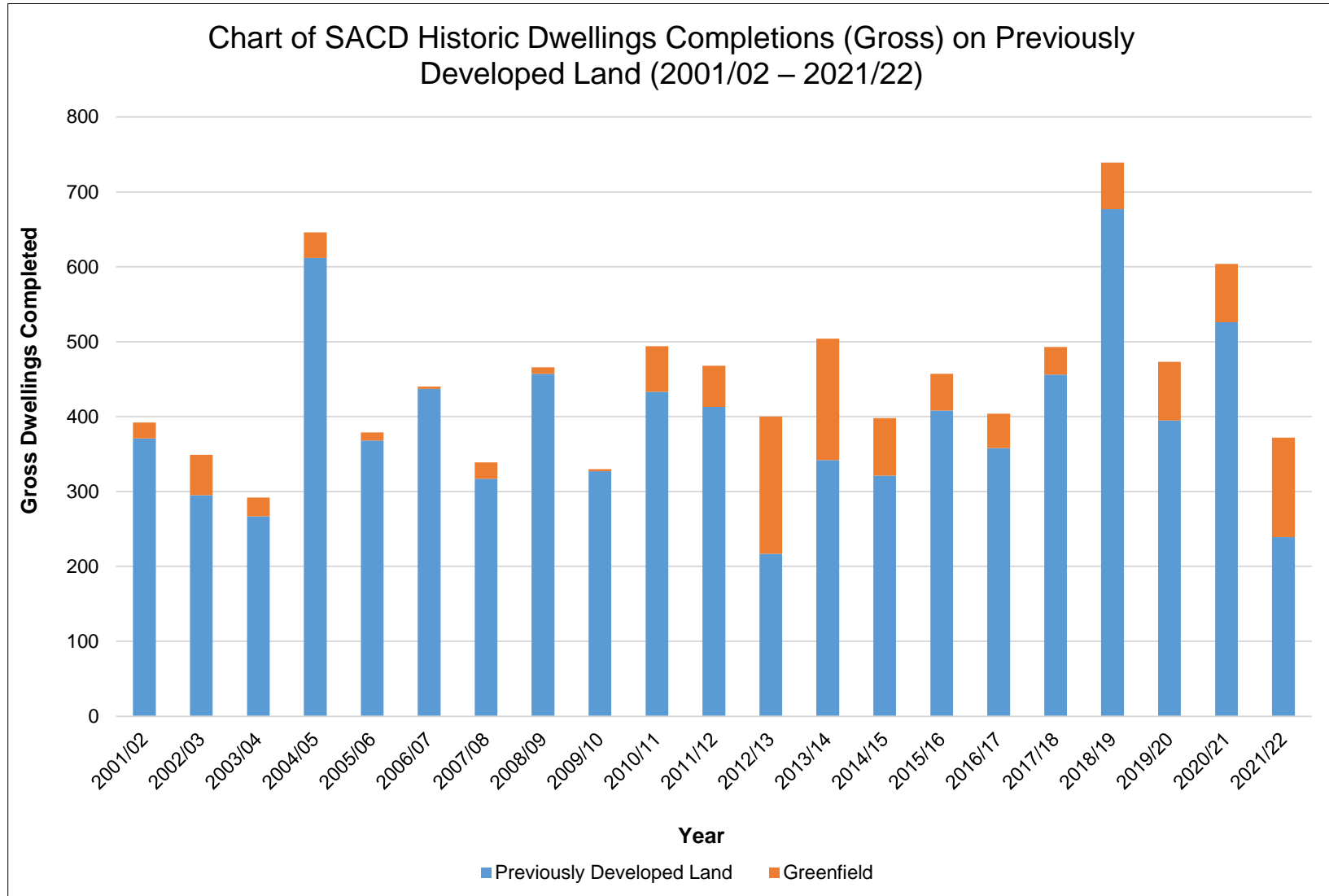
Monitoring Year	Dwelling Completions (Gross)			Percent Previously Developed Land (%)
	Previously Developed Land	Greenfield	Total	
2001/02	371	21	392	95
2002/03	295	54	349	85
2003/04	267	25	292	91
2004/05	612	34	646	95
2005/06	368	11	379	97
2006/07	437	3	440	99
2007/08	317	22	339	94
2008/09	457	9	466	98
2009/10	327	3	330	99
2010/11	433	61	494	88
2011/12	413	55	468	88
2012/13	217	183	400	54
2013/14	342	162	504	68
2014/15	321	77	398	81
2015/16	408	49	457	89
2016/17	358	46	404	89
2017/18	456	37	493	92
2018/19	677	62	739	92
2019/20	395	78	473	84
2020/21	526	78	604	87
2021/22	239	133	372	64
Total (2001/02 to 2021/22)	8,236	1,203	9,439	~
Average per year (2001/02 to 2021/22)	392	57	449	87

N.B. Previously Developed Land / Greenfield status not known for 1 dwelling (gross) in 2018/19, 2 dwellings (gross) in 2019/20 and 6 dwellings (gross) in 2021/22. Total (gross dwelling completions) differ for following monitoring years: 2018/19, 739 dwellings; 2019/20, 475 dwellings; 2021/22, 378 dwellings.

Sources: SADC and Hertfordshire County Council



Figure 7: Chart of SACD Historic Dwellings Completions (Gross) on Previously Developed Land (2001/02 – 2021/22)



4 – Size - dwelling completions by number of bedrooms (bed spaces), on market / affordable split

- 3.17 For housing size in 2021/22, provision across all housing sectors illustrated that 2 bedroom dwellings represented the largest size group with 35% of gross dwelling completions. 4+ bedroom dwellings accounted for the second largest size group, representing 30% of gross dwelling completions. This was followed by 3 bedroom dwellings (22% of gross dwelling completions), with 1 bedroom dwellings accounting for the smallest size group (13% of gross dwelling completions). Market housing represented the majority of gross dwelling completions for all sizes of housing (81% of gross dwelling completions), compared with affordable housing (19% of gross dwelling completions). No target is set in the AMR monitoring framework for the size of housing completed.

Table 6: Dwelling Completions (Gross) by Number of Bedrooms (Bed Spaces), on Market / Affordable Split (2021/2022)

Tenure / Sector	Bed Size (Number of Gross Dwelling Completions)					Percent of Total (%)
	1 Bed	2 Bed	3 Bed	4+ Bed	Total	
Affordable Rent	4	21	12	0	37	10
Social Rent	3	1	0	0	4	1
Affordable Home Ownership	2	22	6	0	30	8
Total Affordable Housing	9	44	18	0	71	19
Market Housing	40	85	63	109	297	81
Total All Sectors	49	129	81	109	368	100

N.B. Unknown bed size for 10 dwellings (gross)

Table 7: Percentage Dwelling Completions (Gross) by Number of Bedrooms (Bed Spaces) (2021/2022)

Tenure / Sector	Bed Size (Percentage of Gross Dwelling Completions)				
	1 Bed	2 Bed	3 Bed	4+ Bed	Total
Affordable Rent	11%	57%	32%	0%	100%
Social Rent	75%	25%	0%	0%	100%
Affordable Home Ownership	7%	73%	20%	0%	100%
Total Affordable Housing	13%	62%	25%	0%	100%
Market Housing	13%	29%	21%	37%	100%
Total All Sectors	13%	35%	22%	30%	100%

N.B. Unknown bed size for 10 dwellings (gross)



5 – Type - dwelling completion numbers by detached houses / terraced houses / apartments, on market / affordable split

- 3.18 There is no target set in the AMR Monitoring Framework for the type of housing completed. For the 2021/22 monitoring year, the highest proportion of dwelling completions were for apartments (including flats and maisonettes) amounting to 33% of total (gross) dwelling completions (126 gross dwellings) in the District. Detached houses represented the second highest proportion of dwelling completions, accounting for 27% of the District's total (gross) dwelling completions (103 gross dwellings). This was followed by terraced houses (20%, 77 gross dwellings), semi-detached houses (14%, 54 gross dwellings), mobile or temporary dwellings (3%, 11 gross dwellings), studios (1%, 4 gross dwellings) and bungalows (1%, 3 gross dwellings). Dwelling equivalents were recorded for zero gross dwellings in the monitoring year.
- 3.19 Market housing represented all of the gross dwelling completions, compared with affordable housing, for the following dwelling types: detached houses, bungalows, studios and mobile or temporary dwellings. In addition, market housing accounted for the majority of gross dwelling completions compared with affordable housing for: semi-detached houses (89% market, 11 % affordable), terraced houses (56% market, 44% affordable) and apartments (including flats and maisonettes) (75% market, 25% affordable).

Table 8: Dwelling Completions (Gross) by Dwelling Type, on Market / Affordable Split (2021/2022)

Dwelling Type	Number of Dwellings Completed (Gross)			Market / Affordable Split (%)	
	Market Housing	Affordable Housing	Total	Market Housing (%)	Affordable Housing (%)
Detached House	103	0	103	100%	0%
Semi-Detached House	48	6	54	89%	11%
Terraced House	43	34	77	56%	44%
Bungalow	3	0	3	100%	0%
Apartment (Flat / Maisonette)	95	31	126	75%	25%
Studio	4	0	4	100%	0%
Mobile or Temporary Dwelling	11	0	11	100%	0%
Dwelling Equivalent	0	0	0	0%	0%
Total	307	71	378	81%	19%



6 – Number / Percentage of gross dwellings completed as affordable

- 3.20 Out of the 378 gross dwellings completed in 2021/22, 71 dwellings (19%) were affordable housing. Of the affordable homes completed, 48% were terraced houses (34 gross dwellings), 44% were apartments (including flats and maisonettes) (31 gross dwellings) and 6% were semi-detached houses (4 gross dwellings). The current adopted local plan target of 200 affordable dwellings per annum is set out in the District Local Plan Review 1994, Saved Policy 7A – Affordable Housing in Towns and Specified Settlements. The current adopted local plan affordable housing target is therefore not met. Additionally, the Council's Supplementary Planning Guidance on Affordable Housing ¹³ (2004) outlines that the Council will seek, by negotiation, a target of 35% affordable housing on suitable sites. The current adopted local plan affordable housing percentage target is also not met.

Table 9: Gross Dwelling Completions – Affordable Housing and Market Housing (2021/2022)

	Total Affordable Housing	Total Market Housing	Total
Number of gross dwellings completed	71	307	378
Percentage of gross dwellings completed (%)	19	81	100

- 3.21 A table illustrating historic net affordable housing completions through District Local Plan Review 1994 saved policies is included below. It refers to Saved Policy 7A – Affordable Housing in Towns and Specified Settlements and Saved Policy 8 – Affordable Housing in the Metropolitan Green Belt. The data covers the period from when these saved policies were first adopted in the current adopted local plan to present, from 1994/95 to 2021/22. An average of 73 net affordable dwellings per year have been completed in the District between 1994/95 and 2021/22. On average, 18% of net dwelling completions in the District per year were affordable housing between 1994/95 and 2021/22. The majority (73%) of net affordable housing completed in the District between 1994/95 and 2021/22, was granted with reference to saved affordable housing policies 7A and 8 in the District Local Plan Review 1994.



Table 10: Historic Affordable Housing Completions C3 Use Class (Net) Through District Local Plan Review 1994 Policies (1994/95 – 2021/22)

Monitoring Year	Dwelling Completions (Net)				Percent Affordable (%)
	Annual Total	Affordable Housing			
		Policy 7A/8	Other Policy	Total	
1994/95	418	26	70	96	23
1995/96	474	125	45	170	36
1996/97	238	8	49	57	24
1997/98	415	35	-41	-6	-1
1998/99	529	58	66	124	23
1999/00	600	32	-7	25	4
2000/01	415	4	26	30	7
2001/02	356	44	20	64	18
2002/03	301	26	19	45	15
2003/04	248	0	7	7	3
2004/05	601	206	37	243	40
2005/06	329	18	10	28	9
2006/07	377	0	10	10	3
2007/08	293	17	19	36	12
2008/09	398	85	7	92	23
2009/10	272	119	10	129	47
2010/11	382	102	13	115	30
2011/12	380	12	8	20	5
2012/13	320	75	30	105	33
2013/14	375	27	-69	-42	-11
2014/15	313	8	62	70	22
2015/16	396	83	14	97	24
2016/17	340	38	21	59	17
2017/18	385	95	11	106	28
2018/19	624	71	11	82	13
2019/20	437	24	7	31	7
2020/21	516	177	-8	169	33
2021/22	314	67	4	71	23
Total (1994/95 to 2021/22)	11,046	1,582	451	2,033	~
Average per year (1994/95 to 2021/22)	395	57	16	73	18



7 – Affordable housing completions by type

- 3.22 Out of the total of 71 gross affordable dwellings completed in 2021/22, 34 gross dwellings were for affordable rent (48%). This was followed by 33 affordable home ownership gross dwellings (46% of affordable gross dwellings completions) and 4 social rent gross dwellings (6% of affordable gross dwellings completions). No target is set in the AMR monitoring framework for the type of affordable housing completed.

Table 11: Gross Dwelling Completions, by Affordable Housing Type (2021/2022)

	Affordable Housing Type			Total Affordable
	Affordable Rent	Social Rent	Affordable Home Ownership	
Number of affordable gross dwellings completed	34	4	33	71
Percentage of affordable gross dwellings completed (%)	48	6	46	100

Table 12: Affordable Housing Completions (Gross), by Planning Permission (2021/2022)

Planning Permission Reference Number	Site Address	Affordable Housing Tenure Type(s)	Number of Affordable Dwellings Completed (Gross)
5/2013/2589	Oaklands College, Smallford Campus, St Albans	Affordable Rent	28
		Affordable Home Ownership	13
5/2018/1319	Land adj To 179 - 187 High Street, London Colney	Social Rent	4
5/2018/2080	Land adj Beaumont School, Oakwood Drive, St Albans	Affordable Rent	6
		Affordable Home Ownership	5
5/2018/2118	Former HSBC Training Centre, Smug Oak Lane, Bricket Wood	Affordable Home Ownership	12
5/2018/2806	Radio Casa, Oaklands Lane, Smallford	Affordable Home Ownership	3
Total Affordable Dwellings Completed (Gross)			71



3.23 As at 1 April 2022, a total of 395 affordable dwellings (gross) have been granted planning permission and are yet to be completed. Over half (56%) of the affordable housing commitments are for affordable rent (22 gross dwellings), with 22% for affordable home ownership (88 gross dwellings) and 22% for social rent (85 gross dwellings). A table of affordable housing planning permissions which are yet to be completed is included below:

Table 13: Affordable Dwellings (Gross) with Planning Permission to be Completed (at 1 April 2022)

Planning Permission Reference Number	Site Address	Affordable Housing Tenure Type(s)	Number of Affordable Dwellings to be Completed (Gross)
5/2013/2589	Oaklands College, Smallford Campus, Hatfield Road, St Albans	Affordable Rent	10
		Affordable Home Ownership	8
5/2015/0990	Land at Harperbury Hospital, Harper Lane, Shenley	Affordable Rent	26
5/2016/2845	Land at Three Cherry Trees Lane and Cherry Tree Lane, Hemel Hempstead	Affordable Rent	43
		Affordable Home Ownership	14
5/2017/1149	Car Park, Grosvenor Road, St Albans	Affordable Home Ownership	9
5/2018/1260	Land Between The River Lea & Palmerston Drive, Wheathampstead	Affordable Rent	4
5/2018/2118	Former HSBC Training Centre, Smug Oak Lane, Bricket Wood	Affordable Rent	10
5/2019/1845	Former Westfield Allotment Site, Beeching Close, Harpenden	Affordable Rent	2
		Social Rent	12
		Affordable Home Ownership	10
5/2019/2322	Nicholas House, Cairns Close, St Albans	Affordable Rent	8
5/2019/2365	Noke Shot Garages East, 35a and 35b Porters Hill, 46 Noke Shot and land rear of 38-40 Noke Shot, Harpenden	Social Rent	4
5/2019/3164	The Old Electricity Works, Campfield Road, St Albans	Affordable Rent	5
		Affordable Home Ownership	2



Planning Permission Reference Number	Site Address	Affordable Housing Tenure Type(s)	Number of Affordable Dwellings to be Completed (Gross)
5/2020/1773	Civic Centre Opportunity Site (South), Victoria Street, St Albans	Social Rent	33
5/2020/1910	Ridgeview Lodge, Barnet Road, London Colney	Social Rent	10
5/2020/1992	Roundhouse Farm, Bullens Green Lane, Colney Heath	Affordable Rent	16
5/2022/0879		Affordable Home Ownership	8
5/2020/2142	61-65 St Peters Street, St Albans	Affordable Rent	4
		Affordable Home Ownership	2
5/2020/2451	The Hedges, Woollam Crescent, St Albans	Social Rent	12
5/2020/2978	67 St Peters Street, St Albans	Affordable Rent	2
5/2020/3084	Land Between The River Lea And Palmerston Drive, Wheathampstead	Affordable Rent	4
5/2018/1260		Affordable Home Ownership	20
5/2021/0423	Land To Rear Of 112-156b, Harpenden Road, St Albans	Affordable Rent	40
		Affordable Home Ownership	20
5/2021/0611	Former London Colney Recreation Centre, Alexander Road, London Colney	Affordable Rent	7
		Affordable Home Ownership	4
5/2021/0724	Noke Lane Business Centre, Noke Lane, St Albans	Affordable Rent	8
		Affordable Home Ownership	5
5/2021/1435	York House, Guildford Road & 130 Ashley Road, St Albans	Affordable Rent	25
5/2021/1674	The King Offa PH, Norman Close, Wallingford Walk, St Albans	Social Rent	14
5/2021/2091	Land Between Hopkins Crescent And The Former Baptist Chapel, St Albans Road, Sandridge	Affordable Rent	8
		Affordable Home Ownership	6
Total Affordable Rent Dwellings to be Completed (Gross)			222
Total Social Rent Dwellings to be Completed (Gross)			85
Total Affordable Home Ownership Dwellings to be Completed (Gross)			88
Total Affordable Dwellings to be Completed (Gross)			395



Policy Topic: Gypsies, Travellers and Travelling Show People

8 – Net additional pitches

- 3.24 There are several existing Gypsy and Traveller sites in St Albans District. No target is set in the AMR monitoring framework for net additional pitches. In the 2021/2022 monitoring year, planning permission was granted for zero net additional pitches. In addition, 11 gross (10 net) mobile or temporary dwellings were completed in 2021/2022. No target is set in the monitoring framework for the provision of pitches for Gypsies, Travellers and Travelling Show People.

HCC Gypsy and Traveller Sites

- 3.25 HCC's Gypsy and Traveller Service²⁵ manages and maintains accommodation for Gypsy and Traveller families on three permanent sites in the District, located at: Barley Mow (Tyttenhanger), Ver Meadows (Redbourn) and Watling Street (Park Street). These three sites have previously been granted permanent planning permission and include a total of 40 residential pitches. HCC funds its Gypsy Service through rent collections at these sites. The three Gypsy and Traveller sites in the District managed by HCC are categorised and listed in the table below:

Table 14: Public Gypsy and Traveller Sites with Permanent Planning Permission Managed by HCC (1 April 2022)

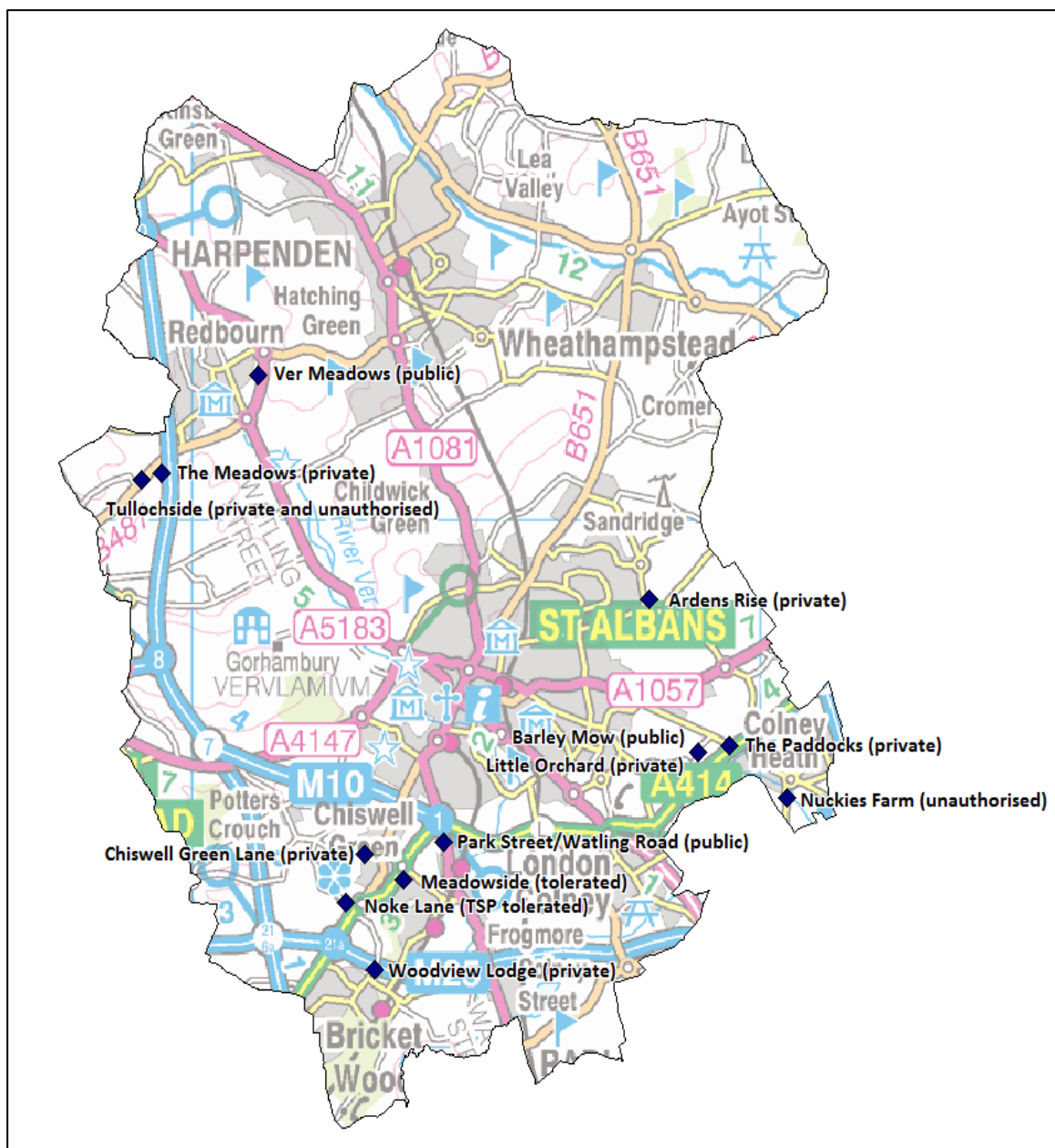
Planning Permission Reference Number(s)	Site Name	Number of Pitches		
		Residential	Transit	Total
5/1992/1357 5/1987/0335 5/1985/1712	The Barley Mow, Barley Mow Lane, Tyttenhanger Green	15	0	15
5/1987/0338	Ver Meadows, Redbourn Bypass, Redbourn	15	0	15
5/1990/1009 5/1987/0336	Watling Street, Park Street	10	0	10
Total		40	0	40

Sources: SADC Planning Application History and HCC Gypsy and Traveller Service²⁵



- 3.26 A map illustrating the geographical distribution of existing Gypsy and Traveller sites in the District can be seen below:

Figure 8: Distribution of Existing Gypsy and Traveller Sites in St Albans District



Source: SADC Gypsy and Traveller Accommodation Assessment (GTAA) Update January 2019
26

N.B. It should be noted that the description and planning status of some sites may have subsequently been updated, since the study was published in January 2019.



Private Housing Licensed Gypsy and Traveller Sites

3.27 In addition, four private Gypsy and Traveller sites in the District are licensed by the Council's Housing Department and have previously been granted permanent planning permission. As of January 2022, a total of 72 pitches were recorded at three private licensed Gypsy and Traveller sites in the District with permanent planning permission. Noke Nurseries in Chiswell Green was not included in the caravan count. It is important to note that the number of pitches recorded at some sites in the caravan count may differ from the number of pitches granted permanent planning permission. Data for the number of pitches is sourced from the Council's caravan count undertaken in January 2022. Details of these sites are included in the table below:

Table 15: Private Licensed Gypsy and Traveller Sites with Permanent Planning Permission (January 2022)

Planning Permission Reference Number(s)	Site Name	Total Number of Pitches
5/2008/1995 5/2009/0578 5/2015/0767 5/2015/2756 5/2019/2463	Arden's Rise, House Lane, St Albans ^c	17
5/1988/0958 5/1988/0959 5/1988/0960 5/1988/0961 5/1988/0962 5/1988/0963 5/1988/2363 5/1991/0632 5/1991/0633 5/1991/0634 5/1991/0635 5/1998/0568 5/2002/1718	The Paddocks, Colney Heath Lane, Colney Heath ^d	15
5/2002/1791 5/2010/2087 5/2018/2725	Tullochside Farm, Hemel Hempstead Road, Redbourn ^e	40
5/1978/0058 5/1981/0151 5/1989/1187 5/1994/0173 5/1998/1488 5/1999/0852 5/2000/1975 5/2005/1871	Noke Nurseries, Noke Lane, Chiswell Green	N/A
Total		72

Sources: SADC Planning Application History and SADC Housing Department Caravan Count (January 2022)

^c Arden's Rise, St Albans is authorised. Application 5/2019/2463 at Land Rear Of Ardens Rise, House Lane, St Albans for change of use of land to residential caravan site for five gypsy families with one static caravan/mobile home each (retrospective) allowed at appeal on 17/10/2022.

^d The Paddocks, Colney Heath is authorised.

^e Tullochside Farm, Redbourn is authorised.



Private Unlicensed Gypsy and Traveller Sites

3.28 Furthermore, there are four Gypsy and Traveller sites in the District which have been granted permanent planning permission which are not licensed by the Council's Housing Department. As of January 2022, a total of 42 pitches were recorded in the caravan count at four unlicensed Gypsy and Traveller sites with permanent planning permission. Land adjacent the Mill House, Coursers Road in Colney Heath was not included in the caravan count. It is important to note that the number of pitches recorded at some sites in the caravan count may differ from the number of pitches granted permanent planning permission. Further data relating to these sites is set out in the table below:

Table 16: Unlicensed Gypsy and Traveller Sites with Permanent Planning Permission (January 2022)

Planning Permission Reference Number(s)	Site Name	Total Number of Pitches
5/2006/1574 5/2012/1364 5/2018/0048	Nuckies Farm, Coursers Road, Colney Heath ^d	8
5/1985/1712 5/1987/0335 5/1992/1357	Little Orchard, Barley Mow Lane, Colney Heath	4
5/2002/1846	73 Chiswell Green Lane, Chiswell Green ^e	12
5/2002/1287 5/2008/2522 5/2014/2418 5/2015/0665	Woodview Lodge, Lye Lane, Bricket Wood ^f	18
5/2020/1124	Land adjacent the Mill House, Coursers Road, Colney Heath ^g	N/A
Total		42

Sources: SADC Planning Application History and SADC Housing Department Caravan Count (January 2022)

^d Nuckies Farm, Colney Heath is authorised. Permission 5/2018/0048 at Nuckies Farm, Coursers Road, Colney Heath for Retention of use of land as a residential Gypsy caravan site, including the stationing of six caravans of which no more than three are static caravans/mobile homes allowed at appeal on 15/11/2019.

^e 73 Chiswell Green Lane, Chiswell Green is authorised. Land adjacent to 73 Chiswell Green Lane, Chiswell Green is unauthorised.

^f Woodview Lodge, Bricket Wood is partially authorised. Application 5/2020/1121 at Woodview Lodge, Lye Lane for change of use of land to extend existing residential gypsy caravan site to accommodate an additional four caravans (to total 15 caravans on site) (retrospective) refused on 08/12/2020. Appeal lodged for refused application 5/2020/1121; appeal decision pending as of February 2023.

^g Land adjacent the Mill House, Coursers Road, Colney Heath is authorised. Application 5/2020/1124 at Land Adjacent The Mill House, Coursers Road, Colney Heath for change of use of land to residential for gypsy traveller families and stationing of four static and four touring caravans allowed at appeal on 03/02/2023.



- 3.29 As of January 2022, there are two additional Gypsy and Traveller sites in the District which are not licensed by the Council's Housing Department and do not have permanent planning permission. In the caravan count, 6 pitches were observed at Meadowside in Chiswell Green and 1 pitch was recorded at Hoofprints in Bricket Wood. Details of these sites are included in the table below:

Table 17: Unlicensed Gypsy and Traveller Sites without Permanent Planning Permission (January 2022)

Site Name	Total Number of Pitches Recorded
Meadowside, Orchards Drive, Chiswell Green ^h	6
Hoofprints, Lye Lane, Bricket Wood ⁱ	1
Total	7

Source: SADC Housing Department Caravan Count (January 2022)

- 3.30 Until adoption of a new Local Plan, evidence from the recent Gypsy and Traveller Accommodation Needs Assessment (GTANA) ²⁶ may be useful for the consideration of relevant planning applications. The St Albans City and District Council GTANA was first completed in September 2015, with an update in January 2019. This GTANA provides an assessment of current and future need for Gypsy, Traveller and Travelling Show People accommodation in St Albans District. The base date of the updated study is March 2018.
- 3.31 The updated GTAA identifies a need for 72 additional pitches for households that met the planning definition. This is made up of 13 concealed or doubled-up households or adults; 3 households who are living on an unauthorised pitch; 15 teenage children who will be in need of a pitch of their own in the next 5 years; 31 from new household formation using a formation rate of 2.05% derived from the household demographics; 1 household who are looking to move to a site from bricks and mortar; and 14 households who are looking to move into the area who are currently being forced to live on the roadside due to a lack of room for pitches on family sites. The need figure of 72 pitches also takes into account a supply of 4 pitches which are likely to be vacated by households seeking to move to bricks and mortar from public sites and 1 pitch on a public site due to be vacated by a household seeking to move to a site in another area. Although the study identified an existing small travelling show person yard in St Albans, it is not suggested that there is any need for additional pitches.

^h Considered to be lawful due to passage of time.

ⁱ Additional site with a single mobile home at Land rear of Hoofprints, Bricket Wood. Appeal lodged against Enforcement Notice ENF/2021/00001 at Land Rear of Hoofprints, Lye Lane for the laying of tarmac on the land to the rear of Hoofprints in conjunction with the use of the land for the stationing of a mobile home. Appeal lodged against Enforcement Notice ENF/2021/00002 at Land Rear of Hoofprints, Lye Lane for change of use of the land to the rear of Hoofprints cottage for the stationing of a mobile home. Both enforcement notices were quashed as of November 2021.



- 3.32 DLUHC published an updated Planning Policy for Traveller Sites (PPTS) ²⁷ paper in August 2015. This updated the March 2012 document of the same name. The key change is the new definition for a Gypsy, Traveller or Travelling Showperson, which now does not include persons who have ceased to travel permanently. The GTANA indicates how this new policy can affect assessment of need significantly.



Business and Employment

Policy Topic: Employment Land

9 – Change in employment (B use class - B2 / B8 and E use class – E(g)(i) / E(g)(ii) / E(g)(iii)) floor space stock (by type - office / industrial and warehousing ‘shed’ - and by main employment location)

- 4.1 For the monitoring year 2021/2022, a total net loss of 791 square metres of employment (B and E Use Classes) floor space stock was recorded in the District. The total employment floor space net change figure included a gross gain of 1,874 square metres and a loss of 2,665 square metres of B and E Use Classes floor space. A total net gain of 729 square metres of employment floor space was observed in the District’s employment areas, where national permitted development rights for changes of use from office, light industrial, storage and distribution to residential were withdrawn under Article 4 Directions. Out of the total loss of floor space above, 340 square metres of employment (B Use Class) floor space was lost to non-employment (B and E) uses in the employment (Article 4 Directions) areas. Therefore, the target of no employment floor space on Article 4 Directions employment areas lost to non-employment uses has not been met. Furthermore, a loss of 1,520 square metres of B and E Use Classes floor space was recorded in the rest of the District. This included 2,073 square metres of floor space lost to non-employment (non-B and E Use Classes) uses.
- 4.2 With reference to the specific types of employment floor space stock, total net losses occurred for three out of the five B and E Use Classes. A net loss of 349 square metres of E(g)(iii) Industrial Processes / B1(c) Light Industry Use Class floor space was recorded. Further total net losses of 474 square metres of floor space for B2 General Industry Use Class and 787 square metres of for B8 Storage & Distribution were observed. In contrast, a total net gain of 765 square metres of E(g)(i) Offices / B1(a) Offices floor space was recorded in the District, with a net gain of 1,069 square metres in Employment (Article 4 Directions) areas and a net loss of 304 square metres in the rest of the District. A total net gain of 54 square metres of floor space was also observed for E(g)(ii) Research & Development / B1(b) Research & Development Use Class in the rest of the District.
- 4.3 This AMR monitors employment floor space stock with reference to the updated Use Classes Order, which came into force on 1 September 2020, and previous revoked Use Classes.



Table 18: Change in Employment (B Use Class – B2 / B8 and E Use Class – E(g)(i) / E(g)(ii) / E(g)(iii)) Floor Space Stock, by Type (Office / Industrial / Warehousing) and by Main Employment Location (2021/2022)

Location	Floor Space	Employment (B and E Use Classes) Floor Space (m ²)						
		E(g)(i) Offices / B1(a) Offices	E(g)(ii) Research & Development / B1(b) Research & Development	E(g)(iii) Industrial Processes / B1(c) Light Industry	B2 General Industry	B8 Storage & Distribution	Total	Lost to Non-Employment (B) / (E) Uses
Article 4 Directions - Employment Areas	Gain	1,069	0	0	0	0	1,069	0
	Loss	0	0	0	0	340	340	340
	Net	1,069	0	0	0	-340	729	-340
Rest of District	Gain	171	54	0	252	328	805	0
	Loss	475	0	349	726	775	2,325	2,073
	Net	-304	54	-349	-474	-447	-1,520	-2,073
Total	Gain	1,240	54	0	252	328	1,874	0
	Loss	475	0	349	726	1,115	2,665	2,413
	Net	765	54	-349	-474	-787	-791	-2,413

- 4.4 A table outlining historic employment (B and E Use Classes) floor space gains and losses in the District is included below. The data covers the period from 2004/05 to 2021/22. Overall, there has been a net loss of 135,187 square metres of employment floor space in the District, during the period from 2004/05 to 2021/22.



Table 19: SACD Historic Floor Space Gains and Losses for Employment (B and E Use Classes), 2004/05 – 2021/22

Year	Floor Space	Employment Use Class Floor Space (m ²)							
		B0 Mixed Employment	B1 Business	E(g)(i) Offices / B1(a) Offices	E(g)(ii) Research & Development / B1(b) Research & Development	E(g)(iii) Industrial Processes / B1(c) Light Industry	B2 General Industry	B8 Storage & Distribution	Total
2004/05	Gain	9,359	0	3,492	24	0	0	540	13,415
	Loss	138	0	1,620	0	2,099	15,951	1,445	21,253
	Net	9,221	0	1,872	24	-2,099	-15,951	-905	-7,838
2005/06	Gain	17,253	0	8,104	0	0	0	0	25,357
	Loss	70	0	1,384	7,911	525	221	4,484	14,595
	Net	17,183	0	6,720	-7,911	-525	-221	-4,484	10,762
2006/07	Gain	0	250	5,501	1,640	0	0	6,224	13,615
	Loss	4,146	1,540	1,989	17,158	0	5,226	350	30,409
	Net	-4,146	-1,290	3,512	-15,518	0	-5,226	5,874	-16,794
2007/08	Gain	0	585	0	1,361	0	147	0	2,093
	Loss	0	1,139	106	0	0	0	3,439	4,684
	Net	0	-554	-106	1,361	0	147	-3,439	-2,591
2008/09	Gain	7,944	0	1,222	1,650	594	0	298	11,708
	Loss	10,168	86	1,577	362	1,006	4,748	8,479	26,426
	Net	-2,224	-86	-355	1,288	-412	-4,748	-8,181	-14,718
2009/10	Gain	0	0	1,029	0	0	480	6,564	8,073
	Loss	0	132	8,970	0	97	480	1,990	11,669
	Net	0	-132	-7,941	0	-97	0	4,574	-3,596
2010/11	Gain	0	0	335	168	0	741	0	1,244
	Loss	544	811	2,124	0	579	2,968	412	7,438
	Net	-544	-811	-1,789	168	-579	-2,227	-412	-6,194
2011/12	Gain	0	0	708	0	0	198	307	1,213
	Loss	0	190	2,161	0	46	860	36	3,293
	Net	0	-190	-1,453	0	-46	-662	271	-2,080
2012/13	Gain	0	0	420	977	651	590	43	2,681
	Loss	0	0	6,697	1,153	1,342	758	1,648	11,598
	Net	0	0	-6,277	-176	-691	-168	-1,605	-8,917
2013/14	Gain	0	0	232	330	118	0	1,162	1,842
	Loss	0	0	3,581	0	0	7,500	1,070	12,151
	Net	0	0	-3,349	330	118	-7,500	92	-10,309
2014/15	Gain	0	1,019	1,661	2,720	2,061	2,342	4,119	13,922
	Loss	0	0	14,284	466	3,078	1,765	4,944	24,537
	Net	0	1,019	-12,623	2,254	-1,017	577	-825	-10,615



Year	Floor Space	Employment Use Class Floor Space (m ²)							
		B0 Mixed Employment	B1 Business	E(g)(i) Offices / B1(a) Offices	E(g)(ii) Research & Development / B1(b) Research & Development	E(g)(iii) Industrial Processes / B1(c) Light Industry	B2 General Industry	B8 Storage & Distribution	Total
2015/16	Gain	0	0	0	0	0	0	1,870	1,870
	Loss	0	17	3,988	0	415	1,800	534	6,754
	Net	0	-17	-3,988	0	-415	-1,800	1,336	-4,884
2016/17	Gain	0	0	539	163	58	0	1,092	1,852
	Loss	0	2,074	16,349	3,489	219	2,757	5,655	30,543
	Net	0	-2,074	-15,810	-3,326	-161	-2,757	-4,563	-28,691
2017/18	Gain	0	1,430	3,616	0	680	2,920	4,245	12,891
	Loss	0	1,710	4,119	4,812	4,040	8,462	3,620	26,763
	Net	0	-280	-503	-4,812	-3,360	-5,542	625	-13,872
2018/19	Gain	0	0	90	0	546	949	821	2,406
	Loss	0	726	9,512	0	38	1,732	877	12,885
	Net	0	-726	-9,422	0	508	-783	-56	-10,479
2019/20	Gain	0	9	740	0	133	0	0	882
	Loss	0	154	300	0	344	0	202	1,000
	Net	0	-145	440	0	-211	0	-202	-118
2020/21	Gain	0	167	1,054	0	212	1,263	207	2,903
	Loss	0	80	2,513	0	0	550	3,222	6,365
	Net	0	87	-1,459	0	212	713	-3,015	-3,462
2021/22	Gain	0	0	1,240	54	0	252	328	1,874
	Loss	0	0	475	0	349	726	1,115	2,665
	Net	0	0	765	54	-349	-474	-787	-791
Total 2004/05 to 2021/22	Gain	34,556	3,460	29,983	9,087	5,053	9,882	27,820	119,841
	Loss	15,066	8,659	81,749	35,351	14,177	56,504	43,522	255,028
	Net	19,490	-5,199	-51,766	-26,264	-9,124	-46,622	-15,702	-135,187

N.B. B0 is used where mixed B1, B2 and B8 uses are proposed but no floor space split has been allocated.

Sources: SADC and Hertfordshire County Council



- 4.5 In addition, a table illustrating historic floor space gains and losses for employment (B and E Use Classes) in employment/regeneration areas designated in the District Local Plan Review 1994 can be seen below. The data covers the period from 2004/05 to 2021/22. In 2021/22 there was a net loss of 340 square metres of employment floor space in designated employment areas in the District. Overall, there has been a net loss of 15,724 square metres of employment floor space recorded in employment areas, during the period from 2004/05 to 2021/22.



Table 20: Historic Floor Space Gains and Losses for Employment (B and E Use Classes) in Employment/Regeneration Areas Designated in the District Local Plan Review 1994 (2004/05 – 2021/22)

Year	Floor Space	Employment Use Class Floor Space (m ²)							
		B0 Mixed Employment	B1 Business	E(g)(i) Offices / B1(a) Offices	E(g)(ii) Research & Development / B1(b) Research & Development	E(g)(iii) Industrial Processes / B1(c) Light Industry	B2 General Industry	B8 Storage & Distribution	Total
Total 2004/05 to 2009/10	Gain	34,556	835	13,782	3,035	594	0	6,635	59,437
	Loss	10,238	86	1,577	362	1,909	20,822	12,290	47,284
	Net	24,318	749	12,205	2,673	-1,315	-20,822	-5,655	12,153
Total 2010/11 to 2014/15	Gain	0	0	555	1,081	2,074	1,094	2,222	7,026
	Loss	0	286	4,176	1,346	4,175	1,470	5,791	17,244
	Net	0	-286	-3,621	-265	-2,101	-376	-3,569	-10,218
2015/16	Gain	0	0	0	0	0	0	1,870	1,870
	Loss	0	0	0	0	0	0	1,843	1,843
	Net	0	0	0	0	0	0	27	27
2016/17	Gain	0	0	0	0	58	58	0	116
	Loss	0	2,074	1,811	3,489	219	1,722	5,109	14,424
	Net	0	-2,074	-1,811	-3,489	-161	-1,664	-5,109	-14,308
2017/18	Gain	0	1,430	2,089	0	0	2,920	3,987	10,426
	Loss	0	1,710	1,106	0	776	2,380	3,416	9,388
	Net	0	-280	983	0	-776	540	571	1,038
2018/19	Gain	0	0	0	0	546	502	0	1,048
	Loss	0	682	284	0	0	681	404	2,051
	Net	0	-682	-284	0	546	-179	-404	-1,003
2019/20	Gain	0	0	0	0	0	0	0	0
	Loss	0	54	0	0	0	0	0	54
	Net	0	-54	0	0	0	0	0	-54
2020/21	Gain	0	0	0	0	0	0	207	207
	Loss	0	0	1,303	0	0	0	1,923	3,226
	Net	0	0	-1,303	0	0	0	-1,716	-3,019
2021/22	Gain	0	0	0	0	0	252	0	252
	Loss	0	0	0	0	252	0	340	592
	Net	0	0	0	0	-252	252	-340	-340
Total 2004/05 to 2021/22	Gain	34,556	2,265	16,426	4,116	3,272	4,826	14,921	80,382
	Loss	10,238	4,892	10,257	5,197	7,331	27,075	31,116	96,106
	Net	24,318	-2,627	6,169	-1,081	-4,059	-22,249	-16,195	-15,724



N.B. B0 is used where mixed B1, B2 & B8 uses are proposed but no floor space split has been allocated.

Sources: SADC and Hertfordshire County Council

10 – New employment development land (hectares) immediately available (outline permission)

- 4.6 As at 1 April 2022, 0.730 hectares of new employment development land (B and E Use Classes) is immediately available in the District, with 12,088 square metres of employment land (B and E Use Classes) granted permission remaining outstanding. Of the immediately available employment land, 0.036 hectares includes outline permissions.
- 4.7 75% (0.548 hectares) of the immediately available employment land is for Use Classes E(g)(i) / B1(a) Offices. Use Classes E(g)(ii) / B1(b) Research and Development represented 12% (0.088 hectares) of the immediately available employment land and Use Classes E(g)(iii) / B1(c) Industrial Processes / Light Industry represented 6% (0.046 hectares). Use Class B8 Storage and Distribution represented 5% (0.034 hectares) and Use Class B2 General Industry 2% (0.014 hectares). A detailed list of new immediately available employment land can be seen in Appendix 2.

Table 21: Employment Land Availability by Type – Use Classes E(g)(i) / B1(a), E(g)(ii) / B1(b), E(g)(iii) / B1(c), B2 and B8 (1 April 2022)

Use Class	Description	Available Use Class Site Area (Hectares)	Outstanding Floor Space (m ²)
E(g)(i) / B1(a)	Offices	0.548	9,531
E(g)(ii) / B1(b)	Research and Development	0.088	1,155
E(g)(iii) / B1(c)	Industrial Processes / Light Industry	0.046	922
B2	General Industry	0.014	137
B8	Storage and Distribution	0.034	343
Total		0.730	12,088

- 4.8 This AMR monitors employment land availability with reference to the updated Use Classes Order, which came into force on 1 September 2020, and previous revoked use classes.
- 4.9 The map and accompanying table below shows the remaining employment areas designated in the current adopted Local Plan, and employment areas with Article 4 Directions. These accommodate the majority of business premises in



the District. In nine areas, national permitted development rights for changes of use from office / light industrial / storage and distribution to residential were withdrawn under Article 4 Directions. There are nineteen remaining designated employment areas in the District Local Plan Review 1994, under Saved Policy 20 – Development in Employment Areas. Historically, employment land in the District has been lost to other uses, mainly to housing. Changes in planning regulations from May 2013 onwards to permit changes of use from E(g)(i) (previously B1a) office use class to C3 residential use class under Prior Approval has led to further loss. Designated employment areas in the current adopted Local Plan will generally be protected from loss to other uses.



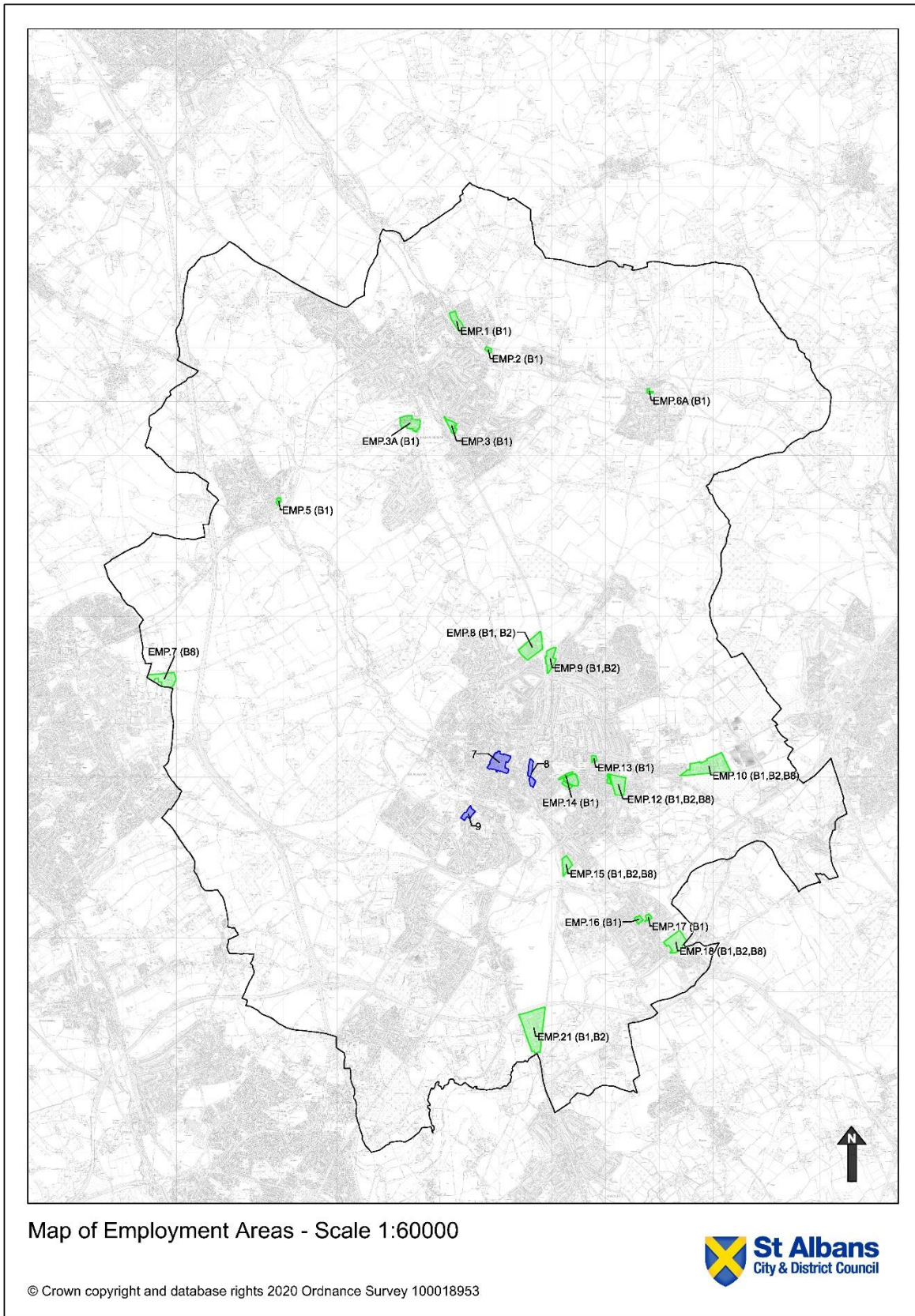
Figure 9: Key to Map of Employment Areas

Employment Areas	
Article 4 Directions – Employment Areas	
Note: National permitted development rights for changes of use from office / light industrial / storage and distribution to residential were withdrawn under Article 4 Directions. Referred to in AMR as Article 4 Directions Areas.	
1	Alban Park/Acrewood Way/Lyon Way, Hatfield Road, St Albans (EMP.10)
2	Brick Knoll Park (part east of Ashley Road), St Albans (EMP.12)
3	Coldharbour Lane, Harpenden (EMP.1)
4	North Orbital Trading Estate, Napsbury Lane, St Albans (EMP.15)
5	Porters Wood/Soothouse Spring, St Albans (EMP.8)
6	Southdown Industrial Estate, Southdown Road, Harpenden (EMP.3)
7	St Albans City Core, St Albans
8	St Albans City Station, St Albans
9	St Albans Abbey Station, St Albans
District Local Plan Review 1994 – Employment Areas	
Remaining designated employment areas in District Local Plan Review 1994 (Saved Policy 20 – Development in Employment Areas)	
EMP.1	Coldharbour Lane, Harpenden
EMP.2	Batford Mill Industrial Estate, Harpenden
EMP.3	Southdown Industrial Estate, Southdown Road, Harpenden
EMP.3A	Rothamsted Experimental Station (Rothamsted Research), Harpenden
EMP.5	Redbourn Industrial Park, Redbourn
EMP.6A	Station Road, Wheathampstead
EMP.7	North of Buncefield, Hemel Hempstead
EMP.8	Porters Wood/Soothouse Spring, St Albans
EMP.9	Council Depot and Adjoining Land, St Albans Road, Sandridge
EMP.10	Alban Park/Acrewood Way/Lyon Way, Hatfield Road, St Albans
EMP.12	Brick Knoll Park, Ashley Road, St Albans
EMP.13	Executive Park and Adjoining Land, Hatfield Road, St Albans
EMP.14	Camp Road/Campfield Road, St Albans
EMP.15	North Orbital Trading Estate, Napsbury Lane, St Albans
EMP.16	Wellington Road, London Colney
EMP.17	The Hertfordshire Business Centre, Alexander Road, London Colney
EMP.18	Riverside Estate, London Colney
EMP.20	Watling Street, Frogmore
EMP.21	Colney Street Industrial/Warehousing Estate, Colney Street

N.B. District Local Plan Review 1994 Employment Areas: EMP.4 The Mill, East Common (Redbourn), EMP.6 Codicote Road (Wheathampstead), EMP.11 Longacres, Hatfield Road (St Albans) and EMP.19 Former Halsey's Sawmill, Barnet Road (London Colney) are not monitored. These previous four designated employment areas have changed to residential use.



Figure 10: Map of Employment Areas



- 4.10 District Local Plan Review 1994, Saved Policy 19 – Overall Employment Strategy and Saved Policy 20 – Development in Employment Areas, safeguards land for employment. The table below includes the remaining Employment Areas as designated in the District Local Plan Review 1994. These areas have been monitored for vacancy rates^j and current uses^k. The vacancy rate remains relatively low, with an average vacancy rate of 13% reported. Employment areas with relatively high recorded vacancy rates included: Riverside Estate, London Colney (38% vacancy rate); Southdown Industrial Estate and former Gas Works, Harpenden (32% vacancy rate); Executive Park and adjoining land, St Albans (27% vacancy rate) and Batford Mill Industrial Estate, Harpenden (25% vacancy rate).
- 4.11 The following designated employment areas in the District Local Plan Review 1994 are not monitored, as they have subsequently changed to residential use: EMP.4 The Mill, East Common, Redbourn; EMP.6 Codicote Road, Wheathampstead; EMP.11 Longacres, Hatfield Road, St Albans and EMP.19 Former Halsey's Sawmill, Barnet Road, London Colney. Subject to site access, EMP.3A Rothamsted Experimental Station in Harpenden (now known as Rothamsted Research) will be monitored in future AMRs. District Local Plan Review 1994, Saved Policy 24 – Unallocated Employment Sites, accepts redevelopment of unallocated employment sites for former Use Class B1 (now Use Class E) uses, subject to certain criteria.
- 4.12 The following Office Clusters, St Albans Abbey Station, St Albans City Station and St Albans City Core are not designated in the District Local Plan Review 1994. These however, have become important Office Cluster areas. These areas were subject to Article 4 Directions, under Article 4(1) of the Town and Country Planning (General Permitted Development Order) (England) Order 2015 (as amended). This restricted the change of use from Class B1(a) (now known as Class E(g)(i)) to Class C3 (dwellinghouses) through permitted development rights.
- 4.13 The Building Research Station (now known as the Building Research Establishment), Garston is not a designated Employment Area in the District Local Plan Review 1994. However, this site is an important area of employment in the District, providing high-tech research and innovation. Subject to site access, this site will also be monitored in future AMRs.

^j Vacant units undergoing refurbishment/redevelopment have not been marked as vacant. They have been coded separately in the respective column and will be monitored for occupancy after the development is completed.

^k The uses and vacancy data set out in Table 22 have been coded based on both desktop and site surveys for the purposes of the AMR. Where the use is unknown due to the unit being vacant, the previous use when previously occupied has been recorded. The data contained is subject to a margin of error and units have been coded based on their primary uses. There may be ancillary or mixed uses which complement the primary business activity, such as trade counters and offices. However, for simplicity the primary use has been recorded.



Table 22: District Local Plan Review 1994 Employment Areas, Vacant Units & Use Class (November / December 2022 & January 2023)

Site Reference	Location	Total Number of Units	Total Number of Vacant Units	Number of Units Undergoing Refurbishment	Business / Industrial / Sui Generis / Other Use Class, Number of Units							Vacancy Rate, Percent (%)
					E(g)i Offices	E(g)ii Research & Development	E(g)iii Industrial Processes	B2 General Industry	B8 Storage & Distribution	Sui Generis	Other Uses	
EMP.1	Coldharbour Lane, Harpenden	57	6	0	35	0	1	2	6	2	11	11
EMP.2	Batford Mill Industrial Estate, Harpenden	24	6	0	12	0	0	4	4	3	1	25
EMP.3	Southdown Industrial Estate and former Gas Works (part), Southdown Road, Harpenden	41	13	0	9	0	3	7	15	0	7	32
EMP.5	Redbourn Industrial Park, Redbourn	9	1	0	0	0	3	5	1	0	0	11
EMP.6A	Station Road, Wheathampstead	8	1	0	7	0	0	0	0	0	1	13
EMP.7	North of Buncefield, Hemel Hempstead	2	0	0	0	0	0	0	2	0	0	0
EMP.8	Porters Wood/Soothouse Spring, St Albans	160	10	0	95	1	7	12	28	4	13	6
EMP.9	Council depot and adjoining land, St. Albans Road, Sandridge	34	1	0	8	1	4	4	7	5	5	3
EMP.10	Alban Park/Acrewood Way/Lyon Way, Hatfield Road, St Albans	67	5	0	16	1	3	13	15	9	10	7
EMP.12	Brick Knoll Park, Ashley Road, St Albans	29	7	0	2	0	1	1	11	10	4	24
EMP.13	Executive Park and adjoining land, Hatfield Road, St Albans	15	4	0	1	0	4	0	6	1	3	27
EMP.14	Camp Road/Campfield Road, St Albans	31	2	0	2	0	0	2	18	1	8	6
EMP.15	North Orbital Trading Estate, Napsbury Lane, St Albans	28	1	0	0	3	2	9	13	1	0	4
EMP.16	Wellington Road, London Colney	10	0	1	1	0	0	4	3	1	1	0



Site Reference	Location	Total Number of Units	Total Number of Vacant Units	Number of Units Undergoing Refurbishment	Business / Industrial / Sui Generis / Other Use Class, Number of Units							Vacancy Rate, Percent (%)
					E(g)i Offices	E(g)ii Research & Development	E(g)iii Industrial Processes	B2 General Industry	B8 Storage & Distribution	Sui Generis	Other Uses	
EMP.17	The Hertfordshire Business Centre, Alexander Road, London Colney	46	4	0	38	1	0	1	0	1	5	9
EMP.18	Riverside Estate, London Colney	8	3	0	0	2	0	1	4	1	0	38
EMP.20	Watling Street, Frogmore	35	4	0	15	0	2	3	13	1	1	11
EMP.21	Industrial/Warehousing Estate, Colney Street	42	5	0	1	2	1	7	30	1	0	12
Total		646	73	1	242	11	31	75	176	41	70	~
Average Vacancy Rate, Percent (%)												13

N.B. refurbished units under construction are not counted as vacant



Prior Approval – Office to Residential

- 4.14 The introduction of permitted development rights for conversion from office to residential use has resulted in considerable loss of office E(g)(i) / B1(a) Use Class floor space in the District over previous years. Completions and permissions based on office to residential Prior Approvals for the previous monitoring year (2021/2022) are listed below. Completed conversions have been relatively low over the past year with two dwellings converted from office to residential use. Known office floor space loss from prior approvals for the previous year is approximately 122 square metres. A further loss of 2,810 square metres of Office E(g)(i) / B1(a) Use Class floor space could take place from office to residential Prior Approvals which are yet to be completed. This includes the potential conversion of office floor space to provide 44 residential (C3 Use Class) dwellings.

Table 23: Office to Residential – Prior Approvals Started and Completed (2021/2022)

Planning Permission Reference Number(s)	Site Address	Number of Dwellings Permitted	Number of Dwellings Completed in Year	Number of Dwellings to be Completed	Total E(g)(i) / B1(a) Offices Floor Space Lost (m ²)
5/2020/2179	22 Station Road, Harpenden	2	2	0	122
Total Office to Residential Prior Approvals, Number of Dwellings Completed in 2021/2022					2 dwellings
Total E(g)(i) / B1(a) Offices Floor Space Lost to Residential Use from Completed Prior Approvals					122 m²



Table 24: Office to Residential – Prior Approvals with Permission to be Completed (1 April 2022)

Planning Permission Reference Number(s)	Site Address	Number of Dwellings Permitted	Number of Dwellings to be Completed	Total E(g)(i) / B1(a) Offices Floor Space to be Lost (m ²)
5/2014/0063	Oak Court Business Centre, 14 Sandridge Park, Porters Wood, St Albans	14	7	880
5/2016/2422	Porters House, 4 Porters Wood, St Albans	21	6	1,303
5/2016/2810	Calverton House, 2 Harpenden Road, St Albans	4	3	210
5/2020/1095	Crown House, 1a Crown Street, Redbourn	4	4	360
5/2021/0693	First Floor Offices, 9-10 Harding Parade, Station Road, Harpenden	1	1	57
Total		44	21	2,810
Total Office to Residential Prior Approvals, Number of Dwellings with Permission at 1 April 2022		44 dwellings		
Total Office to Residential Prior Approvals, Number of Dwellings with Permission to be Completed at 1 April 2022		21 dwellings		
Total E(g)(i) / B1(a) Offices Floor Space to be Lost to Residential Use from Prior Approvals with Permission to be Completed		2,810m²		



Business Floor Space Stock

- 4.15 As at 31 March 2022, the Valuation Office Agency (VOA) recorded a total of 191,000 square metres of office sector floor space in the District, along with a total of 431,000 square metres of industrial sector floor space. Between 2000/01 and 2021/22, a reduction of 37,000 square metres of office sector floor space was observed in the District; industrial sector floor space stock decreased by 11,000 square metres during the same period. The table below shows the most recent VOA data on business floor space provision for the office and industrial sectors from 2000/01 to 2021/22.

Table 25: Employment (Office and Industrial Sectors) Floor Space Stock Change (2000/01 – 2021/22)

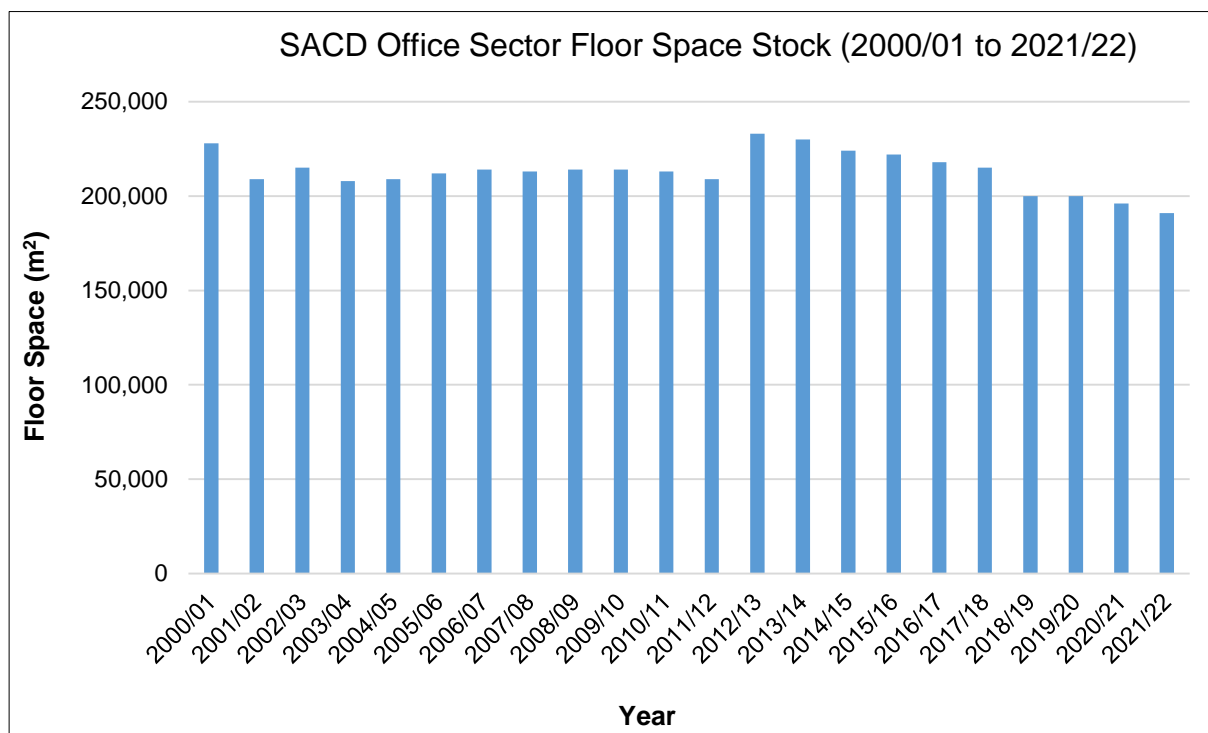
Year	Floor Space Stock (m ²)		
	Office Sector	Industrial Sector	Total
2000/01	228,000	442,000	670,000
2001/02	209,000	440,000	649,000
2002/03	215,000	459,000	674,000
2003/04	208,000	455,000	663,000
2004/05	209,000	447,000	656,000
2005/06	212,000	433,000	645,000
2006/07	214,000	435,000	649,000
2007/08	213,000	434,000	647,000
2008/09	214,000	421,000	635,000
2009/10	214,000	415,000	629,000
2010/11	213,000	411,000	624,000
2011/12	209,000	406,000	615,000
2012/13	233,000	402,000	635,000
2013/14	230,000	402,000	632,000
2014/15	224,000	401,000	625,000
2015/16	222,000	405,000	627,000
2016/17	218,000	407,000	625,000
2017/18	215,000	408,000	623,000
2018/19	200,000	407,000	607,000
2019/20	200,000	419,000	619,000
2020/21	196,000	429,000	625,000
2021/22	191,000	431,000	622,000
2000/01 to 2021/22 Change	-37,000	-11,000	-48,000

Source: Non-Domestic Rating – Stock of Properties including Business Floor Space, 2022 (VOA) ²⁸



- 4.16 The chart below illustrates a graphical representation of office sector floor space stock change between 2000/01 and 2021/22. A decline in office floor space stock (estimated loss of 42,000 square metres of floor space) is observed in the District from 2012/13 to 2021/22.

Figure 11: Chart of Office Sector Floor Space Stock Change (2000/01 – 2021/22)

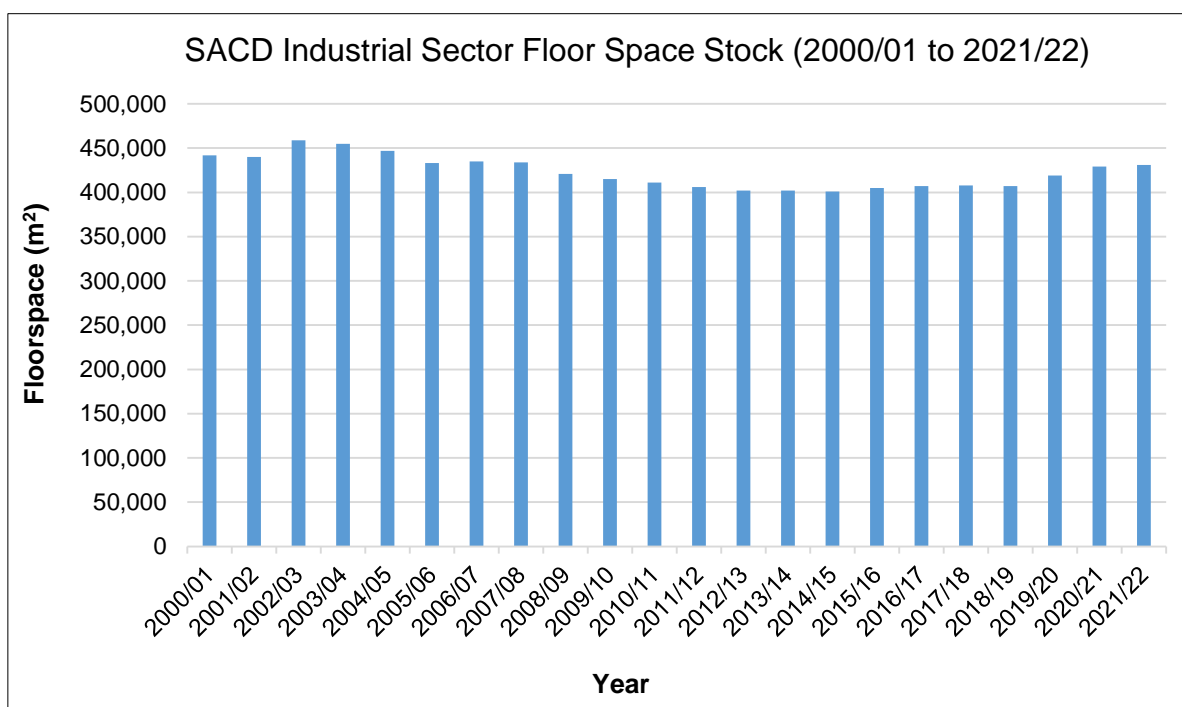


Source: Non-Domestic Rating – Stock of Properties including Business Floorspace, 2022 (VOA) ²⁸

- 4.17 The chart below demonstrates floor space stock change in the industrial sector between 2000/01 and 2021/22. A decrease in industrial sector floor space stock (estimated loss of 58,000 square metres of floor space) is recorded in the District from 2002/03 to 2014/15, with an increase (estimated gain of 30,000 square metres of floor space) occurring over the previous seven years.



Figure 12: Chart of Industrial Sector Floor Space Stock Change (2000/01 – 2021/22)



Source: Non-Domestic Rating – Stock of Properties including Business Floorspace, 2022 (VOA) ²⁸

- 4.18 The table below combines the estimated floor space stock of both the office and industrial sectors, published by the VOA in June 2022, with employment floor space stock data recorded from the most recent monitoring period, 2021/2022. This is combined to establish an estimate of business floor space stock in the District at 1 April 2022.



Table 26: Employment Floor Space Stock Estimate at 1 April 2022

Year	VOA Business Floor Space Stock 2022 (m ²)			AMR Employment Floor Space Stock Change 2021/2022 (m ²)		
	Office Sector	Industrial Sector	Total	Offices (Use Classes E(g)(i) / B1(a))	Industrial (Use Classes E(g)(iii), B2 & B8)	Total
2021/22	191,000	431,000	622,000	765	-1,610	-845

Combined VOA & AMR Business Floor Space Stock Estimate 1 April 2022 (m ²)			
Date	Offices	Industrial	Total
1 April 2022	191,765	429,390	621,155

Sources: Non-Domestic Rating – Stock of Properties including Business Floorspace, 2022 (VOA) ²⁸ and AMR 2022 Change in Employment Floor Space Stock 2021/2022 (Table 18)

- 4.19 With reference to the business floor space estimates above for 1 April 2022, a small increase (estimated increase of 765 square metres of floor space) in office sector floor space has been calculated. In previous years, a significant decline in office floor space stock occurred due to pressures from permitted development rights involving the conversion of office floor space to residential use. This has stabilised in recent years. In addition, several existing office to residential prior approvals have been completed or are near completion, whilst other permissions have lapsed or may lapse in future. On the other hand, a small decrease (estimated loss of 1,610 square metres of floor space) in industrial sector floor space has been calculated.
- 4.20 The table and chart below show employment floor space stock and estimated vacancy rates, using data from business floor space estimates in Table 26 above. Data reveals an estimated vacancy rate of 7% for the office sector and an estimated vacancy rate of 9% for the industrial sector in January 2023, with an estimated total vacancy rate of 8.5% for both sectors.

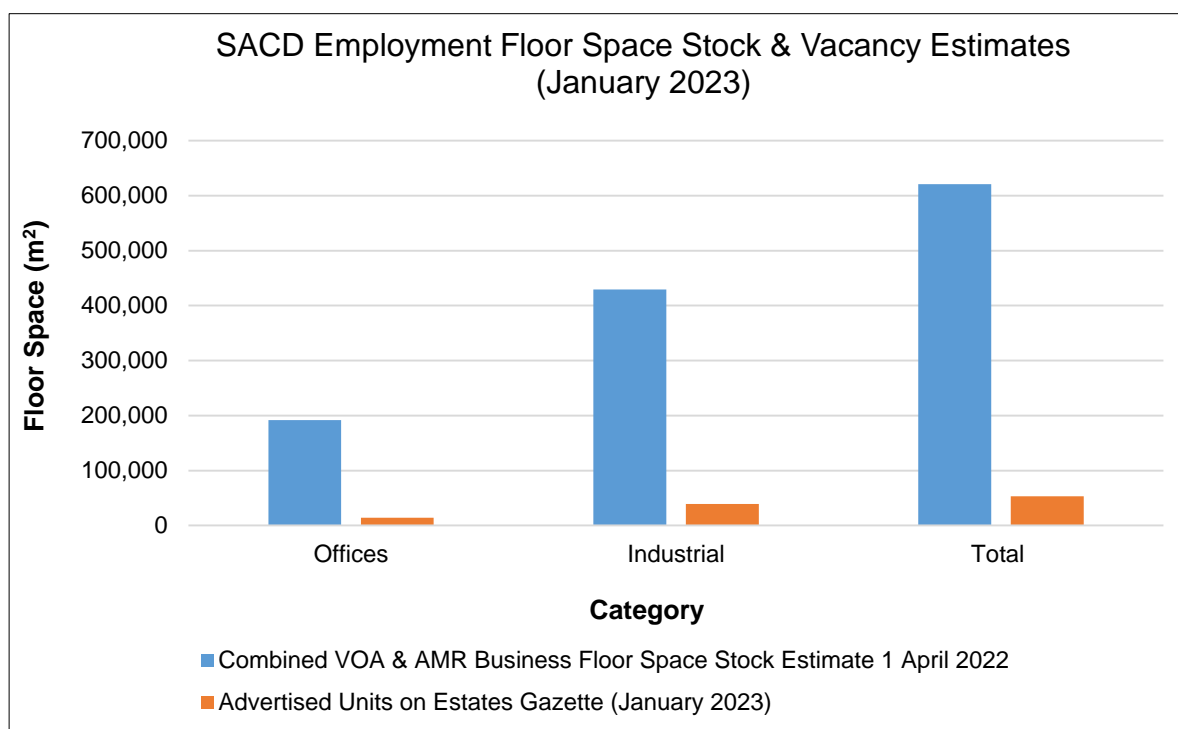
Table 27: Employment Floor Space Stock and Vacancy Estimates (January 2023)

Category	Floor Space (m ²)		
	Offices	Industrial	Total
Combined VOA & AMR Business Floor Space Stock Estimate 1 April 2022	191,765	429,390	621,155
Advertised Units on Estates Gazette (January 2023)	14,033	38,974	53,007
Estimated Vacancy Rate (%)	7.3%	9.1%	8.5%

Sources: AMR Employment Floor Space Stock Estimate at 1 April 2022 (Table 26) and Property Link – Estates Gazette (January 2023) ²⁹



Figure 13: Chart of Employment Floor Space Stock and Vacancy Estimates (January 2023)



Sources: AMR Employment Floor Space Stock Estimate at 1 April 2022 (Table 26) and Property Link – Estates Gazette (January 2023)²⁹



Policy Topic: Centres for Retail, Services and Leisure

- 5.1 With the aim of delivering appropriate retail, services, leisure, and other commercial development, these kinds of developments are directed towards designated centres.

11 – Change in retail / service / leisure floor space stock (by centre / frontage and by type - retail / food and drink / other services)

- 5.2 For the monitoring year 2021/2022, a total net gain of 5,311 square metres of retail, services and leisure floor space stock was recorded in the District. This AMR monitors retail / service / leisure floor space stock with reference to the updated Use Classes Order, which came into force on 1 September 2020, and previous revoked use classes.
- 5.3 In terms of the types of retail, services and leisure floor space stock, there was an overall net loss of 146 square metres of E(a) Retail / F2(a) Shops / A1 Shops Use Class floor space in the District, with a net loss of 32 square metres in St Albans City Centre, a net gain of 0 square metres in Harpenden Town Centre and a net loss of 114 square metres in the rest of the District. Additionally, net losses of floor space were recorded in the District for: E(b) Food & Drink / A3 Restaurants & Cafes, E(e) Medical or Health Services, D2 Assembly & Leisure and F1 Learning and Non-Residential Institutions. Net gains of floor space were observed for E(d) Indoor Sport, Recreation or Fitness, E(g)(i) Offices / B1(a) Offices and Sui Generis (including Pubs, Bars, Drinking Establishments and Hot Food Takeaways). Furthermore net gains of 0 square metres of floor space were reported for E(c) Financial, Professional or Other Services / A2 Financial & Professional Services and E(f) Creche, Day Nursery or Day Centre.



Table 28: Change in Retail / Service / Leisure Floor Space Stock, by Centre / Frontage and by Type – Retail / Food and Drink / Other Services (2021/2022)

Location	Retail / Service / Leisure Use Class Floor Space (m ²)											
	Floor Space	E(a) Retail / F2(a) Shops / A1 Shops	E(b) Food & Drink / A3 Restaurants & Cafes	E(c) Financial, Professional or Other Services / A2 Financial & Professional Services	E(d) Indoor Sport, Recreation or Fitness	E(e) Medical or Health Services	E(f) Creche, Day Nursery or Day Centre	E(g)(i) Offices / B1(a) Offices	D2 Assembly & Leisure	F1 Learning and Non-Residential Institutions	Sui Generis (including Pubs, Bars, Drinking Establishments and Hot Food Takeaways)	Total
St Albans City Centre	Gain	0	33	0	0	0	0	0	0	0	32	65
	Loss	32	122	0	0	0	0	128	155	0	0	437
	Net	-32	-89	0	0	0	0	-128	-155	0	32	-372
Harpenden Town Centre	Gain	0	13	0	0	0	0	0	0	0	98	111
	Loss	0	0	0	0	0	0	122	0	0	0	122
	Net	0	13	0	0	0	0	-122	0	0	98	-11
Rest of District	Gain	1,015	155	0	339	0	0	1,240	32	0	7,153	9,934
	Loss	1,129	145	0	0	458	0	225	499	316	1,468	4,240
	Net	-114	10	0	339	-458	0	1,015	-467	-316	5,685	5,694
Total	Gain	1,015	201	0	339	0	0	1,240	32	0	7,283	10,110
	Loss	1,161	267	0	0	458	0	475	654	316	1,468	4,799
	Net	-146	-66	0	339	-458	0	765	-622	-316	5,815	5,311



- 5.4 For policy and monitoring purposes, retail, services and leisure centres are divided into a hierarchy of four categories of centres in accordance with the shopping hierarchy in the current adopted Local Plan. District Local Plan Review 1994, Saved Policy 51 – Shopping and Services Uses, Overall Strategy sets out the District’s existing retail, services and leisure centres hierarchy:
- **A) Minor Sub-Regional Centre:** St Albans City Centre
 - **B) Minor District Centre:** Harpenden Town Centre
 - **C) Neighbourhood Centres:** 7 Centres
 - **D) Local Centres:** 26 Centres
- 5.5 Retail monitoring surveys of retail, services and leisure centres in the District were undertaken in August and September 2022. This AMR monitors use classes and vacancies in the District’s retail, services and leisure centres, with reference to the updated Use Classes Order. This came into force on 1 September 2020.
- 5.6 Even though the retail sector has generally declined in recent years, performance of St Albans City Centre and Harpenden Town Centre remains relatively strong. In 2021, monitoring surveys recorded 57 vacant units out of a total of 614 units in both centres, representing a vacancy rate of 9%. The number of vacancies in St Albans City Centre and Harpenden Town Centre decreased in 2022 to 49 vacant units out of a total of 614 units, leading to a vacancy rate of 8%.
- 5.7 The tables below show St Albans City Centre and Harpenden Town Centre, with the number of vacant units and number of units for each retail, services and leisure use class.



Table 29: Minor Sub-Regional Centre & Minor District Centre – St Albans City Centre & Harpenden Town Centre Retail / Service / Leisure Frontages, Vacant Units & Use Class (August / September 2022)

Minor Sub-Regional Centre / Minor District Centre	Number of Units	Number of Vacant Units	Retail / Service / Leisure Use Class, Number of Units										
			E(a) Retail	E(b) Food & Drink	E(c) Financial, Professional or Other Services	E(d) Indoor Sport, Recreation or Fitness	E(e) Medical or Health Services	E(f) Creche, Day Nursery or Day Centre	E(g)(i) Offices	Sui Generis (Pubs, Bars or Drinking Establishments)	Sui Generis (Hot Food Takeaways)	Sui Generis	Mixed / Other
St Albans City Centre	440	36	268	73	50	0	7	1	5	7	13	9	6
Harpenden Town Centre	174	13	102	24	27	0	3	0	2	4	7	2	3
Total	614	49	370	97	77	0	10	1	7	11	20	11	9

- 5.8 Monitoring surveys indicate a significant fall in the number of vacant units in St Albans City Centre between 2021 and 2022. In July 2021, 45 vacant units were recorded out of a total of 440 units, representing a vacancy rate of 10%. The number of monitored vacant units decreased noticeably to 36 units in August 2022, leading to a vacancy rate of 8% in St Albans City Centre. Frontages with relatively high numbers of vacancies include: Christopher Place, The Maltings, 1-57 St Peters Street, 92-164 London Road and 113-117 London Road & 1-6 Francis Court.
- 5.9 District Local Plan Review 1994, Saved Policy 52 – Shopping Development in St Albans City Centre sets out the Primary Shopping Frontages, Secondary Shopping Frontages and Class ‘A’ Frontages in St Albans City Centre. Tables outlining the retail / service / leisure use class mix, number of vacant units, frontage length and percentage use class for St Albans City Centre are included below:



Table 30: Minor Sub-Regional Centre – St Albans City Centre Primary Shopping Frontages, Vacant Units & Use Class (August 2022)

Policy Reference	Frontage	Frontage Length (m)	Number of Units	Number of Vacant Units	Retail / Service / Leisure Use Class, Number of Units											
					E(a) Retail	E(b) Food & Drink	E(c) Financial, Professional or Other Services	E(d) Indoor Sport, Recreation or Fitness	E(e) Medical or Health Services	E(f) Creche, Day Nursery or Day Centre	E(g)(i) Offices	Sui Generis (Pubs, Bars or Drinking Establishments)	Sui Generis (Hot Food Takeaways)	Sui Generis	Mixed / Other	
PSF 1	3-37 Chequer Street	107	13	1	10	1	2	0	0	0	0	0	0	0	0	
PSF 2	2A-38 Chequer Street	159	19	1	8	5	6	0	0	0	0	0	0	0	0	
PSF 3	Christopher Place (inner courtyard only)	212	21	4	16	5	0	0	0	0	0	0	0	0	0	
PSF 4	3-21 French Row	54	8	0	5	3	0	0	0	0	0	0	0	0	0	
PSF 5	1-13 George Street	76	11	0	8	2	0	0	0	0	0	0	1	0	0	
PSF 6	18-28 George Street	85	13	0	10	1	0	0	0	0	0	0	1	1	0	
PSF 7	The Maltings	462	46	3	41	2	2	0	0	0	0	0	0	0	1	
PSF 8	1-37 Market Place	135	18	0	12	4	2	0	0	0	0	0	0	0	0	
PSF 9	6-38 Market Place	88	11	0	7	2	1	0	0	0	0	0	0	0	0	
PSF 10	1-57 St Peters Street	183	18	2	13	5	0	0	0	0	0	0	0	0	0	
PSF 11	2-20 High Street	67	7	0	4	1	2	0	0	0	0	0	0	0	0	
PSF 12	3-33 High Street	107	14	1	11	3	0	0	0	0	0	0	0	0	0	
Total		1,735	199	12	145	34	15	0	0	0	0	0	2	1	1	0



Table 31: Minor Sub-Regional Centre – St Albans City Centre Primary Shopping Frontages, Percentage Use Class (August 2022)

Policy Reference	Frontage	Frontage Length (m)	Number of Units	Retail / Service / Leisure Use Class, Percentage of Frontage (%)										
				E(a) Retail	E(b) Food & Drink	E(c) Financial, Professional or Other Services	E(d) Indoor Sport, Recreation or Fitness	E(e) Medical or Health Services	E(f) Creche, Day Nursery or Day Centre	E(g)(i) Offices	Sui Generis (Pubs, Bars or Drinking Establishments)	Sui Generis (Hot Food Takeaways)	Sui Generis	Mixed / Other
PSF 1	3-37 Chequer Street	107	13	77	8	15	0	0	0	0	0	0	0	0
PSF 2	2A-38 Chequer Street	159	19	42	26	32	0	0	0	0	0	0	0	0
PSF 3	Christopher Place (inner courtyard only)	212	21	76	24	0	0	0	0	0	0	0	0	0
PSF 4	3-21 French Row	54	8	63	38	0	0	0	0	0	0	0	0	0
PSF 5	1-13 George Street	76	11	73	18	0	0	0	0	0	0	9	0	0
PSF 6	18-28 George Street	85	13	77	8	0	0	0	0	0	0	8	8	0
PSF 7	The Maltings	462	46	89	4	4	0	0	0	0	0	0	0	2
PSF 8	1-37 Market Place	135	18	67	22	11	0	0	0	0	0	0	0	0
PSF 9	6-38 Market Place	88	11	64	18	9	0	0	0	0	0	0	0	0
PSF 10	1-57 St Peters Street	183	18	72	28	0	0	0	0	0	0	0	0	0
PSF 11	2-20 High Street	67	7	57	14	29	0	0	0	0	0	0	0	0
PSF 12	3-33 High Street	107	14	79	21	0	0	0	0	0	0	0	0	0
Total		1,735	199	73	17	8	0	0	0	0	0	17	1	3

N.B. Numbers may not add up to one hundred percent due to rounding



Table 32: Minor Sub-Regional Centre – St Albans City Centre Secondary Shopping Frontages, Vacant Units & Use Class (August 2022)

Policy Reference	Frontage	Frontage Length (m)	Number of Units	Number of Vacant Units	Retail / Service / Leisure Use Class, Number of Units											
					E(a) Retail	E(b) Food & Drink	E(c) Financial, Professional or Other Services	E(d) Indoor Sport, Recreation or Fitness	E(e) Medical or Health Services	E(f) Creche, Day Nursery or Day Centre	E(g)(i) Offices	Sui Generis (Pubs, Bars or Drinking Establishments)	Sui Generis (Hot Food Takeaways)	Sui Generis	Mixed / Other	
SSF 1	1-39 Catherine Street	75	11	0	7	2	1	0	0	0	0	0	0	0	0	1
SSF 2	6-28 Catherine Street & 93 St Peters Street	59	7	1	4	0	0	0	0	0	0	0	0	2	1	0
SSF 3	Heritage Close (All)	68	8	0	5	2	0	0	1	0	0	0	0	0	0	0
SSF 6	1-23 Holywell Hill	74	12	0	7	1	0	0	0	0	3	1	0	0	0	0
SSF 7	2-34 Holywell Hill	98	15	1	7	4	4	0	0	0	0	0	0	0	0	0
SSF 8	1-9 London Road	83	5	2	4	0	1	0	0	0	0	0	0	0	0	0
SSF 9	2-46 London Road	107	18	2	9	2	5	0	1	0	0	0	0	1	0	0
SSF 10	61-85 St Peters Street	119	13	1	7	3	1	0	0	0	0	0	0	0	1	1
SSF 11	1 Spencer Street	20	1	1	1	0	0	0	0	0	0	0	0	0	0	0
SSF 12	1-11 The Colonnade, Verulam Road/Upper Dagnall Street	70	6	2	2	3	0	0	0	0	0	0	0	0	1	0
Total		773	96	10	53	17	12	0	2	0	3	1	3	3	2	



Table 33: Minor Sub-Regional Centre – St Albans City Centre Secondary Shopping Frontages, Percentage Use Class (August 2022)

Policy Reference	Frontage	Frontage Length (m)	Number of Units	Retail / Service / Leisure Use Class, Percentage of Frontage (%)											
				E(a) Retail	E(b) Food & Drink	E(c) Financial, Professional or Other Services	E(d) Indoor Sport, Recreation or Fitness	E(e) Medical or Health Services	E(f) Creche, Day Nursery or Day Centre	E(g)(i) Offices	Sui Generis (Pubs, Bars or Drinking Establishments)	Sui Generis (Hot Food Takeaways)	Sui Generis	Mixed / Other	
SSF 1	1-39 Catherine Street	75	11	64	18	9	0	0	0	0	0	0	0	0	9
SSF 2	6-28 Catherine Street & 93 St Peters Street	59	7	57	0	0	0	0	0	0	0	0	29	14	0
SSF 3	Heritage Close (All)	68	8	63	25	0	0	13	0	0	0	0	0	0	0
SSF 6	1-23 Holywell Hill	74	12	58	8	0	0	0	0	25	8	0	0	0	0
SSF 7	2-34 Holywell Hill	98	15	47	27	27	0	0	0	0	0	0	0	0	0
SSF 8	1-9 London Road	83	5	80	0	20	0	0	0	0	0	0	0	0	0
SSF 9	2-46 London Road	107	18	50	11	28	0	6	0	0	0	0	6	0	0
SSF 10	61-85 St Peters Street	119	13	54	23	8	0	0	0	0	0	0	0	8	8
SSF 11	1 Spencer Street	20	1	100	0	0	0	0	0	0	0	0	0	0	0
SSF 12	1-11 The Colonnade, Verulam Road/Upper Dagnall Street	70	6	33	50	0	0	0	0	0	0	0	0	17	0
Total		773	96	55	18	13	0	2	0	3	1	3	3	2	

N.B. Numbers may not add up to one hundred percent due to rounding



Table 34: Minor Sub-Regional Centre – St Albans City Centre Class 'A' Frontages, Vacant Units & Use Class (August 2022)

Policy Reference	Frontage	Number of Units	Number of Vacant Units	Retail / Service / Leisure Use Class, Number of Units											
				E(a) Retail	E(b) Food & Drink	E(c) Financial, Professional or Other Services	E(d) Indoor Sport, Recreation or Fitness	E(e) Medical or Health Services	E(f) Creche, Day Nursery or Day Centre	E(g)(i) Offices	Sui Generis (Pubs, Bars or Drinking Establishments)	Sui Generis (Hot Food Takeaways)	Sui Generis	Mixed / Other	
AF1	41-63 Catherine Street	10	1	7	0	3	0	0	0	0	0	0	0	0	0
AF2	6-14 Hatfield Road	4	0	1	2	0	0	0	0	0	0	0	0	1	0
AF3	61-63 Lattimore Road & 80/80A Victoria Street	5	0	3	0	0	0	0	0	1	0	1	0	0	0
AF4	13-29 London Road & 1-9 Marlborough Road	9	1	4	1	3	0	0	0	0	0	1	0	0	0
AF5	67-89 London Road	7	0	4	2	0	0	0	0	0	0	0	0	0	1
AF6	92-164 London Road	30	4	13	5	1	0	1	0	0	1	6	2	1	0
AF7	113-117 London Road & 1-6 Francis Court	5	3	0	1	3	0	0	0	0	0	0	1	0	0
AF8	4 St Peters Street-Forrester House & 1-9 Victoria Street	14	1	6	0	6	0	0	0	1	0	0	1	0	0
AF9	Lockey House - 30 St Peters Street	7	0	2	0	4	0	1	0	0	0	0	0	0	0
AF10	95-101A St Peters Street	5	0	1	2	1	0	1	0	0	0	0	0	0	0



Policy Reference	Frontage	Number of Units	Number of Vacant Units	Retail / Service / Leisure Use Class, Number of Units												
				E(a) Retail	E(b) Food & Drink	E(c) Financial, Professional or Other Services	E(d) Indoor Sport, Recreation or Fitness	E(e) Medical or Health Services	E(f) Creche, Day Nursery or Day Centre	E(g)(i) Offices	Sui Generis (Pubs, Bars or Drinking Establishments)	Sui Generis (Hot Food Takeaways)	Sui Generis	Mixed / Other		
AF11	109-117 St Peters Street	4	1	4	0	0	0	0	0	0	0	0	0	0	0	0
AF12	4A-24 Spencer Street	3	0	1	1	0	0	1	0	0	0	0	0	0	0	0
AF13	1-13 Verulam Road	5	0	2	2	0	0	0	0	0	0	0	0	0	0	1
AF14	2-6 Victoria Street	3	0	2	0	1	0	0	0	0	0	0	0	0	0	0
AF15	Victoria Parade & 95-143 Victoria Street	16	1	11	1	1	0	0	1	0	1	0	1	0	0	1
AF16	126 Victoria Street - Horn Of Plenty Public House	3	0	1	0	0	0	0	0	0	0	0	2	0	0	0
AF17	145-161 Victoria Street	10	2	6	3	0	0	0	0	0	0	0	0	1	0	0
AF18	1-7 Waddington Road	5	0	2	2	0	0	1	0	0	0	0	0	0	0	0
	Total	145	14	70	22	23	0	5	1	2	4	9	5	4	4	



- 5.10 District Local Plan Review 1994, Saved Policy 53 – Shopping Development in Harpenden Town Centre sets out the Primary Shopping Frontages, Secondary Shopping Frontages and Class ‘A’ Frontages in Harpenden Town Centre.
- 5.11 Monitoring surveys indicate a slight increase in the number of vacant units in Harpenden Town Centre between 2021 and 2022. In July 2021, 12 vacant units were recorded out of a total of 174 units, representing a vacancy rate of 7%. The number of monitored vacant units rose to 13 units in September 2022 out of a total of 174 units, leading to a vacancy rate of 7% in Harpenden Town Centre. Relatively high numbers of vacant units were recorded in the following frontages at 4-6 Church Green & 52-104 High Street and 18-50 High Street in September 2022.
- 5.12 Tables outlining the retail / service / leisure use class mix, number of vacant units, frontage length and use class percentage for Harpenden Town Centre are included below:



Table 35: Minor District Centre – Harpenden Town Centre Primary Shopping Frontages, Vacant Units & Use Class (September 2022)

Policy Reference	Frontage	Frontage Length (m)	Number of Units	Number of Vacant Units	Retail / Service / Leisure Use Class, Number of Units										
					E(a) Retail	E(b) Food & Drink	E(c) Financial, Professional or Other Services	E(d) Indoor Sport, Recreation or Fitness	E(e) Medical or Health Services	E(f) Creche, Day Nursery or Day Centre	E(g)(i) Offices	Sui Generis (Pubs, Bars or Drinking Establishments)	Sui Generis (Hot Food Takeaways)	Sui Generis	Mixed / Other
PSF 1	1-3 Church Green & 2B-10 Leyton Road	90	13	0	12	0	1	0	0	0	0	0	0	0	0
PSF 2	1-31 High Street	179	17	0	12	1	1	0	0	0	0	1	0	0	2
PSF 3	18-50 High Street	104	15	3	7	0	6	0	1	0	0	0	1	0	0
PSF 4	The Leys (between High Street and Leyton Road)	57	3	0	1	0	2	0	0	0	0	0	0	0	0
PSF 5	1-11 Leyton Road & 12-18 Church Green Row	96	7	0	6	1	0	0	0	0	0	0	0	0	0
PSF 6	2-16 High Street, 1-3 Leyton Green Road	93	9	1	3	2	3	0	0	0	0	1	0	0	0
Total		619	64	4	41	4	13	0	1	0	0	2	1	0	2



Table 36: Minor District Centre – Harpenden Town Centre Primary Shopping Frontages, Percentage Use Class (September 2022)

Policy Reference	Frontage	Frontage Length (m)	Number of Units	Retail / Service / Leisure Use Class, Percentage of Frontage (%)											
				E(a) Retail	E(b) Food & Drink	E(c) Financial, Professional or Other Services	E(d) Indoor Sport, Recreation or Fitness	E(e) Medical or Health Services	E(f) Creche, Day Nursery or Day Centre	E(g)(i) Offices	Sui Generis (Pubs, Bars or Drinking Establishments)	Sui Generis (Hot Food Takeaways)	Sui Generis	Mixed / Other	
PSF 1	1-3 Church Green & 2B-10 Leyton Road	90	13	92	0	8	0	0	0	0	0	0	0	0	
PSF 2	1-31 High Street	179	17	71	6	6	0	0	0	0	0	6	0	0	12
PSF 3	18-50 High Street	104	15	47	0	40	0	7	0	0	0	0	7	0	0
PSF 4	The Leys (between High Street and Leyton Road)	57	3	33	0	67	0	0	0	0	0	0	0	0	0
PSF 5	1-11 Leyton Road & 12-18 Church Green Row	96	7	86	14	0	0	0	0	0	0	0	0	0	0
PSF 6	2-16 High Street, 1-3 Leyton Green Road	93	9	33	22	33	0	0	0	0	0	11	0	0	0
Total		619	64	64	6	20	0	2	0	0	0	3	2	0	3

N.B. Numbers may not add up to one hundred percent due to rounding



Table 37: Minor District Centre – Harpenden Town Centre Secondary Shopping Frontages, Vacant Units & Use Class (September 2022)

Policy Reference	Frontage	Frontage Length (m)	Number of Units	Number of Vacant Units	Retail / Service / Leisure Use Class, Number of Units										
					E(a) Retail	E(b) Food & Drink	E(c) Financial, Professional or Other Services	E(d) Indoor Sport, Recreation or Fitness	E(e) Medical or Health Services	E(f) Creche, Day Nursery or Day Centre	E(g)(i) Offices	Sui Generis (Pubs, Bars or Drinking Establishments)	Sui Generis (Hot Food Takeaways)	Sui Generis	Mixed / Other
SSF 1	4-6 Church Green & 52-104 High Street	196	27	5	15	7	2	0	0	0	0	1	1	1	0
SSF 2	33-61 High Street	152	25	2	16	1	4	0	1	0	0	1	1	1	0
SSF 3	12-14 Leyton Road	19	2	0	1	0	1	0	0	0	0	0	0	0	0
SSF 4	2A-34 Station Road	138	20	1	11	3	4	0	0	0	0	0	1	0	1
SSF 5	1-17A Station Road	77	11	0	6	2	1	0	1	0	0	0	1	0	0
Total		582	85	8	49	13	12	0	2	0	0	2	4	2	1



Table 38: Minor District Centre – Harpenden Town Centre Secondary Shopping Frontages, Percentage Use Class (September 2022)

Policy Reference	Frontage	Frontage Length (m)	Number of Units	Retail / Service / Leisure Use Class, Percentage of Frontage (%)											
				E(a) Retail	E(b) Food & Drink	E(c) Financial, Professional or Other Services	E(d) Indoor Sport, Recreation or Fitness	E(e) Medical or Health Services	E(f) Creche, Day Nursery or Day Centre	E(g)(i) Offices	Sui Generis (Pubs, Bars or Drinking Establishments)	Sui Generis (Hot Food Takeaways)	Sui Generis	Mixed / Other	
SSF 1	4-6 Church Green & 52-104 High Street	196	27	56	26	7	0	0	0	0	0	4	4	4	0
SSF 2	33-61 High Street	152	25	64	4	16	0	4	0	0	0	4	4	4	0
SSF 3	12-14 Leyton Road	19	2	50	0	50	0	0	0	0	0	0	0	0	0
SSF 4	2A-34 Station Road	138	20	55	15	20	0	0	0	0	0	0	5	0	5
SSF 5	1-17A Station Road	77	11	55	18	9	0	9	0	0	0	0	9	0	0
Total		582	85	58	15	14	0	2	0	0	0	2	5	2	1

N.B. Numbers may not add up to one hundred percent due to rounding



Table 39: Minor District Centre – Harpenden Town Centre Class 'A' Frontages, Vacant Units & Use Class (August 2022)

Policy Reference	Frontage	Number of Units	Number of Vacant Units	Retail / Service / Leisure Use Class, Number of Units											
				E(a) Retail	E(b) Food & Drink	E(c) Financial, Professional or Other Services	E(d) Indoor Sport, Recreation or Fitness	E(e) Medical or Health Services	E(f) Creche, Day Nursery or Day Centre	E(g)(i) Offices	Sui Generis (Pubs, Bars or Drinking Establishments)	Sui Generis (Hot Food Takeaways)	Sui Generis	Mixed / Other	
AF1	65-73 High Street	7	0	4	1	1	0	0	0	0	1	0	0	0	0
AF2	1-12 Harding Parade, Station Road	10	1	4	3	1	0	0	0	0	0	0	2	0	0
AF3	1A-3 & 2-4 Vaughan Road and 1-3 Clayton House	8	0	4	3	0	0	0	0	0	1	0	0	0	0
Total		25	1	12	7	2	0	0	0	0	2	0	2	0	0

- 5.13 District Local Plan Review 1994, Saved Policy 54 – Shopping Development in Neighbourhood Centres sets out the Primary Shopping Frontages and Class 'A' Frontages in the District's seven Neighbourhood Centres.
- 5.14 Monitoring surveys reveal a slight rise in the number of vacant units in the District's Neighbourhood Centres between 2021 and 2022. In July 2021, 17 vacant units were recorded out of a total of 253 units, representing a vacancy rate of 7%. The number of monitored vacant units increased to 20 units in September 2022 out of a total of 254 units, leading to a vacancy rate of 8% in the District's Neighbourhood Centres. A relatively high number of vacant units were observed in Fleetville (St Albans) and Redbourn Neighbourhood Centres, with a total of 11 vacant units recorded in both centres in September 2022.



5.15 Tables outlining the retail / service / leisure use class mix, number of vacant units, frontage length and use class percentage of the District's Neighbourhood Centres are included below:

Table 40: Neighbourhood Centres – Primary Shopping Frontages, Vacant Units & Use Class (September 2022)

Policy Reference	Neighbourhood Centre	Frontage	Frontage Length (m)	Number of Units	Number of Vacant Units	Retail / Service / Leisure Use Class, Number of Units										
						E(a) Retail	E(b) Food & Drink	E(c) Financial, Professional or Other Services	E(d) Indoor Sport, Recreation or Fitness	E(e) Medical or Health Services	E(f) Creche, Day Nursery or Day Centre	E(g)(i) Offices	Sui Generis (Pubs, Bars or Drinking Establishments)	Sui Generis (Hot Food Takeaways)	Sui Generis	Mixed / Other
NC.1	Southdown (Harpenden)	120-126 & 127-137 Southdown Road; 1-7 & 2-8 Piggotshill Lane	154	28	3	15	3	1	0	4	0	0	0	3	1	1
NC.2	Redbourn	68-80 High Street	56	4	1	4	0	0	0	0	0	0	0	0	0	0
NC.3	Wheathampstead	2-36 and 17-39 High Street; Mill Walk	208	22	0	12	2	3	0	1	0	0	0	2	2	0
NC.4	Verulam Estate (St Albans)	Ermine Close (all)	74	2	0	2	0	0	0	0	0	0	0	0	0	0
NC.5	Fleetville (St Albans)	193-219 Hatfield Road & Co-op (Morrison's) Supermarket	173	15	3	12	2	0	0	1	0	0	0	0	0	0
NC.6	The Quadrant, Marshalswick (St Albans)	11-51 The Quadrant	125	21	2	17	2	1	0	0	0	0	0	0	1	0



Policy Reference	Neighbourhood Centre	Frontage	Frontage Length (m)	Number of Units	Number of Vacant Units	Retail / Service / Leisure Use Class, Number of Units											
						E(a) Retail	E(b) Food & Drink	E(c) Financial, Professional or Other Services	E(d) Indoor Sport, Recreation or Fitness	E(e) Medical or Health Services	E(f) Creche, Day Nursery or Day Centre	E(g)(i) Offices	Sui Generis (Pubs, Bars or Drinking Establishments)	Sui Generis (Hot Food Takeaways)	Sui Generis	Mixed / Other	
NC.7	London Colney	Co-op Supermarket Haseldine Road; 152-166 & 184-196 High Street	231	14	1	8	0	2	0	0	0	0	0	0	1	3	0
Total			1,021	106	10	70	9	7	0	6	0	0	0	6	7	1	



Table 41: Neighbourhood Centres – Primary Shopping Frontages, Percentage Use Class (September 2022)

Policy Reference	Neighbourhood Centre	Frontage	Frontage Length (m)	Number of Units	Retail / Service / Leisure Use Class, Percentage of Frontage (%)										
					E(a) Retail	E(b) Food & Drink	E(c) Financial, Professional or Other Services	E(d) Indoor Sport, Recreation or Fitness	E(e) Medical or Health Services	E(f) Creche, Day Nursery or Day Centre	E(g)(i) Offices	Sui Generis (Pubs, Bars or Drinking Establishments)	Sui Generis (Hot Food Takeaways)	Sui Generis	Mixed / Other
NC.1	Southdown (Harpenden)	120-126 & 127-137 Southdown Road; 1-7 & 2-8 Piggotshill Lane	154	28	54	11	4	0	14	0	0	0	11	4	4
NC.2	Redbourn	68-80 High Street	56	4	100	0	0	0	0	0	0	0	0	0	0
NC.3	Wheathampstead	2-36 and 17-39 High Street; Mill Walk	208	22	55	9	14	0	5	0	0	0	9	9	0
NC.4	Verulam Estate (St Albans)	Ermine Close (all)	74	2	100	0	0	0	0	0	0	0	0	0	0
NC.5	Fleetville (St Albans)	193-219 Hatfield Road & Co-op (Morrison's) Supermarket	173	15	80	13	0	0	7	0	0	0	0	0	0
NC.6	The Quadrant, Marshalswick (St Albans)	11-51 The Quadrant	125	21	81	10	5	0	0	0	0	0	0	5	0
NC.7	London Colney	Co-op Supermarket Haseldine Road; 152-166 & 184-196 High Street	231	14	57	0	14	0	0	0	0	0	7	21	0
Total			1,021	106	66	8	7	0	6	0	0	0	6	7	1

N.B. Numbers may not add up to one hundred percent due to rounding



Table 42: Neighbourhood Centres – Class 'A' Frontages, Vacant Units & Use Class (September 2022)

Policy Reference	Neighbourhood Centre	Frontage	Number of Units	Number of Vacant Units	Retail / Service / Leisure Use Class, Number of Units										
					E(a) Retail	E(b) Food & Drink	E(c) Financial, Professional or Other Services	E(d) Indoor Sport, Recreation or Fitness	E(e) Medical or Health Services	E(f) Creche, Day Nursery or Day Centre	E(g)(i) Offices	Sui Generis (Pubs, Bars or Drinking Establishments)	Sui Generis (Hot Food Takeaways)	Sui Generis	Mixed / Other
NC.1	Southdown (Harpenden)	2-16 Grove Road; 114-119 Southdown Road	9	1	6	1	0	0	1	0	0	0	0	0	1
NC.2	Redbourn	17-19, 51-83, 22-30, 48-66 & 82-86 High Street	21	4	11	2	5	0	0	0	0	0	2	1	0
NC.3	Wheathampstead	1-9 Station Road	5	1	4	1	0	0	0	0	0	0	0	0	0
NC.5	Fleetville (St Albans)	2 Clarence Road; 59-61 & 62-68 Stanhope Road; 39-101, 109-191, 223-227, 144-156, 180-226 & 248-258 Hatfield Road	80	3	33	9	6	0	3	0	4	2	15	2	6
NC.6	The Quadrant, Marshalswick (St Albans)	1-10 & 53-72 The Quadrant; 1-9 Wycombe Place	20	1	8	1	5	1	1	0	0	0	3	0	1
NC.7	London Colney	1-17 Haseldine Road; 170 High Street - White Horse PH	13	0	5	1	1	0	1	0	0	1	2	1	1
Total			148	10	67	15	17	1	6	0	4	3	22	4	9



- 5.16 District Local Plan Review 1994, Saved Policy 55 – Local Shopping Facilities sets out the retail / service / leisure frontages in the District’s Local Centres.
- 5.17 Monitoring surveys highlight a slight increase in the number of vacant units in the District’s Local Centres between 2021 and 2022. In July/August 2021 6 vacant units were recorded out of a total of 158 units, representing a vacancy rate of 4%. The number of monitored vacant units rose to 8 units in September 2022 out of a total of 159 units, leading to a vacancy rate of 5% in the District’s Local Centres.
- 5.18 Tables outlining the retail / service / leisure use class mix and number of vacant units in the District’s Local Centres by settlement, are included below:



Table 43: Towns – St Albans Local Centres: Retail / Service / Leisure Frontages, Vacant Units & Use Class (September 2022)

Policy Reference	Local Centre	Number of Units	Number of Vacant Units	Retail / Service / Leisure Use Class, Number of Units										
				E(a) Retail	E(b) Food & Drink	E(c) Financial, Professional or Other Services	E(d) Indoor Sport, Recreation or Fitness	E(e) Medical or Health Services	E(f) Creche, Day Nursery or Day Centre	E(g)(i) Offices	Sui Generis (Pubs, Bars or Drinking Establishments)	Sui Generis (Hot Food Takeaways)	Sui Generis	Mixed / Other
LC.1	8-26 High Oaks	10	0	7	0	0	0	1	0	0	0	2	0	0
LC.2	35-41A Abbey Avenue	5	0	4	0	0	0	1	0	0	0	0	0	0
LC.3	23-39A Vesta Avenue & 1-3 Watling View	11	0	6	0	0	0	1	0	0	0	3	1	0
LC.4	28-38 Abbots Avenue West	5	1	4	0	0	0	0	0	0	0	1	0	0
LC.5	St Brelades Place, Jersey Farm	8	0	5	1	0	0	0	0	0	0	2	0	0
LC.6	2-36 Beech Road	11	0	6	0	0	0	0	0	0	0	3	2	0
LC.8	15-23 Central Drive	5	1	4	1	0	0	0	0	0	0	0	0	0
LC.9	38-52 New House Park	8	0	4	0	1	0	0	0	0	0	2	1	0
LC.10	399-421 & 444 Hatfield Road	11	1	7	0	2	0	0	0	0	0	1	0	1
LC.12	191-205 Cell Barnes Lane	6	1	5	0	0	0	0	0	0	0	1	0	0
LC.13	1 Cloughton Court, 1-3 Loyd Court & 1 Jacob Court, Russet Drive, Hill End	7	1	4	0	0	0	1	0	0	0	1	0	1
Total		87	5	56	2	3	0	4	0	0	0	16	4	2

N.B. District Local Plan Review 1994, Saved Policy 55 - Local Shopping Facilities: Local Centre LC.7 19-23 & 40-42 Sandridge Road (St Albans) and LC.11 211-217 & 243-249 Camp Road (St Albans) are not monitored, as entire frontages have changed to residential use.



Table 44: Towns – Harpenden Local Centres: Retail / Service / Leisure Frontages, Vacant Units & Use Class (September 2022)

Policy Reference	Local Centre	Number of Units	Number of Vacant Units	Retail / Service / Leisure Use Class, Number of Units										
				E(a) Retail	E(b) Food & Drink	E(c) Financial, Professional or Other Services	E(d) Indoor Sport, Recreation or Fitness	E(e) Medical or Health Services	E(f) Creche, Day Nursery or Day Centre	E(g)(i) Offices	Sui Generis (Pubs, Bars or Drinking Establishments)	Sui Generis (Hot Food Takeaways)	Sui Generis	Mixed / Other
LC.14	381-397 Luton Road	5	1	1	0	1	1	2	0	0	0	0	0	0
LC.15	95-105 Luton Road	3	0	1	0	0	0	1	0	0	0	0	1	0
LC.16	50-54 Westfield Road	3	0	3	0	0	0	0	0	0	0	0	0	0
LC.17	121-125 & 138-146 Lower Luton Road	3	0	2	0	0	0	0	0	0	0	0	1	0
LC.18	103-107 Station Road	3	0	1	0	0	0	1	0	1	0	0	0	0
	Total	17	1	8	0	1	1	4	0	1	0	2	0	0



Table 45: Specified Settlements – Local Centres: Retail / Service / Leisure Frontages, Vacant Units & Use Class (September 2022)

Policy Reference	Specified Settlement	Local Centre	Number of Units	Number of Vacant Units	Retail / Service / Leisure Use Class, Number of Units											
					E(a) Retail	E(b) Food & Drink	E(c) Financial, Professional or Other Services	E(d) Indoor Sport, Recreation or Fitness	E(e) Medical or Health Services	E(f) Creche, Day Nursery or Day Centre	E(g)(i) Offices	Sui Generis (Pubs, Bars or Drinking Establishments)	Sui Generis (Hot Food Takeaways)	Sui Generis	Mixed / Other	
LC.19	London Colney	1-5 Shenley Lane	2	0	0	1	0	0	0	0	0	0	0	1	0	0
LC.20	Bricket Wood	81-97 Old Watford Road	6	1	3	1	0	0	0	0	0	0	0	2	0	0
LC.21	Bricket Wood	95-127 Oakwood Road	9	0	6	0	1	0	0	0	2	0	0	0	0	0
LC.22	Bricket Wood	19-27 Black Boy Wood	2	0	1	1	0	0	0	0	0	0	0	0	0	0
LC.23	Chiswell Green	2A Tippendell Lane; 301-305, 337 & 192-204 Watford Road	10	0	7	0	0	0	0	0	0	0	2	0	1	0
LC.24	How Wood	2-30 How Wood	13	0	10	0	1	0	0	0	0	0	2	0	0	0
LC.25	Park Street	69-71, 68-76 & Land South of 84 Park Street; 1-2 Park Street Lane	8	0	2	0	0	0	0	0	3	1	2	0	0	0
Total			50	1	29	3	2	0	0	0	5	1	9	0	1	0



Table 46: Green Belt Settlements – Local Centres: Retail / Service / Leisure Frontages, Vacant Units & Use Class (September 2022)

Policy Reference	Green Belt Settlement	Local Centre	Number of Units	Number of Vacant Units	Retail / Service / Leisure Use Class, Number of Units										
					E(a) Retail	E(b) Food & Drink	E(c) Financial, Professional & Other Services	E(d) Indoor Sport, Recreation or Fitness	E(e) Medical or Health Services	E(f) Creche, Day Nursery or Day Centre	E(g)(i) Offices	Sui Generis (Pubs, Bars or Drinking Establishments)	Sui Generis (Hot Food Takeaways)	Sui Generis	Mixed / Other
LC.26	Colney Heath	15 & 8-16 High Street	5	1	1	1	1	0	0	0	0	0	1	0	1
Total			5	1	1	1	1	0	0	0	0	0	1	0	1

- 5.19 District Local Plan Review 1994, Saved Policy 58 – Major Retail Development Outside Existing Town Centres outlines that out-of-town shopping will be permitted at three areas in the District. Two of these out of centre retail / services areas are currently used for out-of-town shopping, located at Griffiths Way, St Albans and Barnet Road, London Colney. A third out of centre retail / service area is located within part of the designated District Local Plan Review 1994 Employment Area EMP.10 at Alban Park / Acrewood Way, Hatfield Road, St Albans. Although these three out of centre retail / service areas are not included in the current adopted Local Plan's shopping hierarchy, they continue to be monitored in the AMR.
- 5.20 Monitoring surveys reveal a slight rise in the number of vacant units in the District's out of centre retail / service areas between 2021 and 2022. In July/August 2021, zero vacant units were recorded out of a total of 29 units, representing a vacancy rate of 0%. The number of monitored vacant units increased to one unit in September 2022 out of a total of 29 units, leading to a vacancy rate of 3% in the District's out of centre retail / service areas.
- 5.21 A table outlining the retail / service / leisure use class mix and number of vacant units in the District's three out of centre retail / service areas, is included below:



Table 47: Out of Centre Retail / Service Area – Retail / Service Frontages, Vacant Units & Use Class (September 2022)

Town / Specified Settlement	Out of Centre Retail / Service Area	Number of Units	Number of Vacant Units	Retail / Service / Leisure Use Class, Number of Units											
				E(a) Retail	E(b) Food & Drink	E(c) Financial, Professional or Other Services	E(d) Indoor Sport, Recreation or Fitness	E(e) Medical or Health Services	E(f) Creche, Day Nursery or Day Centre	E(g)(i) Offices	Sui Generis (Pubs, Bars or Drinking Establishments)	Sui Generis (Hot Food Takeaways)	Sui Generis	Mixed / Other	
St Albans	Alban Park / Acrewood Way, Hatfield Road	9	0	7	0	0	0	0	0	0	0	0	0	2	0
St Albans	St Albans Retail Park, Griffiths Way	13	0	10	0	0	1	0	0	0	0	0	0	0	2
London Colney	Colney Fields Shopping Park, Barnet Road	7	1	6	0	0	0	0	0	0	0	0	0	0	1
Total		29	1	23	0	0	1	0	0	0	0	0	0	2	3



Miscellaneous

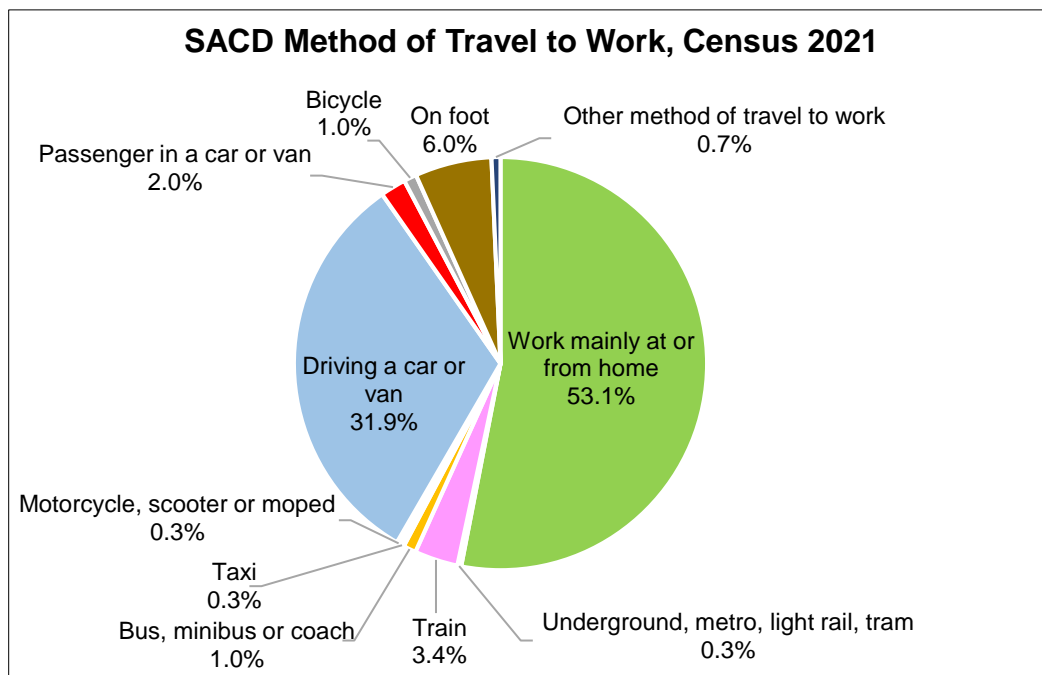
Policy Topic: Transport Strategy

- 6.1 At present, an overall transport strategy is not included in the saved policies of the current adopted Local Plan. However, the District Local Plan Review 1994 outlines that the Council will generally encourage the use of public transport. This is set out in Saved Policy 36A – Location of New Development in Relation to Public Transport Network.

12 - Journeys to work by modal choice (measured at census dates, or by local survey if available)

- 6.2 The overall aim of the emerging local transport strategy is to encourage the use of active transport (walking and cycling) and public transport (train, bus, demand-responsive vehicles/shared vehicles) and to reduce the use of the private car, especially for solo occupation. Analysis of data from the 2021 Census indicated that the majority of people in the District worked mainly at or from home (53%). Over 32% of journeys to work in the District were taken by car, van or taxi, compared to 5% by public transport (train, underground and bus) and 7% by bicycle or on foot.
- 6.3 ONS state that Census 2021 took place during a period of rapid change due to the Covid-19 pandemic and that care should be taken when using this data for planning purposes. Furthermore, data from the 2021 Census for this variable is not comparable with data from the 2011 Census, as the 2021 Census took place during a national lockdown. The government advice at the time was for people to work from home (if they can) and avoid public transport. In addition, people who were furloughed were advised to answer the transport to work question based on their previous travel patterns before or during the pandemic. This means that the data does not accurately represent what they were doing on Census Day. This variable cannot be directly compared with the 2011 Census Travel to Work data as it does not include people who were travelling to work on that day.



Figure 14: Chart of SACD Method of Travel to Work, Census 2021

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Source: Census 2021 data, Table TS061 - Method of travel to work (ONS, Nomis) ³⁰

Table 48: SACD Method of Travel to Workplace, Census 2021

Method of Travel to Workplace	Number of People	Percent (%)
Work mainly at or from home	38,594	53.0
Underground, metro, light rail, tram	243	0.3
Train	2,464	3.4
Bus, minibus or coach	732	1.0
Taxi	221	0.3
Motorcycle, scooter or moped	189	0.3
Driving a car or van	23,272	31.9
Passenger in a car or van	1,478	2.0
Bicycle	764	1.0
On foot	4,371	6.0
Other method of travel to work	543	0.7
Total: All usual residents aged 16 years and over in employment the week before the census	72,871	100.0

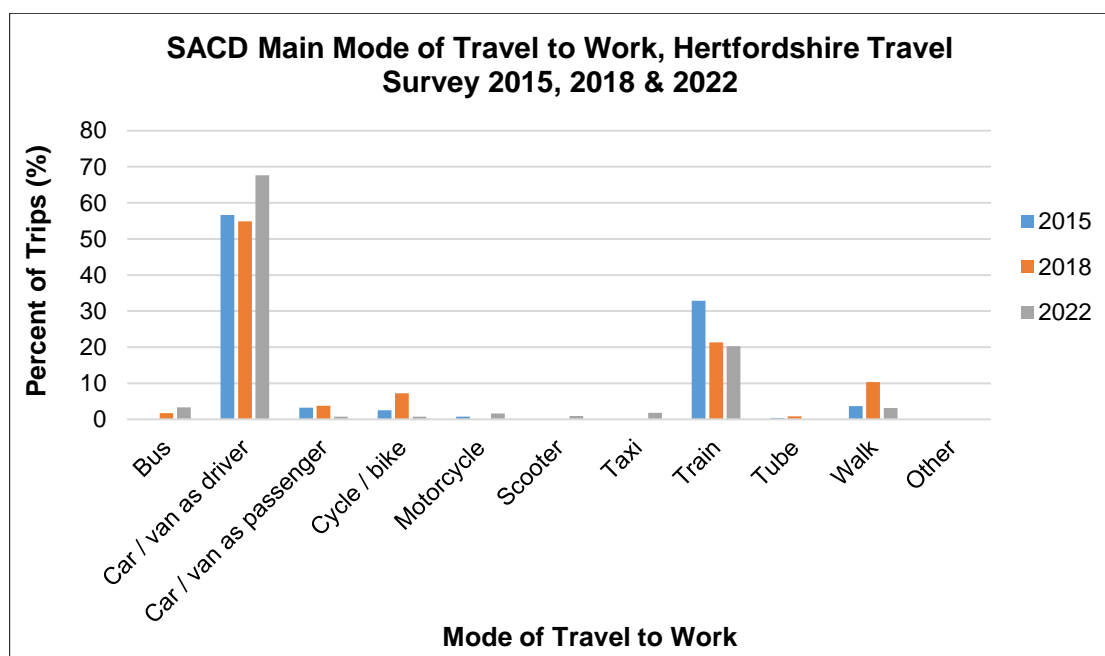
ONS Crown Copyright Reserved (from Nomis)

Source: Census 2021 data, Table TS061 - Method of travel to work (ONS, Nomis) ³⁰



- 6.4 Data from the most recent local survey, the Hertfordshire Travel Survey 2022, illustrates that over 68% of trips to work in the District were by car or van³³. The proportion of journeys to work by car or van (as driver and passenger) increased significantly from 59% of journeys in 2018 to 68% of journeys in 2022. Over 20% of trips to work in the District in 2022 were by train, a fall of 1% compared to 2018. The percentage of journeys to work by bus increased from 2% in 2018 to 3% in 2022. A declining share of journeys in the District were by active modes of travel. The proportion of trips to work by walking decreased from 10% in 2018 to 3% in 2022. Additionally, the percentage of journeys to work by cycle or bike fell sharply from 7% in 2018 to 1% in 2022. Local journeys to work travel data will be monitored and updated when the next Hertfordshire County Travel Survey Report is published after 2024.

Figure 15: Chart of SACD Main Mode of Travel to Work, Hertfordshire Travel Survey 2015, 2018 and 2022



Sources: Hertfordshire County Travel Survey 2015 (Table D.35)^{31 32}, 2018 (Table D.27)³³ and 2022³⁴ (Table D.30)

N.B. Caution should be observed when seeking to draw inference from these travel to work statistics. This may have been impacted by small sample sizes, e.g. cycle / bike trips changing from 2.5% in 2015 to 7.2% in 2018 to 0.7% in 2022.



Table 49: SACD Main Mode of Travel to Work, Hertfordshire Travel Survey 2015, 2018 and 2022

Mode of Travel to Work	Percent of Trips (%)		
	2015	2018	2022
Bus	0.0	1.7	3.3
Car / van as driver	56.6	54.9	67.6
Car / van as passenger	3.2	3.8	0.7
Cycle / bike	2.5	7.2	0.7
Motorcycle	0.7	0.0	1.6
Scooter	0.0	0.0	0.9
Taxi	0.0	0.0	1.8
Train	32.9	21.3	20.3
Tube	0.4	0.8	0.0
Walk	3.7	10.3	3.1
Other	0.0	0.0	0.0
Total (%)	100.0	100.0	100.0

Sources: Hertfordshire County Travel Survey 2015 (Table D.35) ^{31 32}, 2018 (Table D.27) ³³ and 2022 ³⁴ (Table D.30)

N.B. Caution should be observed when seeking to draw inference from these travel to work statistics. This may have been impacted by small sample sizes, e.g. cycle / bike trips changing from 2.5% in 2015 to 7.2% in 2018 to 0.7% in 2022.

Policy Topic: Metropolitan Green Belt

13 - Area of Green Belt (Hectares)

- 6.5 The Green Belt prevents urban sprawl. The area of the Metropolitan Green Belt in the District in 2022 is 13,140 hectares (measured to the nearest 10 hectares). The Council attaches great importance to protecting it from inappropriate development.

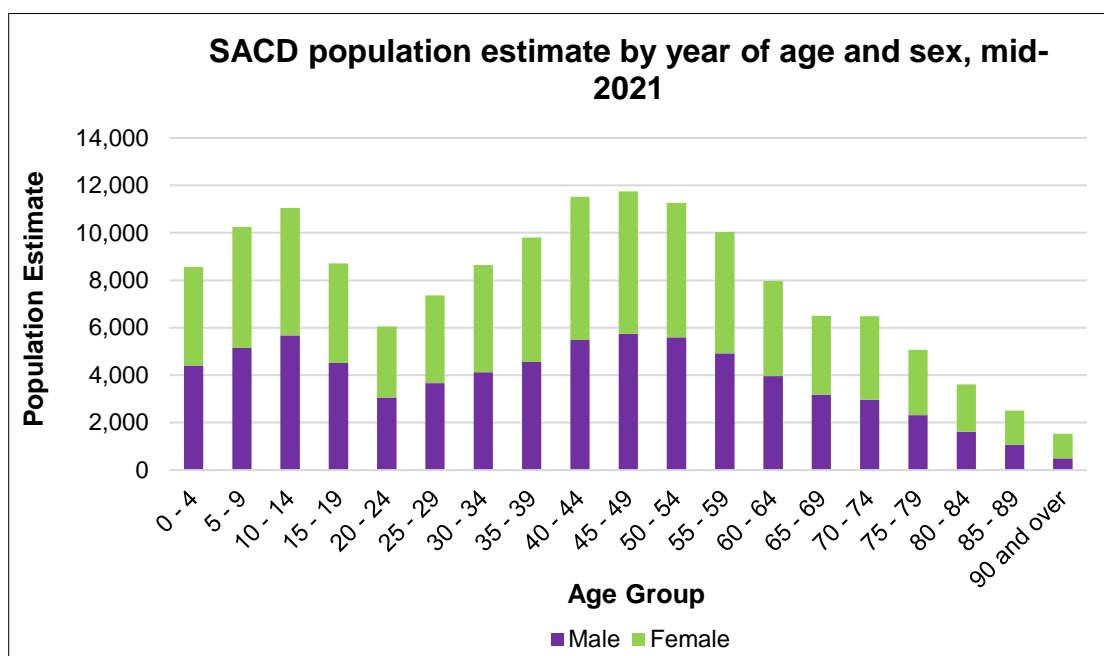


3 Contextual Indicators and Census Data

SACD Population Estimate

- 7.1 According to the most recent national statistics for mid-2021, the estimated population of the District was 148,641 persons. Females represented 76,144 persons (51% of the estimated total District population), males represented 72,497 persons (49% of the estimated total District population).

Figure 16: Graph of SACD Population Estimate by Year of Age and Sex, mid-2021



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Source: Office for National Statistics licensed under the Open Government Licence ³⁵



Population by Age

- 7.2 The middle age groups 40-44, 45-49 and 50-54 represented the largest age groups, accounting for over 23% of the estimated District population in mid-2021. In addition, the younger age groups 5-9 and 10-14 represented a significant proportion of the estimated District population at over 14% of the overall total. Conversely, the older age groups for persons aged 65 and over accounted for the smallest share of the estimated District population at 17% of the overall total.

Table 50: SACD Population Estimate by Year of Age and Sex, mid-2021

Age Group	Male	Female	Total	Percent of Overall Total (%)
0 - 4	4,412	4,143	8,555	5.8
5 - 9	5,147	5,094	10,241	6.9
10 - 14	5,670	5,377	11,047	7.4
15 - 19	4,511	4,193	8,704	5.9
20 - 24	3,063	2,994	6,057	4.1
25 - 29	3,670	3,697	7,367	5.0
30 - 34	4,129	4,516	8,645	5.8
35 - 39	4,552	5,252	9,804	6.6
40 - 44	5,485	6,035	11,520	7.8
45 - 49	5,742	6,001	11,743	7.9
50 - 54	5,596	5,667	11,263	7.6
55 - 59	4,922	5,107	10,029	6.7
60 - 64	3,965	4,004	7,969	5.4
65 - 69	3,173	3,327	6,500	4.4
70 - 74	2,961	3,526	6,487	4.4
75 - 79	2,313	2,755	5,068	3.4
80 - 84	1,609	1,996	3,605	2.4
85 - 89	1,081	1,426	2,507	1.7
90 and over	496	1,034	1,530	1.0
All ages (Total)	72,497	76,144	148,641	100.0

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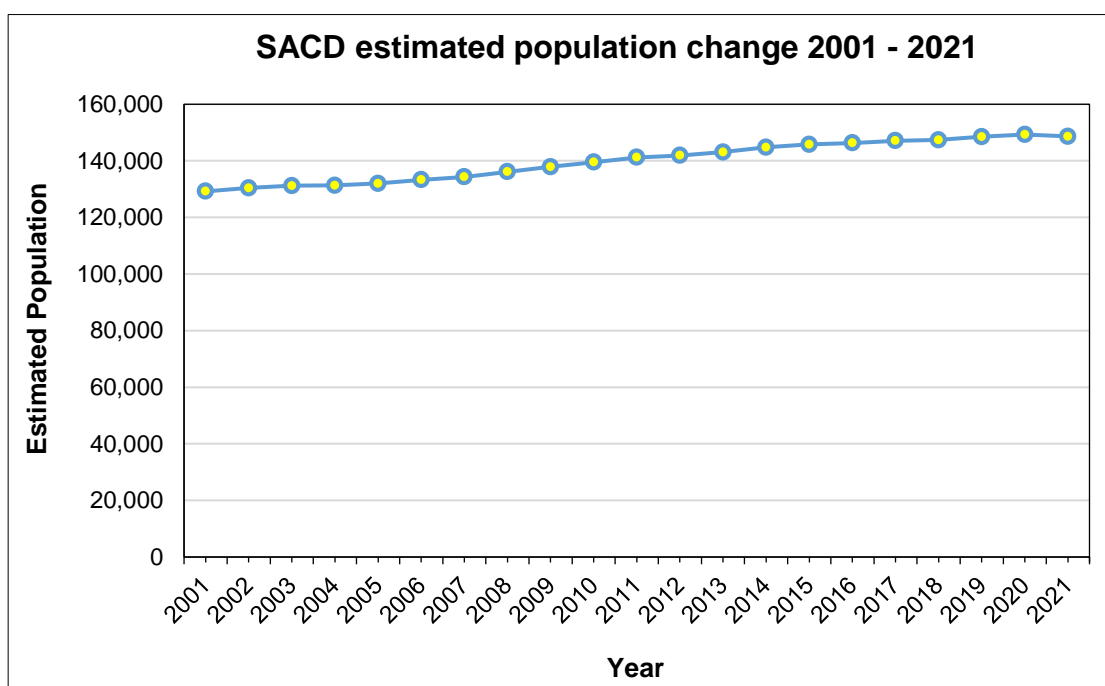
Source: Office for National Statistics licensed under the Open Government Licence ³⁵



Population Change

- 7.3 The most recent population estimate for the District follows a trend of continuous local population growth over the previous three decades. In 2021, the estimated District population decreased by approximately 700 persons or 1% compared with the previous year, 2020.
- 7.4 Overall, the 2021 estimated District population of 148,600 people (rounded to the nearest hundred) represents growth of 5% in the local population since 2011, and 15% compared to 2001.

Figure 17: Graph of SACD Estimated Population Change, 2001 – 2021



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Source: Office for National Statistics licensed under the Open Government Licence ³⁵

N.B. Estimated population figures for each year are calculated to the nearest hundred



Table 51: SACD Estimated Population Change, 2001 – 2021

Year	Estimated Population (Number of Persons)	Change from previous year	Change from previous year (%)
2001	129,200		
2002	130,400	1,200	0.93
2003	131,200	800	0.61
2004	131,300	100	0.08
2005	132,000	700	0.53
2006	133,300	1,300	0.98
2007	134,300	1,000	0.75
2008	136,100	1,800	1.34
2009	137,900	1,800	1.32
2010	139,500	1,600	1.16
2011	141,200	1,700	1.22
2012	141,900	700	0.50
2013	143,100	1,200	0.85
2014	144,800	1,700	1.19
2015	145,800	1,000	0.69
2016	146,300	500	0.34
2017	147,100	800	0.55
2018	147,400	300	0.20
2019	148,500	1,100	0.75
2020	149,300	800	0.54
2021	148,600	-700	-0.99

	Number	Percent
SACD estimated population increase since 2001	19,400	15.02
SACD estimated population increase since 2011	7,400	5.24

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N.B. Estimated population figures for each year are calculated to the nearest hundred



Ethnic Population

- 7.5 Census 2021 data illustrates that the largest ethnic group in the District is White, representing 84% of the total population. Asian, Asian British or Asian Welsh is the second largest ethnic group in the District at 8% of the total; followed by Mixed or Multiple ethnic groups at 4% of the total; Black, Black British, Black Welsh, Caribbean or African at over 2% of the total; and Other ethnic groups at 2% of the total.

Table 52: Ethnic Population of SACD, Census 2021

Ethnic Group	Number	Percent
Asian, Asian British or Asian Welsh	12,176	8.2
Asian, Asian British or Asian Welsh: Bangladeshi	3,107	2.1
Asian, Asian British or Asian Welsh: Chinese	1,625	1.1
Asian, Asian British or Asian Welsh: Indian	3,856	2.6
Asian, Asian British or Asian Welsh: Pakistani	1,619	1.1
Asian, Asian British or Asian Welsh: Other Asian	1,969	1.3
Black, Black British, Black Welsh, Caribbean or African	3,159	2.1
Black, Black British, Black Welsh, Caribbean or African: African	1,821	1.2
Black, Black British, Black Welsh, Caribbean or African: Caribbean	905	0.6
Black, Black British, Black Welsh, Caribbean or African: Other Black	433	0.3
Mixed or Multiple ethnic groups	6,354	4.3
Mixed or Multiple ethnic groups: White and Asian	2,556	1.7
Mixed or Multiple ethnic groups: White and Black African	650	0.4
Mixed or Multiple ethnic groups: White and Black Caribbean	1,306	0.9
Mixed or Multiple ethnic groups: Other Mixed or Multiple ethnic groups	1,842	1.2
White	123,865	83.6
White: English, Welsh, Scottish, Northern Irish or British	108,962	73.5
White: Irish	2,976	2.0
White: Gypsy or Irish Traveller	142	0.1
White: Roma	149	0.1
White: Other White	11,636	7.9
Other ethnic group	2,615	1.8
Other ethnic group: Arab	880	0.6
Other ethnic group: Any other ethnic group	1,735	1.2
Total: All usual residents	148,169	100.0

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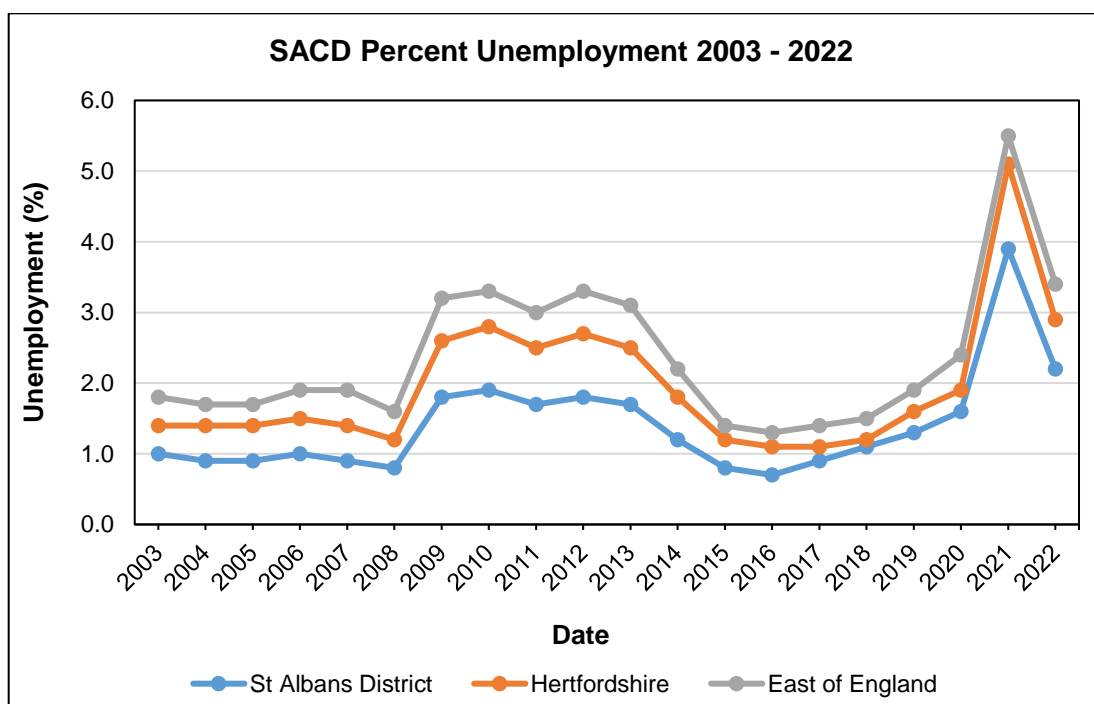
Source: Office for National Statistics licensed under the Open Government Licence and ONS Census data 2021 (from NOMIS) ³⁶



Unemployment

7.6 Unemployment can usefully be compared to County and regional rates. From 2012, local unemployment followed a general downward trend until 2016. From 2016, local unemployment increased slightly each year to 2020. A noticeable decrease in unemployment in the District was recorded, down from 3.9% in 2021 to 2.2% in 2022. This is likely caused by the removal of temporary national restrictions on economic activity, implemented as a result of the Covid-19 pandemic in 2020 and 2021. ONS also notes that recent Government policy changes for welfare claimants may result in a higher number of people being recorded on the Claimant Count in 2022. Figures for SACD in 2022 follow the regional pattern, although the District measure of unemployment is relatively lower at 2.3%. Unemployment stands at 3.4% in the East of England and 2.9% in Hertfordshire. The data used to produce these statistics derives from the Claimant Count.

Figure 18: Graph of Unemployment in SACD 2003 – 2022 (based on figures for March each year)



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Source: Office for National Statistics licensed under the Open Government Licence, Claimant Count Data

Measure: Claimants as a proportion of residents aged 16-64 (from NOMIS) ³⁷



Table 53: Percent Unemployment in SACD 2003 – 2022 (based on figures for March each year)

Date	Percent Unemployment - Claimant Count (%)		
	St Albans District	Hertfordshire	East of England
March 2003	1.0	1.4	1.8
March 2004	0.9	1.4	1.7
March 2005	0.9	1.4	1.7
March 2006	1.0	1.5	1.9
March 2007	0.9	1.4	1.9
March 2008	0.8	1.2	1.6
March 2009	1.8	2.6	3.2
March 2010	1.9	2.8	3.3
March 2011	1.7	2.5	3.0
March 2012	1.8	2.7	3.3
March 2013	1.7	2.5	3.1
March 2014	1.2	1.8	2.2
March 2015	0.8	1.2	1.4
March 2016	0.7	1.1	1.3
March 2017	0.9	1.1	1.4
March 2018	1.1	1.2	1.5
March 2019	1.3	1.6	1.9
March 2020	1.6	1.9	2.4
March 2021	3.9	5.1	5.5
March 2022	2.2	2.9	3.4

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Source: Office for National Statistics licensed under the Open Government Licence, Claimant Count Data

Measure: Claimants as a proportion of residents aged 16-64 (from NOMIS) ³⁷



Average Earnings

- 7.7 Average earnings in the District (by residence and workplace) remain relatively high compared with national and regional figures. For 2021, the median gross weekly pay (by place of residence) of full time employees in the District was £874.90. Based on this measure, median gross weekly pay in the District was 39% higher than regional earnings in the East of England and 43% higher than national earnings in Great Britain. Median gross weekly pay (by place of work) of full time employees in the District was £643.70 in 2021. The District figure was 7% higher than regional earnings in the East of England and 5% higher than national earnings in Great Britain. Comparatively high average earnings in SACD reflect the relatively affluent population of the District, its highly qualified and skilled workforce, as well as higher paying local employment sectors.

Table 54: Average Earnings in SACD 2021, by Residence

Provisional Earnings by Residence 2021			
Gross weekly pay - Median	St Albans District	East of England	Great Britain
Full-time employees	£874.90	£628.60	£613.10
Male full-time employees	£1,004.20	£684.20	£655.50
Female full-time employees	£726.10	£568.30	£558.10

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Source: Office for National Statistics licensed under the Open Government Licence, Earnings and hours worked, place of residence by local authority (ASHE Table 8) ³⁸

Table 55: Average Earnings in SACD 2021, by Workplace

Provisional Earnings by Workplace 2021			
Gross weekly pay - Median	St Albans District	East of England	Great Britain
Full-time employees	£643.70	£601.90	£612.80
Male full-time employees	£781.50	£651.60	£654.30
Female full-time employees	£574.90	£542.00	£558.10

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Source: Office for National Statistics licensed under the Open Government Licence, Earnings and hours worked, place of work by local authority (ASHE Table 7) ³⁹



Self-Build and Custom Housebuilding Register

7.8 The Government wants to encourage and enable people to build homes of their own. To this end, the Self-build and Custom Housebuilding Act 2015 has now been implemented. In accordance with the Act, since 1 April 2016 Local Authorities are required to maintain a Self-build and Custom Housebuilding Register. The Register records individuals and associations who are seeking to purchase a serviced plot of land upon which to build a house to live in. In SADC, there are no Local Connection tests required for Individuals or Associations, nor is there a fee to be on the register. Therefore the register is not currently split into two parts. Due to this, the register contains a high number of Individuals. Some may not be suitable for a serviced plot/self-build and therefore be eligible for entry in Part 2 should a future Local Connection Test be applied. To date, only basic Register data has been collected, but in future further data will be requested to ascertain the demographic profile of those who register and to understand needs and effective demand in more detail.

7.9 Local Authorities also have a duty to ensure that enough plots are available to meet local demand for self-build. In considering whether a home is a self-build or custom build home, Planning Practice Guidance (PPG) states that “relevant authorities must be satisfied that the initial owner of the home will have primary input into its final design and layout.”⁴⁰ It also states that the Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016):

“does not distinguish between self-build and custom housebuilding and provides that both are where an individual, an association of individuals, or persons working with or for individuals or associations of individuals, build or complete houses to be occupied as homes by those individuals.”⁴⁰

7.10 With this in mind, in order to monitor the development of self-build, the Council identifies a development as being self-build if the applicant’s address matches the site address.

7.11 The PPG states that:

“the first base period begins on the day on which the register (which meets the requirement of the 2015 Act) is established and ends on 30 October 2016. Each subsequent base period is the period of 12 months beginning immediately after the end of the previous base period. Subsequent base periods will therefore run from 31 October to 30 October each year. At the end of each base period, relevant authorities have 3 years in which to permission an equivalent number of plots of land, which are suitable for self-build and custom housebuilding, as there are entries for that base period.”⁴⁰

7.12 For Base Period 7 (31 October 2021 to 30 October 2022), a total of 58 planning permissions for self and custom build were granted, translating to 66 plots. A total of 150 permissions for self and custom build were granted between 31 October 2016 and 30 October 2022, translating to a total of 158 plots. The table



below sets out relevant permissions and plots which have been granted for each base period.

- 7.13 The Council will explore further measures to ensure that the 'duty to grant planning permission' is fulfilled as set out in the PPG.

Table 56: SADC Self-Build and Custom Housebuilding Relevant Permissions and Plots (2016 – 2022)

Base Period	Dates	Number of Permissions Granted	Number of Plots Granted
1	01 April – 30 October 2016	N/A	N/A
2	31 October 2016 – 30 October 2017	17	17
3	31 October 2017 – 30 October 2018	14	14
4	31 October 2018 – 30 October 2019	23	23
5	31 October 2019 – 30 October 2020	23	23
6	31 October 2020 – 30 October 2021	15	15
7	31 October 2021 – 30 October 2022	58	66
Total		150	158

N.B. The Council sought clarification from DLUHC on the correct way of recording data. The table above has been amended to reflect the layout of data that is provided to DLUHC annually. DLUHC require permissions to be recorded from 31 October to 30 October each year for the relevant base period. No permissions are recorded for Base Period 1 as they do not count towards a full year from inception of the Register.

- 7.14 Between 31 October 2021 and 30 October 2022, there were a total of 87 individual entries on the Council's Self-build and Custom Housebuilding Register. From 1 April 2016 to 30 October 2022, there were a total of 745 entries on the Register, comprised of 732 individual entries, 3 association entries and 13 persons in association entries. Annual total Register entries are listed in the table below. The first time period, for 2016, is from 1 April to 30 October. All subsequent years are measured from 31 October to the following 30 October.



Table 57: SADC Self-Build and Custom Housebuilding Registrations (2016 – 2022)

Period	Number of Registrations		
	Individuals	Associations	Persons in Association
1 April – 30 October 2016	108	0	0
31 October 2016 – 30 October 2017	140	1	4
31 October 2017 – 30 October 2018	104	0	0
31 October 2018 – 30 October 2019	87	0	0
31 October 2019 – 30 October 2020	76	0	0
31 October 2020 – 30 October 2021	130	2	9
31 October 2021 – 30 October 2022	87	0	0
Total	732	3	13



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<https://www.hertfordshire.gov.uk/media-library/documents/highways/transport-planning/transport-and-accident-data/final-report-to-hertfordshire-travel-survey.pdf>
34. Hertfordshire Travel Survey 2022 Report (November 2022): AECOM (Prepared for HCC), 2022
35. Estimates of the Population for the UK, England and Wales, Scotland and Northern Ireland (Mid-2021: 2021 Local Authority Boundaries): ONS, 2022
<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationestimates/datasets/populationestimatesforukenglandandwalesscotlandandnorthernireland>
36. Census 2021 – TS021 Ethnic Group: ONS (Nomis), 2022
<https://www.nomisweb.co.uk/datasets/c2021ts021>



37. Claimant Count by Sex and Age: ONS (Nomis), 2022
<https://www.nomisweb.co.uk/datasets/ucjsa>

38. 2021 Earnings and Hours Worked, Place of Residence by Local Authority (ASHE Table 8): ONS, 2022
<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/placeofresidencebylocalauthorityashetable8>

39. 2021 Earnings and Hours Worked, Place of Work by Local Authority (ASHE Table 7): ONS, 2022
<https://www.ons.gov.uk/employmentandlabourmarket/peopleinwork/earningsandworkinghours/datasets/placeofworkbylocalauthorityashetable7>

40. Planning Practice Guidance – Self-build and Custom Housebuilding: MHCLG, 2021
<https://www.gov.uk/guidance/self-build-and-custom-housebuilding>



5 Appendices

Appendix 1

Housing Trajectory Schedule

1. This monitoring report contains a housing trajectory with a base date of 1 April 2022. Estimates of future housing supply are detailed from 2022/23 onwards until 2040/41.
2. Estimates of the dates for future completions have been made for:
 - Permissions (estimated future completions)
 - Site allocations (remaining allocated housing sites in the District Local Plan Review 1994 and made Harpenden Neighbourhood Plan 2019)
 - Windfall allowance
3. In the schedule at the end of this appendix, each site is placed in one of the following categories, depending on which stage it has reached in the planning process:
 1. Permissions (past completions and estimated future completions)
 2. Site allocations

The schedule lists all sites included in the housing trajectory and five year housing land supply.

Figure 19: SADC Total 5 Year Housing Land Supply at 1 April 2022

Total 5 year housing land supply at 1 April 2022 (From period 2022/23 to 2026/27)	2,145 net dwellings
Total 5 year housing land supply at 1 April 2022 at 1,068 dwellings per annum (890 dwellings per annum + 20% Buffer) (From period 2022/23 to 2026/27)	2.0 years



Figure 20: Housing Trajectory 1 April 2022

St Albans City and District Council Housing Trajectory (1 April 2022)

Year	Housing Delivery Test Past Completions			5 Year Housing Land Supply																	Total		
	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39		2039/40	2040/41
Permissions (Past Completions)	437	516	314																				1,267
Permissions (Estimated Future Completions)*				561	436	340	197	65	145	145	109												1,998
Site Allocations									68	27	4												99
Windfall Allowance						182	182	182	182	182	182	182	182	182	182	182	182	182	182	182	182	182	3,094
Total	437	516	314	561	436	522	379	247	395	354	295	182	182	182	182	182	182	182	182	182	182	182	6,458

*Includes 5% discount on un-started permissions for small sites (1 to 4 dwellings)



Figure 21: Housing Trajectory Schedule 1 April 2022

Permissions (Past Completions and Estimated Future Completions)

Planning Permission Reference Number(s)	Site Name / Address	Estimated Gains (Gross)	Estimated Loss	Current Net Dwelling Completions	Estimated Net Dwellings to be Completed	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Narrative	
5/2013/2589 5/2018/1303 5/2019/1291	Oaklands College, Smallford Campus, Hatfield Road, St Albans	389		242	147	98	55	55	37																	Permission 5/2013/2589 allowed on appeal. Total of 389 dwellings includes additional 8 studio flats (Use Class C3) and 83 C1 student accommodation bedrooms (C3 dwellings equivalent = 33 dwellings). Conversion ratio of 2.5 (Housing Delivery Test Measurement Rule Book) applied to 83 C1 student accommodation bedrooms ($83 / 2.5 = 33$ [nearest whole number]).	
5/2015/0990	Land At Harperbury Hospital, Harper Lane (Kingsley Green)	206		154	52	41	52																				
5/2016/2845	Land at Three Cherry Trees Lane and Cherry Tree Lane (Spencer's Park Phase 2), near Hemel Hempstead	160		0	160	0						55	55	50												Site forms part of Hemel Garden Communities.	
5/2021/0423	Land To Rear Of 112-156B Harpenden Road, St Albans	150		0	150	0						55	55	40													
5/2020/2501 5/2019/2013 5/2019/1343 5/2019/1342 5/2018/2385 5/2018/2118 5/2014/3250	Former HSBC Training Centre, Smug Oak Lane, Bricket Wood	140		85	55	49	55																			Site includes 3 permissions, permissions 5/2019/2013 and 5/2018/2118 for 129 dwellings and permission 5/2020/2501 for 10 additional dwellings. Outline permission 5/2014/3250 allowed on appeal.	



Planning Permission Reference Number(s)	Site Name / Address	Estimated Gains (Gross)	Estimated Loss	Current Net Dwelling Completions	Estimated Net Dwellings to be Completed	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Narrative
5/2018/2525 5/2016/3422 5/2015/2726 5/2015/0408 5/2014/3337	Ziggurat House, Grosvenor Road, St Albans	130		125	5	0	5																			Site includes 2 permissions, permission 5/2016/3422 for 125 dwellings and permission 5/2018/2525 for 5 additional dwellings.
5/2020/3022	Land To Rear Of Burston Garden Centre, North Orbital Road, Chiswell Green	124		0	124	0			55	55	14															
5/2019/3164 5/2018/0095	The Old Electricity Works, Campfield Road, St Albans	107		0	107	0			55	52																Permission 5/2019/3164 supersedes permission 5/2018/0095. Permission 5/2019/3164 allowed at appeal.
5/2017/1550	Building Research Establishment (north & north east areas), Bucknalls Lane, Bricket Wood	100		99	1	0	1																			
5/2020/1773 5/2018/1925 5/2017/1060	Civic Centre Opportunity Site (South), Victoria Street, St Albans	93		0	93	0	20	20	20	20	13															Site allocated for mixed use redevelopment in 1994 District Local Plan Review, Saved Policy 122 (Site Reference 2E). Permission 5/2020/1773 supersedes permissions 5/2018/1925 and 5/2017/1060.
5/2018/2080 5/2015/1713 5/2009/2471 5/2014/0940	Beaumont School & land to north of Winches Farm, Hatfield Road, St Albans	91		91	0	16																				Site includes 2 permissions, previous part implemented permission 5/2015/1713 for 29 dwellings and permission 5/2018/2080 for 62 dwellings.
5/2017/1149	Ziggurat House (Car Park), Grosvenor Road, St Albans	74		0	74	0	20	20	20	14																Permission 5/2017/1149 allowed at appeal.
5/2020/1992	Roundhouse Farm, Bullens Green Lane, Colney Heath	50		0	50	0						20	20	10												Outline permission 5/2020/1992 allowed at appeal. N.B. cross-boundary planning application at SADC and WHBC, circa 50% of dwellings in SADC (50 dwellings), circa 50% of dwellings (50 dwellings) in WHBC.



Planning Permission Reference Number(s)	Site Name / Address	Estimated Gains (Gross)	Estimated Loss	Current Net Dwelling Completions	Estimated Net Dwellings to be Completed	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Narrative
5/2014/2136 5/2016/1647 5/2012/0987	270-274 London Road, St Albans	46	-3	0	43	0	-3	15	15	15	1														Conversion ratio of 1.8 applied to 83 C2 bedrooms (Housing Delivery Test Measurement Rule Book). C3 dwellings equivalent = 46 dwellings (83 / 1.8 = 46 [nearest whole number]). Permission allowed at appeal.	
5/2021/0611 5/2019/1799	Former London Colney Recreation Centre, Alexandra Road, London Colney	45		0	45	0			15	15	15														Permission 5/2021/0611 supersedes permission 5/2019/1799. Reserved matters permission 5/2021/0611 granted on 31/08/2021.	
5/2020/1910	Ridgeview Lodge, Barnet Road, London Colney	44		0	44	0			15	15	14															
5/2018/2000	22-24 Grove Road (Pan Autos), Harpenden	39		0	39	0						15	15	9											Made Harpenden Neighbourhood Plan 2019, Policy H10 - Housing Site Allocations HA3 for minimum of 14 dwellings. Outline permission granted on 04/09/2019.	
5/2021/0724 5/2020/0606	Noke Lane Business Centre, Noke Lane, St Albans	36		0	36	0		15	15	6															Permission 5/2021/0724 supersedes permission 5/2020/0606	
5/2019/1642	Chelford House, Coldharbour Lane, Harpenden	35		0	35	0		15	15	5															Conversion ratio of 1.8 applied to 63 C2 bedrooms (Housing Delivery Test Measurement Rule Book). C3 dwellings equivalent = 35 dwellings (63 / 1.8 = 35 [nearest whole number]). Permission 5/2019/1642 allowed at appeal.	
5/2020/3084 5/2018/1260	Land Between The River Lea & Palmerston Drive, Wheathampstead	28		0	28	0	15	13																	Permission 5/2020/3084 supersedes permission 5/2018/1260. Allocated for housing in 1994 District Local Plan Review, Saved Policy 5 (Site Reference RW.2)	
5/2018/2806 5/2019/3240 5/2019/0955 5/2015/0644 5/2015/3428 5/2017/0634	Radio Casa, Oaklands Lane, Smallford	27	-9	-2	20	7	15	5																	Permission 5/2018/2806 supersedes permissions 5/2019/3240, 5/2019/0955, 5/2015/0644, 5/2015/3428 and 5/2017/0634. Retrospective demolition works at the site, following the grant of outline	



Planning Permission Reference Number(s)	Site Name / Address	Estimated Gains (Gross)	Estimated Loss	Current Net Dwelling Completions	Estimated Net Dwellings to be Completed	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Narrative
																										planning permission 5/2017/0634, but prior to the determination of reserved matters applications.
5/2021/1435 5/2018/1867	York House, Guildford Road & 130 Ashley Road, St Albans	25		0	25	0		15	10																	Permission 5/2021/1435 supersedes permission 5/2018/1867
5/2019/1845 5/2018/0474	Former Westfield Allotment Site, Beeching Close, Harpenden	24		0	24	0	15	9																		Made Harpenden Neighbourhood Plan 2019, Policy H10 - Housing Site Allocations HA2 for minimum of 23 dwellings; 100% affordable housing.
5/2016/2422	Porters House, 4 Porters Wood, St Albans	21		15	6	0	6																			
5/2020/2978	67 St Peters Street, St Albans	20		0	20	0		15	5																	
5/2020/0733 5/2017/3185 5/2017/3015	60 Victoria Street, St Albans	18		17	1	0	1																			Site includes three permissions, permission 5/2017/3015 for 9 dwellings, permission 5/2017/3185 for additional 8 dwellings and permission 5/2020/0733 for additional 1 dwelling.
5/2020/2142 5/2019/3099	61-65 St Peters Street, St Albans	18		0	18	0		15	3																	Permission 5/2020/2142 supersedes permission 5/2019/3099. Permission 5/2019/3099 allowed on appeal.
5/2014/0063	Oak Court Business Centre, 14 Sandridge Park, Porters Wood, St Albans	14		7	7	0	7																			
5/2013/2153	1-8 Reed Place, Bloomfield Road, Harpenden	14	-8	-8	14	0	14																			
5/2015/2871 5/2016/3811	223a Hatfield Road, St Albans	14		0	14	0	14																			
5/2021/2091 5/2020/0919	Land Between Hopkins Crescent And The Former Baptist Chapel, St Albans Road, Sandridge	14		0	14	0		14																		Permission 5/2021/2091 supersedes permission 5/2020/0919.
5/2019/2656	Units 6 And 7 Batford Mill,	14		0	14	0		14																		



Planning Permission Reference Number(s)	Site Name / Address	Estimated Gains (Gross)	Estimated Loss	Current Net Dwelling Completions	Estimated Net Dwellings to be Completed	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Narrative
	Lower Luton Road, Harpenden																									
5/2021/1674	The King Offa PH and Norman Close, Wallingford Walk, St Albans	14		0	14	0		14																		
5/2020/2451	The Hedges, Woolam Crescent, St Albans	12		0	12	0		12																		
5/2012/1238	Highfield Oval, Ambrose Lane, Harpenden	11	-2	0	9	0	-2	11																		
5/2019/1284	The Golden Lion PH, 111 High Street, London Colney	11		11	0	11																				
5/2018/1463	2 Salisbury Avenue, Harpenden	10	-1	9	0	10																				
5/2018/2725	Land At Tullochside Farm, Hemel Hempstead Road, Redbourn	10		10	0	10																				Permission 5/2018/2725 allowed on appeal
5/2019/2365 5/2018/2594	Noke Shot Garages East, 35a and 35b Porters Hill, 46 Noke Shot and land rear of 38-40 Noke Shot, Harpenden	10	-2	-2	10	-2	10																			Made Harpenden Neighbourhood Plan 2019, Policy H10 - Housing Site Allocations HA5 for minimum of 7 dwellings. Permission 5/2019/2365 supersedes permission 5/2018/2594.
5/2020/1545 5/2019/3189 5/2019/3064	117 Hatfield Road, St Albans	10		0	10	0	10																			Permission 5/2020/1545 supersedes permissions 5/2019/3189 and 5/2019/3064
5/2019/0733 5/2016/1170 5/2013/2021	Station House, 2-6 Station Approach, Harpenden	9		0	9	0	9																			Permission 5/2019/0733 supersedes permissions 5/2016/1170 and 5/2013/2021
5/2021/3277 5/2018/1877 5/2016/3805	Land Rear of 103-105 St Peters Street, St Albans	9		0	9	0		9																		Permission 5/2021/3277 supersedes permissions 5/2018/1877 and 5/2016/3805
5/2019/2333	Queen Elizabeth The Queen	9		0	9	0	9																			Permission 5/2019/2333 allowed on appeal



Planning Permission Reference Number(s)	Site Name / Address	Estimated Gains (Gross)	Estimated Loss	Current Net Dwelling Completions	Estimated Net Dwellings to be Completed	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Narrative
	Mother Centre, Station Road, Bricket Wood																									
5/2020/1667	Land adjacent (south) Winslo House, Radlett Road, St Albans	9		0	9	0		9																		Permission 5/2020/1667 allowed on appeal.
5/2021/2895	21 Salisbury Avenue, Harpenden	9		0	9	0		9																		
5/2020/0807	4a Frogmore, St Albans	8		8	0	8																				
5/2020/0558 5/2016/2054 5/2015/1841	Searches Yard, Searches Farm, Searches Lane, Bedmond	8		0	8	0	8																			Site includes 2 permissions totalling 8 dwellings, permission 5/2020/0558 for 5 dwellings and permission 5/2016/2054 for 3 dwellings. Permissions 5/2020/0558 and 5/2016/2054 supersede permission 5/2015/1841.
5/2017/0916	Part Of Garage Block Between Hughenden Road And The Ridgeway, St Albans	8		0	8	0	8																			
5/2019/2322	Nicholas House, Cairns Close, St Albans	8		0	8	0	8																			
5/2019/2699 5/2018/2036	382 Hatfield Road, St Albans	8	-1	-1	8	-1	8																			Permission 5/2019/2699 supersedes permission 5/2018/2036
5/2019/3217 5/2020/0784	6 Adelaide Street, St Albans	8		0	8	0	8																			Permission 5/2019/3217 supersedes permission 5/2020/0784. Permission 5/2019/3217 allowed on appeal.
5/2020/2762	Victoria, Alexandra, Littleport and Collingham House, Southdown Road, Harpenden	8		0	8	0					8															Made Harpenden Neighbourhood Plan 2019, Policy H10 - Housing Site Allocations HA7 for minimum of 5 dwellings. Requirement to re-provide the same amount of employment floorspace as currently provided on site.
5/2021/2120 5/2019/2748	223 Hatfield Road, St Albans	8		0	8	0		8																		Permission 5/2021/2120 supersedes permission 5/2019/2748



Planning Permission Reference Number(s)	Site Name / Address	Estimated Gains (Gross)	Estimated Loss	Current Net Dwelling Completions	Estimated Net Dwellings to be Completed	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Narrative
5/2009/1647 5/2007/1019	13+15 Penn Road & R/O Bluebell Close, How Wood	7	-2	4	1	0	-1	1																		Partially superseded by permission 5/2009/1647. Permission 5/2007/1019 allowed on appeal.
5/2021/0028 5/2018/2657	Ground And Part First Floor, 114 Ashley Road, St Albans	7		5	2	5	2																			Site includes two permissions 5/2018/2657 for 5 dwellings and 5/2021/0028 for 2 dwellings
5/2020/0436 5/2018/0945	Land to rear of Beaumont Court, Milton Road, Harpenden	7		7	0	7																				Permission 5/2020/0436 supersedes permission 5/2018/0945
5/2019/1274	Former Sopwell Youth Centre, Cottonmill Lane, St Albans	7		0	7	0	7																			
5/2019/3008 5/2018/3402	Land rear of 238a London Road, St Albans	6		6	0	6																				Permission 5/2019/3008 supersedes permission 5/2018/3402.
5/2018/1560	1a Catherine Street, St Albans	6		6	0	6																				
5/2020/2463 5/2019/2525	1 The Mansion and 3 St Peters Street, St Albans	6		0	6	0		6																		Permission 5/2020/2463 supersedes permission 5/2019/2525
5/2018/1049	16 Lower Luton Road, Harpenden	5	-1	-1	5	0	5																			
5/2018/1334	Barn at Scout Farm, Dunstable Road, Redbourn	5		5	0	2																				
5/2019/2921	32 White Horse Lane, London Colney	5	-1	-1	5	-1	5																			
5/2019/1701	29-31 Beech Road, St Albans	5	-2	3	0	3																				
5/2019/3061 5/2017/0014	52 Victoria Street, St Albans	5		0	5	0	5																			Permission 5/2019/3061 supersedes permission 5/2017/0014.
5/2018/1655	Kennels, 1 Betts Cottages, Little Revel End Lane, Redbourn	5		0	5	0	5																			
5/2019/0719	Barn At Turners Hall Farm, Annables Lane, Kinsbourne Green	5		0	5	0	5																			



Planning Permission Reference Number(s)	Site Name / Address	Estimated Gains (Gross)	Estimated Loss	Current Net Dwelling Completions	Estimated Net Dwellings to be Completed	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Narrative
5/2021/0840 5/2019/3185	Mandeville Health Centre, Mandeville Drive, St Albans	5		0	5	0		5																		Permission 5/2021/0840 supersedes permission 5/2019/3185
5/2021/3364 5/2021/1359 5/2021/0042 5/2017/2981	Ivens Orchids, St Albans Road, Sandridge	5		0	5	0		5																		Permission 5/2021/3364 supersedes permissions 5/2021/1359, 5/2021/0042 and 5/2017/2981.
5/2021/2515	16 & 16a High Street, Harpenden	5		0	5	0		5																		
5/2006/1586	62 & Land R/O 60 Mount Drive, Park Street	4	-1	1	2	0	2																			Extant permission
5/2016/2810	Calverton House, 2 Harpenden Road, St Albans	4		1	3	0	3																			
5/2019/1990 5/2016/2754	9, 11 And Land To Rear Of 7 Crossfields, St Albans	4	-2	-1	3	0	-1	4																		Permission 5/2019/1990 supersedes permission 5/2016/2754
5/2020/0035 5/2018/3102	1a Netherway, Netherway, St Albans	4	-1	-1	4	0	4																			Permission 5/2020/0035 supersedes permission 5/2018/3102
5/2016/2546	134 Kings Road and 7 Shenley Lane, London Colney	4		4	0	4																				
5/2018/1319	Land Adj To 179 - 187 High Street, London Colney	4		4	0	4																				
5/2021/1594 5/2018/1689	Ayres End House, Ayres End Lane, Harpenden	4	-3	1	0	1		-1	1																	Site includes two permissions, permission 5/2021/1594 for 1 dwelling and permission 5/2018/1689 for 3 dwellings
5/2020/1582	36 Burston Drive, How Wood	4	-1	-1	4	-1	4																			
5/2019/2737	7, 9 and land to the rear of 5 West Way, Harpenden	4	-2	0	2	0	-2	4																		
5/2020/2318 5/2019/3252 5/2019/1973	Cromwell Piggeries, Marshalls Heath Lane, Wheathampstead	4		0	4	0	4																			Permission 5/2020/2318 supersedes permissions 5/2019/3252 and 5/2019/1973.



Planning Permission Reference Number(s)	Site Name / Address	Estimated Gains (Gross)	Estimated Loss	Current Net Dwelling Completions	Estimated Net Dwellings to be Completed	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Narrative
5/2017/2602	132 & 132A Kings Road, London Colney	4		0	4	0	4																			
5/2020/0193 5/2017/2893	143b, 143c and Land Rear of 143 Victoria Street, St Albans	4		0	4	0	4																			Permission 5/2020/0193 supersedes permission 5/2017/2893.
5/2021/1987 5/2021/0367 5/2019/0717 5/2018/2016	2 Sandridge Road & 1 Sandpit Lane, St Albans	4	-1	0	3	0	4																			Permission 5/2021/1987 supersedes permissions 5/2021/0367, 5/2019/0717 and 5/2018/2016
5/2021/0083 5/2018/1544	Rear Of 258 Hatfield Road, St Albans	4		0	4	0		4																		Permission 5/2021/0083 supersedes permission 5/2018/1544
5/2020/2505 5/2018/1945	Land South Of Minister Court, Frogmore	4		0	4	0		4																		Permission 5/2020/2505 supersedes permission 5/2018/1945.
5/2020/0238	83 & 85 Kings Road, London Colney	4	-2	0	2	0	-2	4																		
5/2020/1095	Crown House, 1a Crown Street, Redbourn	4		0	4	0	4																			
5/2020/0139	107 Camp Road, St Albans	4	-1	0	3	0	-1	4																		
5/2020/0934	201 Hatfield Road, St Albans	4	-1	-1	4	-1	4																			
5/2021/0555	Odyssey Cinema, 166 London Road, St Albans	4		0	4	0	4																			
5/2021/2514 5/2021/2119 5/2020/0772 5/2019/1426	Land at Lady Bray Farm and Lady Bray Farm, Kennel Lane, Kinsbourne Green	4		0	4	0		4																		Permissions 5/2021/2514 and 5/2021/2119 supersede permissions 5/2020/0772 and 5/2019/1426. Site includes two permissions, permission 5/2021/2119 for 3 dwellings and permission 5/2021/2514 for 1 dwelling.
5/2020/3142 5/2020/3143	Batford Farm, Common Lane, Batford, Harpenden	4		0	4	0		4																		Site includes two permissions, permission 5/2020/3142 for 3 dwellings and permission 5/2020/3143 for 1 dwelling
5/2021/1268	226a and 226b London Road, St Albans	4	-2	0	2	0		-2	4																	



Planning Permission Reference Number(s)	Site Name / Address	Estimated Gains (Gross)	Estimated Loss	Current Net Dwelling Completions	Estimated Net Dwellings to be Completed	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Narrative
5/2021/1824 5/2021/1826	Land At The Stables, Nicholls Farm, Livery Yard, Lybury Lane Redbourn, Redbourn	4		0	4	0		4																		Site includes two permissions, permission 5/2021/1824 for 2 dwellings and permission 5/2021/1826 for 2 dwellings
5/2021/0551 5/2020/1955 5/2020/0621 5/2019/2557 5/2019/3144 5/2018/3306	Former South Holme & Plots 1, 2 & 3 South Holme, Redbourn Lane, Hatching Green, Harpenden	3	-1	2	0	3																				Site includes three permissions 5/2021/0551, 5/2020/0621 and 5/2019/2557 which supersede and partially supersede permissions 5/2020/1955, 5/2019/3144 and 5/2018/3306.
5/2020/0420 5/2014/1450	Gorhambury, St Albans	3	-2	-1	2	0	-1	3																		Permission 5/2020/0420 supersedes permission 5/2014/1450. Loss of -1 dwelling recorded for permission 5/2014/1450
5/1989/0659	Adj 14 Barry Close, Chiswell Green	3		2	1	0	1																			Extant permission
5/2016/2877 5/2016/0403	33, 34 And Part Of 35 The Close, Harpenden	3	-2	-1	2	0	2																			Permission 5/2016/2877 partially supersedes permission 5/2016/0403. 1 dwelling lost and 1 dwelling completed as part of permission 5/2016/2877, 2 dwellings estimated to be completed as part of permission 5/2016/0403.
5/2020/0390	Priory Court, Old London Road, St Albans	3		3	0	3																				
5/2020/0475	204 Park Street Lane, How Wood	3	-1	-1	3	-1	3																			
5/2020/1930	23 Crouch Hall Lane, Redbourn	3	-1	2	0	2																				
5/2021/2242	32 Cambridge Road, St Albans	3	-1	-1	3	-1	3																			
5/2019/0767	24-26 Holywell Hill, St Albans	3		3	0	3																				
5/2021/1974 5/2018/0629	The Elms, 24 Hall Place Gardens, St Albans	3		0	3	0		3																		Permission 5/2021/1974 supersedes permission 5/2018/0629
5/2019/1622	399 & 399a Hatfield Road, St Albans	3	-1	0	2	0	-1	3																		



Planning Permission Reference Number(s)	Site Name / Address	Estimated Gains (Gross)	Estimated Loss	Current Net Dwelling Completions	Estimated Net Dwellings to be Completed	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Narrative
5/2021/1591 5/2017/2626	Redbourn Library, Lamb Lane, Redbourn	3		0	3	0	3																			Permission 5/2021/1591 supersedes permission 5/2017/2626.
5/2019/1210	The Cottage, The Common, Kinsbourne Green, Harpenden	3		0	3	0	3																			
5/2019/0223	Land Between 2 And 16 Radlett Road, Frogmore, Park Street	3		0	3	0	3																			
5/2020/1624	5 Mount Pleasant Lane, Bricket Wood	3	-1	0	2	0	-1	3																		
5/2020/0463	4a-8 Piggottshill Lane, Harpenden	3	-2	0	1	0	-2	3																		
5/2020/1923	Garage Rear Of 77-79 Station Road, Smallford	3	-1	0	2	0	-1	3																		
5/2021/0415 5/2019/2786	Land rear of 8-10 Prospect Road, St Albans	3		0	3	0		3																		Permission 5/2021/0415 supersedes permission 5/2019/2786
5/2020/3062 5/2020/1391	49 Hatfield Road, St Albans	3	-1	0	2	0		-1	3																	Permission 5/2020/3062 supersedes permission 5/2020/1391
5/2020/1259	Houndswood Stables, Houndswood Farm, Harper Lane, Shenley	3		0	3	0		3																		
5/2021/2861 5/2020/3009	Land Rear of 50-54 Francis Avenue, St Albans	3		0	3	0		3																		Permission 5/2021/2861 supersedes permission 5/2020/3009
5/2021/0075 5/2021/0075 5/2018/2734	182-186 Folly Lane, St Albans	3	-3	0	0	0		-3	3																	Permission 5/2021/0075 supersedes permission 5/2018/2734
5/2020/0835	Warwick House, 21-23 London Road, St Albans	3		0	3	0		3																		Permission 5/2020/0835 allowed on appeal
5/2019/0249 5/2019/3080	227 & 227a Hatfield Road, St Albans	3	-1	0	2	0	-1	3																		Permission 5/2019/0249 supersedes permission 5/2019/3080.
5/2021/1452	18-20 Wood End Road, Harpenden	3	-2	-2	3	-2	3																			



Planning Permission Reference Number(s)	Site Name / Address	Estimated Gains (Gross)	Estimated Loss	Current Net Dwelling Completions	Estimated Net Dwellings to be Completed	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Narrative
5/2021/0659	Land R/O The Red Cow PH, 171 Westfield Road, Harpenden	3		0	3	0	3																			
5/2021/3381	50-52 Mayflower Road, How Wood, St Albans	3	-2	0	1	0		-2	3																	
5/2021/3032	Land Rear Of 97 to 105 The Hill, Wheathampstead	3		0	3	0		3																		
5/2017/1717	15 Longcroft Avenue, Harpenden	2	-1	1	0	2																				
5/2003/1651	6 & 7 Ashwell Street, St Albans	2		2	0	1																				
5/2001/2104	Shafford Farm, Redbourn Road, St Albans	2		1	1	0	1																			Extant permission
5/2021/3212 5/2019/2749 5/2018/0542	71 Townsend Lane, Harpenden	2	-1	0	1	0		1																		Permissions 5/2021/3212 and 5/2019/2749 supersede permission 5/2018/0542. Loss of -1 dwelling for permission 5/2018/0542.
5/2017/2208	80 Oaklands Lane, Smallford	2	-1	1	0	2																				
5/2017/1426	7 Woodside Road, Bricket Wood	2	-1	-1	2	0	2																			
5/2018/0314	49 Bucknalls Drive, Bricket Wood	2	-1	1	0	2																				
5/2019/2768	82 Crabtree Lane, Harpenden	2	-1	1	0	2																				
5/2017/1904	27 Becketts Avenue, St Albans	2	-1	-1	2	0	2																			
5/2017/1957	6 The Willows, St Albans	2	-1	1	0	2																				
5/2020/2240 5/2019/3100	25 Abbey Avenue, St Albans	2	-1	-1	2	0	2																			Permission 5/2020/2240 supersedes permission 5/2019/3100
5/2020/1557 5/2020/0213 5/2019/1863	30 Sandpit Lane, St Albans	2	-1	1	0	2																				Permission 5/2020/1557 supersedes permissions 5/2020/0213 and 5/2019/1863
5/2017/3127	Braybourne End, Kennel Lane,	2		2	0	2																				



Planning Permission Reference Number(s)	Site Name / Address	Estimated Gains (Gross)	Estimated Loss	Current Net Dwelling Completions	Estimated Net Dwellings to be Completed	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Narrative
	Kinsbourne Green																									
5/2019/0195	26 & 26a Station Road, Harpenden	2	-1	1	0	1																				
5/2019/3138	99a Hatfield Road, St Albans	2		2	0	2																				
5/2020/1737	23, How Wood, How Wood	2	-1	1	0	1																				
5/2020/2179	22 Station Road, Harpenden	2		2	0	2																				
5/2020/2549	419-421 Hatfield Road, St Albans	2	-2	0	0	0																				
5/2020/0491	24 Grove Avenue, Harpenden	2	-1	-1	2	-1	2																			
5/2020/0921 5/2017/1706	Holyrood Crescent Garages, Holyrood Crescent, St Albans	2		2	0	2																				
5/2020/1233 5/2017/3079	Land Adj 9 Southgate Court, Luton Road, Harpenden	2		0	2	0	2																			Permission 5/2020/1233 supersedes permission 5/2017/3079
5/2020/1093 5/2017/0938	20a Holywell Hill, St Albans	2	-1	0	1	0	-1	2																		Permission 5/2020/1093 supersedes permission 5/2017/0938
5/2021/2069 5/2018/0865	Sopwell Mill Farm, 61 Cottonmill Lane, St Albans	2		0	2	0		2																		Permission 5/2021/2069 supersedes permission 5/2018/0865
5/2021/0265 5/2019/2076	21 The Pleasance, Harpenden	2	-1	-1	2	-1	2																			Permission 5/2021/0265 supersedes permission 5/2019/2076
5/2018/2266	Grimsdyke Lodge, Hatfield Road, St Albans	2		0	2	0	2																			
5/2020/1035 5/2017/1294	12 Bloomfield Road, Harpenden	2	-1	-1	2	-1	2																			Permission 5/2020/1035 supersedes permission 5/2017/1294
5/2021/1735 5/2017/3659	Land adj 14 Summerfield Close, London Colney	2		0	2	0		2																		Permission 5/2021/1735 supersedes permission 5/2017/3659



Planning Permission Reference Number(s)	Site Name / Address	Estimated Gains (Gross)	Estimated Loss	Current Net Dwelling Completions	Estimated Net Dwellings to be Completed	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Narrative
5/2016/3107	Garage Site Adj 28 College Place, St Albans	2		2	0	2																				
5/2018/1254	1 And 2 Land Adjacent To Martyr Close, St Albans	2		0	2	0	2																			
5/2021/2303 5/2019/0477	Land R/O 18-22 Bucknalls Drive, Bricket Wood	2		0	2	0		2																		Permission 5/2021/2303 supersedes permission 5/2019/0477
5/2019/0986	1 Station Terrace, Park Street	2		2	0	2																				
5/2020/1909 5/2019/0884	52 Oaklands Lane, Smallford, St Albans	2	-1	-1	2	-1	2																			Permission 5/2020/1909 supersedes permission 5/2019/0884
5/2018/1413	Aldwickbury School, Wheathampstead Road, Harpenden	2	-2	-1	1	-1	-1	2																		
5/2019/3249	Land R/O 56 Harpenden Road, St Albans	2		0	2	0	2																			
5/2021/0850 5/2020/1847	32 Burston Drive, How Wood	2	-1	-1	2	-1	2																			Permission 5/2021/0850 supersedes permission 5/2020/1847
5/2020/1906	29 Collyer Road, London Colney	2	-1	0	1	0	-1	2																		
5/2016/3281	90 & 90a Grange Street, St Albans	2	-2	0	0	0	-2	2																		
5/2020/0461	59 Albert Street, St Albans	2	-1	1	0	1																				
5/2020/0464	Land R/O 43 & 45 Firwood Avenue, St Albans	2		0	2	0	2																			
5/2021/1241 5/2021/1220 5/2020/1060	35c Lancaster Road, St Albans	2		0	2	0	2																			Site includes two permissions, permission 5/2021/1241 for 1 dwelling and permission 5/2021/1220 for 1 dwelling. Permissions 5/2021/1241 and 5/2021/1220 supersedes permission 5/2020/1060.
5/2020/1215	Adjacent 155 Camp Road, St Albans	2		0	2	0	2																			
5/2021/2950 5/2020/1282	3 Watford Road, St Albans	2		0	2	0	2																			Permission 5/2021/2950 supersedes permission 5/2020/1282



Planning Permission Reference Number(s)	Site Name / Address	Estimated Gains (Gross)	Estimated Loss	Current Net Dwelling Completions	Estimated Net Dwellings to be Completed	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Narrative
5/2020/1850	12 Admirals Walk, St Albans	2	-1	0	1	0	-1	2																		
5/2020/2334	17 Broomleys, St Albans	2	-1	1	0	1																				
5/2020/2216	The Cherry Trees Indian Restaurant, 261 Lower Luton Road, Wheathampstead	2	-1	0	1	0		-1	2																	
5/2020/2995	Brickfield Farm, Coles Lane, Kinsbourne Green, Harpenden	2		0	2	0	2																			
5/2021/0499	Pinecrest, Sauncey Avenue, Harpenden	2	-1	0	1	0	-1	2																		
5/2021/0737	14 Frogmore, St Albans	2	-1	0	1	0	-1	2																		
5/2021/0547	Trentburn, St Bernards Road, St Albans	2	-1	-1	2	-1	2																			
5/2020/1207 5/2021/0937	Land Adj 1 Railway Cottages, Station Road, Bricket Wood	2		0	2	0		2																		Permission 5/2020/1207 supersedes permission 5/2021/0937. Permission 5/2020/1207 allowed at appeal.
5/2021/0337	The Grove, Livery Stables, The Grove, Pipers Lane, Harpenden	2		0	2	0		2																		
5/2021/0315 5/2020/0421	7 Manor Road, St Albans	2	-2	0	0	0	-2	2																		Site includes 2 permissions, permission 5/2021/0315 for 1 dwelling and permission 5/2020/0421 for 1 dwelling
5/2020/2186	St Matthews Residential Care Home, Chequer Lane, Redbourn	2		0	2	0	2																			Conversion ratio of 1.8 applied to 4 C2 bedrooms (Housing Delivery Test Measurement Rule Book). C3 dwellings equivalent = 2 dwellings (4 / 1.8 = 2 [nearest whole number]).
5/2021/3214	Land Rear of 131 Mount Pleasant Lane, Bricket Wood	2		0	2	0		2																		



Planning Permission Reference Number(s)	Site Name / Address	Estimated Gains (Gross)	Estimated Loss	Current Net Dwelling Completions	Estimated Net Dwellings to be Completed	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Narrative
5/2021/2332 5/2020/0200	86 Wheathampstead Road, Harpenden	2	-1	0	1	0		-1	2																	Permission 5/2021/2332 supersedes permission 5/2020/0200
5/2021/2853	38 Burston Drive, St Albans	2	-1	0	1	0		-1	2																	
5/2021/1523	24 St Annes Road, London Colney	2	-1	0	1	0		-1	2																	
5/2022/0095	53 White Horse Lane, London Colney	2	-1	0	1	0		-1	2																	
5/2021/1918 5/2021/1917	12 Hemel Hempstead Road, Redbourn	2		0	2	0		2																		Permission 5/2021/1918 supersedes permission 5/2021/1917
5/2021/3139	2a Crown Street, Redbourn	2		0	2	0		2																		
5/2020/1299	17 Woodstock Road North, St Albans	2	-1	0	1	0		-1	2																	
5/2021/0286	17 Hazelmere Road, St Albans	2	-1	0	1	0		-1	2																	
5/2021/2135	118-120 Victoria Street, St Albans	2		0	2	0		2																		
5/2021/2725	364 Hatfield Road, St Albans	2	-1	0	1	0		-1	2																	
5/2021/3614	1 Sandridgebury Lane, St Albans	2	-1	0	1	0		-1	2																	
5/2021/2163 5/2021/0758	Land Between 106 And 116 Tollgate Road, Colney Heath	2		0	2	0		2																		Permission 5/2021/2163 supersedes permission 5/2021/0758
5/2020/2170 5/2018/1621	10 Alders End Lane, Harpenden	1	-1	-1	1	0	1																			Permission 5/2020/2170 supersedes permission 5/2018/1621
5/1998/0577	Woodside Cottage, Aubrey Lane, Redbourn	1	-1	-1	1	0	1																			
5/2018/0685	70 West Common, Harpenden	1	-1	0	0	1																				
5/2017/0610	11 Sandfield Road, St Albans	1	-1	0	0	1																				
5/2018/1630	10 The Uplands, Harpenden	1	-1	0	0	1																				
5/2018/2632	49 Dunstable Road, Redbourn	1	-1	0	0	1																				



Planning Permission Reference Number(s)	Site Name / Address	Estimated Gains (Gross)	Estimated Loss	Current Net Dwelling Completions	Estimated Net Dwellings to be Completed	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Narrative
5/2018/2880	Garden Cottage, Annables Lane, Kinsbourne Green, Harpenden	1	-1	-1	1	0	1																			
5/2018/2968	25 Park Avenue North, Harpenden	1	-1	0	0	1																				
5/2019/0805	21 The Deerings, Harpenden	1	-1	0	0	1																				
5/2021/0023 5/2019/1676	21 Nomansland, Wheathampstead	1	-1	0	0	1																				Permission 5/2021/0023 supersedes permission 5/2019/1676
5/2015/3508	East Lodge, Oaklands Lane, Smallford	1	-1	-1	1	0	1																			
5/2019/2662	30 Faircross Way, St Albans	1	-1	0	0	1																				
5/2019/2394	Bamville Copse, Cross Lane, Harpenden	1	-1	0	0	1																				
5/2019/0392 5/2017/2668	38 Marshalswick Lane, St Albans	1	-1	0	0	1																				
5/2019/2827	11 Oak Way, Harpenden	1	-1	0	0	1																				
5/2020/0248 5/2019/2297 5/2018/2786	37a Beaumont Avenue, St Albans	1	-1	0	0	1																				Permission 5/2020/0248 supersedes permissions 5/2019/2297 and 5/2018/2786
5/2020/0886	45 Westfields, St Albans	1	-1	0	0	1																				
5/2018/3367	7 Wood End Hill, Harpenden	1	-1	-1	1	0	1																			
5/2019/0284	34 Long Butlers, Harpenden	1	-1	0	0	1																				
5/2019/0861	4 Pondwicks Close, St Albans	1	-1	-1	1	0	1																			
5/2019/1801	4 Midway, St Albans	1	-1	-1	1	0	1																			
5/2019/2833	54 Marshalswick Lane, St Albans	1	-1	-1	1	0	1																			
5/2020/0308 5/2019/0094	2 Manland Avenue, Harpenden	1	-1	0	0	1																				Permission 5/2020/0308 supersedes permission 5/2019/0094
5/2020/0836	Paddock End, Kimpton Bottom, Harpenden	1	-1	-1	1	0	1																			
5/2020/2331	17 The Uplands, Harpenden	1	-1	-1	1	0	1																			



Planning Permission Reference Number(s)	Site Name / Address	Estimated Gains (Gross)	Estimated Loss	Current Net Dwelling Completions	Estimated Net Dwellings to be Completed	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Narrative
5/2017/2513	35 Clarence Road, St Albans	1	-1	0	0	1																				
5/2020/2700	59 Battlefield Road, St Albans	1	-1	-1	1	0	1																			
5/2019/0471	Rear of 46 Burnham Road, St Albans	1		1	0	1																				
5/2019/2006 5/2016/3480	17 Maxwell Road, St Albans	1		1	0	1																				Permission 5/2019/2006 supersedes permission 5/2016/3480
5/2019/3030	Spielplatz, Lye Lane, Bricket Wood	1		1	0	1																				
5/2020/1184 5/2019/2641	Eight Acre, Mackerye End, Harpenden	1		1	0	1																				Permission 5/2020/1184 supersedes permission 5/2019/2641
5/2021/0070	53A Hatfield Road, St Albans	1		1	0	1																				
5/2021/3133 5/2018/3282	4 Bamville Wood, East Common, Harpenden	1	-2	-2	1	-2	1																			Site includes previous losses for two permissions 5/2021/3133 and 5/2018/3282
5/2019/0422	12 Wheatfield Road, Harpenden	1	-1	-1	1	-1	1																			
5/2019/1251	10 Tuffnells Way, Harpenden	1	-1	-1	1	-1	1																			
5/2019/2235 5/2016/3817	The Barn & Holm Oaks, Albert Bygrave Retail Park, North Orbital Road, St Albans	1	-1	-1	1	-1	1																			Permission 5/2019/2235 supersedes permission 5/2016/3817
5/2020/0876	86 Beaumont Avenue, St Albans	1	-1	-1	1	-1	1																			
5/2020/1673	60 Marshals Drive, St Albans	1	-1	-1	1	-1	1																			
5/2020/1771	61 Sandridge Road, St Albans	1	-1	-1	1	-1	1																			
5/2021/2854 5/2020/2035 5/2018/1431	16 Gilpin Green, Harpenden	1	-2	-2	1	-2	1																			Site includes previous losses for two permissions 5/2021/2854 and 5/2020/2035
5/2020/2585	5 Bamville Wood, Harpenden	1	-1	-1	1	-1	1																			
5/2020/2652	Land adj 6 West Way, Harpenden	1	-1	0	0	0																				



Planning Permission Reference Number(s)	Site Name / Address	Estimated Gains (Gross)	Estimated Loss	Current Net Dwelling Completions	Estimated Net Dwellings to be Completed	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Narrative
5/2020/2862	212-212a Sandridge Road, St Albans	1	-2	-2	1	-2	1																			
5/2020/2894 5/2020/0519	3 Faulknors End Cottages, Roundwood Lane, Harpenden	1	-1	-1	1	-1	1																			Permission 5/2020/2894 supersedes permission 5/2020/0519
5/2020/3069 5/2020/1748	20 Park Avenue South, Harpenden	1	-1	-1	1	-1	1																			Permission 5/2020/3069 supersedes permission 5/2020/1748
5/2021/0024	10 Prospect Lane, Harpenden	1	-1	-1	1	-1	1																			
5/2021/3388 5/2021/0110	19 Kirkwick Avenue, Harpenden	1	-2	-2	1	-2	1																			Site includes previous losses for two permissions 5/2021/3388 and 5/2021/0110
5/2021/0688 5/2020/0969	87 Sandpit Lane, St Albans	1	-1	-1	1	-1	1																			Permission 5/2021/0688 supersedes permission 5/2020/0969
5/2021/2536 5/2020/1794	40 The Uplands, Harpenden	1	-1	-1	1	-1	1																			Permission 5/2021/2536 supersedes permission 5/2020/1794
5/2021/2554	42 Mayflower Road, How Wood	1	-1	-1	1	-1	1																			
5/2020/0713 5/2017/3581	6 Grove Road, Harpenden	1		0	1	0	1																			Permission 5/2020/0713 supersedes permission 5/2017/3581
5/2019/2777	Land adj 114 Ladies Grove, St Albans	1		1	0	1																				
5/2017/0855	33 Stewart Road, Harpenden	1		0	1	0	1																			
5/2019/2433	38 Tassell Hall, Redbourn	1		1	0	1																				
5/2018/1566	Land R/O 68 Oakwood Road, Bricket Wood	1		0	1	0	1																			
5/2019/1704	Building 1 Lamer Park Farm, Lamer Lane, Wheathampstead	1		0	1	0	1																			
5/2019/3094	Unit 2, Meads Lane Industrial Estate, Meads Lane, Wheathampstead	1		0	1	0	1																			
5/2018/0581	Land Rear Of 61 Catherine Street,	1		1	0	1																				



Planning Permission Reference Number(s)	Site Name / Address	Estimated Gains (Gross)	Estimated Loss	Current Net Dwelling Completions	Estimated Net Dwellings to be Completed	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Narrative
	Etna Road, St Albans																									
5/2017/3661	3a Albion Road, St Albans	1		0	1	0	1																			
5/2019/0165	111-113 St Peters Street, St Albans	1		1	0	1																				
5/2021/0835 5/2017/3601	65 The Hill, Wheathampstead	1		0	1	0		1																		Permission 5/2021/0835 supersedes permission 5/2017/3601
5/2019/1939 5/2016/2362	The Fruit Store, Gorhambury, St Albans	1		0	1	0	1																			
5/2020/0555 5/2017/2409	Butter Foal Stud And Tack Shop, Smug Oak Lane, Bricket Wood	1		0	1	0	1																			Permission 5/2020/0555 supersedes permission 5/2017/2409
5/2017/3067	Faulkners End Farm, Roundwood Lane, Harpenden	1		0	1	0	1																			
5/2019/2258 5/2018/2344	The Wood Store, Redding Lane, Norrington End, Redbourn	1		0	1	0	1																			Permission 5/2019/2258 supersedes permission 5/2018/2344
5/2018/1520	21 & 21a George Street and 25 Bowes Lyon Mews, St Albans	1		1	0	1																				
5/2020/2820 5/2018/2391	25 Verulam Road, St Albans	1		1	0	1																				Permission 5/2020/2820 supersedes permission 5/2018/2391
5/2019/2772	Heath House & Flats 1 & 2, 9 Harpenden Road, St Albans	1		0	1	0	1																			
5/2020/0256 5/2019/1174	1 And 2 Bride Hall Cottages, Bride Hall Lane, Welwyn	1	-2	0	-1	0	-2	1																		Permission 5/2020/0256 supersedes permission 5/2019/1174
5/2019/2342	Amwell Farm, Down Green Lane, Wheathampstead	1		1	0	1																				
5/2019/1032	81 Sopwell Lane, St Albans	1	-2	0	-1	0	-2	1																		



Planning Permission Reference Number(s)	Site Name / Address	Estimated Gains (Gross)	Estimated Loss	Current Net Dwelling Completions	Estimated Net Dwellings to be Completed	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Narrative
5/2019/1269	2a Warwick Road, St Albans	1		0	1	0	1																			
5/2020/0024	Tankerfield House, 1 Romeland Hill, St Albans	1		0	1	0	1																			
5/2017/2447	74 West Riding, Bricket Wood	1		0	1	0	1																			
5/2020/0859 5/2017/0118	4 Hatching Green Close, Harpenden	1		0	1	0	1																			Permission 5/2020/0859 supersedes permission 5/2017/0118
5/2020/2917 5/2018/0925	Land To Rear Of 116 To 118 Lower Luton Road, Harpenden	1		0	1	0	1																			Permission 5/2020/2917 supersedes permission 5/2018/0925
5/2021/1953 5/2018/2237	14 Browning Road, Harpenden	1	-1	0	0	0		-1	1																	
5/2018/1371	Land adj 103 How Wood, How Wood	1		0	1	0	1																			
5/2020/1755 5/2017/2720	Land Adj 38 Morris Way, London Colney	1		0	1	0	1																			Permission 5/2020/1755 supersedes permission 5/2017/2720
5/2018/1924	Land adj 33 Long Cutt, Redbourn	1		1	0	1																				
5/2019/0440 5/2017/1520	23 Mount Pleasant, St Albans	1	-1	0	0	0	-1	1																		
5/2021/3093 5/2017/1669	Land Rear Of 3 And 5 Approach Road, Orient Close, St Albans	1		0	1	0		1																		Permission 5/2021/3093 supersedes permission 5/2017/1669
5/2020/2837 5/2019/2978 5/2017/2276	Land Adjacent The Blue Anchor PH, 45 Fishpool Street, St Albans	1		0	1	0	1																			Permission 5/2020/2837 supersedes permissions 5/2019/2978 and 5/2017/2276
5/2020/1799 5/2017/2584	61 Cotlandswick, London Colney	1		0	1	0	1																			Permission 5/2020/1799 supersedes permission 5/2017/2584
5/2020/2938 5/2017/3655	Car Parking opposite 9 to 13 Temperance Street, St Albans	1		0	1	0	1																			Permission 5/2020/2938 supersedes permission 5/2017/3655
5/2018/1540	R/O 68 Harpenden Road, St Albans	1		0	1	0	1																			



Planning Permission Reference Number(s)	Site Name / Address	Estimated Gains (Gross)	Estimated Loss	Current Net Dwelling Completions	Estimated Net Dwellings to be Completed	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Narrative
5/2021/0792 5/2018/2057	Land R/O 14 & 16 Marshals Drive, St Albans	1		0	1	0	1																			Permission 5/2021/0792 supersedes permission 5/2018/2057
5/2018/2094	48 Marshals Drive, St Albans	1	-1	-1	1	-1	1																			
5/2020/2602 5/2018/2124	R/O 3 Sandridge Road, St Albans	1		0	1	0	1																			Permission 5/2020/2602 supersedes permission 5/2018/2124
5/2021/1398 5/2018/3013	17 New House Park, St Albans	1	-1	0	0	0		-1	1																	Permission 5/2021/1398 supersedes permission 5/2018/3013
5/2018/3055	1 Mile House Close, St Albans	1		1	0	1																				
5/2021/0082 5/2018/0399	Land Adjoining 11 Green Lane, St Albans	1		0	1	0		1																		Permission 5/2021/0082 supersedes permission 5/2018/0399
5/2021/2400 5/2020/1734 5/2018/0455	Dutch Barn, Harpendenbury Farm, Harpendenbury, Redbourn	1		0	1	0		1																		Permission 5/2021/2400 supersedes permissions 5/2020/1734 and 5/2018/0455
5/2019/0093	12 The Warren, Harpenden	1	-1	0	0	0	-1	1																		
5/2020/1524 5/2019/0887	43 Park Avenue North, Harpenden	1	-1	0	0	0	-1	1																		
5/2019/2168	50 Roundwood Park, Harpenden	1	-1	0	0	0	-1	1																		
5/2019/2555	Land Adj 31 West Common Way, Harpenden	1		0	1	0	1																			
5/2019/2633	7 Tintern Close, Harpenden	1		0	1	0	1																			
5/2019/1287	Land R/O 24 Mayflower Road, How Wood	1		0	1	0	1																			
5/2021/0026 5/2020/1699 5/2019/1428	Land Adjacent to 110a Park Street Lane, How Wood	1		0	1	0		1																		Permission 5/2021/0026 supersedes permissions 5/2020/1699 and 5/2019/1428
5/2019/1281	172 High Street, London Colney	1		0	1	0	1																			
5/2021/1894 5/2021/0759 5/2019/1687	14 Perham Way, London Colney	1		0	1	0		1																		Permission 5/2021/1894 supersedes permissions 5/2021/0759 and 5/2019/1687
5/2019/2946	12 Pipers Close, Redbourn	1		0	1	0	1																			
5/2019/2401	110 Charmouth Road, St Albans	1		1	0	1																				



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5/2019/2488	1 Jersey Lane, St Albans	1		0	1	0	1																			
5/2019/2513	Land R/O 8 Mitchell Close, St Albans	1		0	1	0	1																			
5/2020/0898 5/2019/1935	63 The Hill, Wheathampstead	1		1	0	1																				Permission 5/2020/0898 supersedes permission 5/2019/1935
5/2019/2850	38 Saxon Road, Wheathampstead	1		0	1	0	1																			
5/2021/1610 5/2019/1904	The Old Lodge, Drop Lane, Bricket Wood	1		0	1	0		1																		Permission 5/2021/1610 supersedes permission 5/2019/1904
5/2019/2561	Land to the Rear of 32 Ridgewood Drive, Harpenden	1		0	1	0	1																			
5/2020/1217 5/2019/0894	25 Homewood Road, St Albans	1	-1	0	0	0	-1	1																		Permission 5/2020/1217 supersedes permission 5/2019/0894
5/2019/3173	49 The Park, St Albans	1	-1	-1	1	-1	1																			
5/2020/0169	33 Chalkdell Fields, St Albans	1		0	1	0	1																			
5/2020/0331 5/2018/3147	Land East of 21 Grasmere Avenue, Harpenden	1		0	1	0	1																			Permission 5/2020/0331 supersedes permission 5/2018/3147
5/2020/0818 5/2018/1021	Land adj 61 Aplins Close, Harpenden	1		1	0	1																				Permission 5/2020/0818 supersedes permission 5/2018/1021
5/2021/1864 5/2020/2159	53 & 55 Alexander Road, London Colney	1		0	1	0	1																			Permission 5/2021/1864 supersedes permission 5/2020/2159
5/2020/2783 5/2020/1341	247 The Ridgeway, St Albans	1		1	0	1																				Permission 5/2020/2783 supersedes permission 5/2020/1341
5/2020/1450	Land Between 22 And 24 Caesars Road, Wheathampstead	1		0	1	0	1																			
5/2020/1693 5/2019/1634	Orchard Farm, 105 Dunstable Road, Redbourn	1		0	1	0	1																			Permission 5/2020/1693 supersedes permission 5/2019/1634
5/2020/2079 5/2019/0208	4 Leasey Dell Drive, Wheathampstead	1		0	1	0	1																			Permission 5/2020/2079 supersedes permission 5/2019/0208



Planning Permission Reference Number(s)	Site Name / Address	Estimated Gains (Gross)	Estimated Loss	Current Net Dwelling Completions	Estimated Net Dwellings to be Completed	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Narrative
5/2020/1650	Land R/O 6 Broad Acre, Bricket Wood	1		1	0	1																				
5/2020/1665	Land Rear Of 34 North Riding Accessed From West Riding, Bricket Wood	1		0	1	0	1																			
5/2020/2181	23 Oakwood Road, Bricket Wood	1	-1	-1	1	-1	1																			
5/2021/0776 5/2020/2068	Land Adjacent 1a, Barry Close, Chiswell Green	1		0	1	0		1																		Permission 5/2021/0776 supersedes permission 5/2020/2068
5/2020/0414	6 Penny Croft, Harpenden	1	-1	0	0	0	-1	1																		
5/2020/0785	2 Someries Road, Harpenden	1		0	1	0	1																			
5/2021/1759 5/2020/0828	2 Broadstone Road, Harpenden	1		0	1	0		1																		Permission 5/2021/1759 supersedes permission 5/2020/0828
5/2020/1516	Land Adjacent 6 High Elms, Harpenden	1		0	1	0	1																			
5/2020/1544	20 Penny Croft, Harpenden	1	-1	-1	1	-1	1																			
5/2021/0179 5/2020/1813	2 Greyfriars Lane, Harpenden	1		0	1	0	1																			
5/2020/1858	6 Stewart Road, Harpenden	1	-1	0	0	0	-1	1																		
5/2020/0738	47 Manor Road, Wheathampstead	1		0	1	0	1																			
5/2020/0347	4 St Marys Close, Redbourn	1	-1	0	0	0	-1	1																		
5/2021/3223 5/2020/1494	56 Oaklands Lane, Smallford	1		0	1	0		1																		Permission 5/2021/3223 supersedes permission 5/2020/1494
5/2020/0341	3 Cloister Garth, St Albans	1		0	1	0	1																			
5/2020/0411	46 Marshals Drive, St Albans	1	-1	0	0	0	-1	1																		
5/2020/0841	31 Furse Avenue, St Albans	1		0	1	0	1																			
5/2020/2384 5/2020/1192	Ellen House, 63 London Road, St Albans	1		0	1	0		1																		Permission 5/2020/2384 supersedes permission 5/2020/1192



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5/2021/0098 5/2020/1680	105 Cambridge Road, St Albans	1		0	1	0	1																			Permission 5/2021/0098 supersedes permission 5/2020/1680
5/2020/1700	50 London Road, St Albans	1		0	1	0	1																			
5/2021/2365 5/2020/1889	232 Sandridge Road, St Albans	1	-1	-1	1	-1	1																			Permission 5/2021/2365 supersedes permission 5/2020/1889
5/2020/2348	153 Victoria Street, St Albans	1		0	1	0	1																			
5/2020/1633	6 Barley Beans, Marford Road, Wheathampstead	1	-1	-1	1	-1	1																			
5/2020/0204	Barns And Stables At Sleapshyde Farm, Sleapshyde, Smallford	1		0	1	0	1																			
5/2021/0067 5/2020/0706	Croft Farm, Cherry Tree Lane, Wheathampstead	1		0	1	0	1																			Permission 5/2021/0067 supersedes permission 5/2020/0706
5/2021/3329 5/2020/1663 5/2020/1019	Canley, The Common, Kinsbourne Green	1	-1	0	0	0		-1	1																	Permission 5/2021/3329 supersedes permissions 5/2020/1663 and 5/2020/1019
5/2020/1351	Meadow Cottage, Kennel Lane, Kinsbourne Green	1	-1	0	0	0	-1	1																		
5/2020/1615	Woodbury Manor, Lye Lane, St Albans	1		0	1	0	1																			
5/2020/2720	80 Oakwood Road, Bricket Wood	1	-1	0	0	0		-1	1																	
5/2020/2232	2 Browning Road, Harpenden	1	-1	0	0	0	-1	1																		
5/2020/2323	Land Rear Of 28 To 32 Carisbrooke Road, Harpenden	1		0	1	0	1																			
5/2021/0621 5/2020/2717	11 Moreton End Lane, Harpenden	1	-1	-1	1	-1	1																			Permission 5/2021/0621 supersedes permission 5/2020/2717



Planning Permission Reference Number(s)	Site Name / Address	Estimated Gains (Gross)	Estimated Loss	Current Net Dwelling Completions	Estimated Net Dwellings to be Completed	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Narrative
5/2020/3121	39 Tuffnells Way, Harpenden	1	-1	0	0	0	-1	1																		
5/2020/2218	Land adj 243 Cell Barnes Lane, St Albans	1		0	1	0	1																			
5/2020/2406	38 Maynard Drive, St Albans	1		0	1	0	1																			
5/2020/2412	38 Holywell Hill, St Albans	1		0	1	0	1																			
5/2021/1233 5/2020/2659	217 Camp Road, St Albans	1	-1	0	0	0		-1	1																	Permission 5/2021/1233 supersedes permission 5/2020/2659
5/2020/2979	15 Seymour Road, St Albans	1	-1	-1	1	-1	1																			
5/2021/0245	105 Victoria Street, St Albans	1		0	1	0		1																		
5/2020/2896	31 Frogmore Home Park, St Albans	1	-1	0	0	0																				
5/2021/2923 5/2021/1064 5/2021/0854	62 Spencer Street, St Albans	1		0	1	0		1																		Permission 5/2021/2923 supersedes permissions 5/2021/0854 and 5/2021/1064
5/2021/1155 5/2019/0045	1 Greyfriars Lane, Harpenden	1	-1	0	0	0		-1	1																	Permission 5/2021/1155 supersedes permission 5/2019/0045
5/2020/2781	The Kestrels Care Home, 2-4 The Kestrels, Bucknalls Drive, Bricket Wood	1		0	1	0		1																		Conversion ratio of 1.8 applied to 2 C2 bedrooms (Housing Delivery Test Measurement Rule Book). C3 dwellings equivalent = 1 dwelling (2 / 1.8 = 1 [nearest whole number]).
5/2021/0463	23 Ragged Hall Lane, Chiswell Green	1	-1	0	0	0																				
5/2021/2619	33 Batchwood Drive, St Albans	1		1	0	1																				
5/2021/1128	17 & 17a French Row, St Albans	1	-1	-1	1	-1	1																			
5/2021/2566	40 Ridgewood Drive, Harpenden	1	-1	-1	1	-1	1																			
5/2021/2881	8 Homewood Road, St Albans	1	-1	-1	1	-1	1																			
5/2021/2920 5/2020/1328	316 Hatfield Road, St Albans	1	-1	0	0	0		1																		Permission 5/2021/2920 supersedes permission 5/2020/1328
5/2021/3418	Kestrels, Spring Road, Harpenden	1	-1	0	0	0		-1	1																	



Planning Permission Reference Number(s)	Site Name / Address	Estimated Gains (Gross)	Estimated Loss	Current Net Dwelling Completions	Estimated Net Dwellings to be Completed	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Narrative
5/2020/3201	Land between 14 and 18, The Uplands, Bricket Wood	1		0	1	0	1																			
5/2021/2743 5/2021/1800	86 Mount Pleasant Lane, Bricket Wood	1	-1	0	0	0		-1	1																	Permission 5/2021/2743 supersedes permission 5/2021/1800
5/2021/3178	95 Stanley Avenue, Chiswell Green	1	-1	0	0	0		-1	1																	
5/2021/0189	5 Pondwick Road, Harpenden	1	-1	0	0	0		-1	1																	
5/2021/0296	22 Sun Lane, Harpenden	1		0	1	0		1																		
5/2021/0693	First Floor Offices, 9-10 Harding Parade, Station Road, Harpenden	1		0	1	0		1																		
5/2021/1748	11a Croftwell, Harpenden	1	-1	0	0	0		-1	1																	
5/2021/2704	19a Park Avenue South, Harpenden	1	-1	0	0	0		-1	1																	
5/2021/2742	23 & 25 Moreton End Lane, Harpenden	1		0	1	0		1																		
5/2021/2921	45 Park Avenue North, Harpenden	1	-1	0	0	0		-1	1																	
5/2021/2944	12 Pondwick Road, Harpenden	1	-1	0	0	0		-1	1																	
5/2021/3260	42 Park Avenue North, Harpenden	1	-1	0	0	0		-1	1																	
5/2021/3375	90 Station Road, Harpenden	1	-1	0	0	0		-1	1																	
5/2021/3433	Land Rear Of 1-5 Common Lane, Batford, Harpenden	1		0	1	0		1																		
5/2021/3511	18 Prospect Lane, Harpenden	1	-1	0	0	0		-1	1																	
5/2021/3491	2 The Mall, How Wood	1		0	1	0		1																		
5/2020/0947	London Colney Islamic Centre, 174 High Street, London Colney	1	-1	0	0	0		-1	1																	



Planning Permission Reference Number(s)	Site Name / Address	Estimated Gains (Gross)	Estimated Loss	Current Net Dwelling Completions	Estimated Net Dwellings to be Completed	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Narrative
5/2021/2928	43 White Horse Lane, London Colney	1		0	1	0		1																		
5/2021/2036	169 Watling Street, Park Street	1		0	1	0		1																		
5/2021/2876	71 and 73 Hemel Hempstead Road, Redbourn	1	-2	0	-1	0		-1	2																	
5/2021/3603	15 Highfield Road, Sandridge	1	-1	0	0	0		-1	1																	
5/2021/3537 5/2019/3260	Land Rear Of 213 The Ridgeway, St Albans	1		0	1	0		1																		Permission 5/2021/3537 supersedes permission 5/2019/3260
5/2021/0172	209 Camp Road, St Albans	1		0	1	0		1																		
5/2021/1327	26 Flavian Close, St Albans	1	-1	0	0	0		-1	1																	
5/2021/1654	26 Beaumont Avenue, St Albans	1	-1	0	0	0		-1	1																	
5/2021/2954 5/2021/1752	48a Alma Road, St Albans	1	-2	0	-1	0		-2	1																	
5/2021/1956	2 Dorcas Court, Old London Road, St Albans	1		0	1	0		1																		
5/2021/2414	134 St Albans Road, Sandridge	1	-4	0	-3	0		-4	1																	
5/2021/2674	6 Foxcroft, St Albans	1		0	1	0		1																		
5/2021/2695	Land Rear Of 11 College Place, St Albans	1		0	1	0		1																		
5/2021/3190	27a Townsend Drive, St Albans	1	-1	0	0	0		-1	1																	
5/2022/0109	The Oak House, 14 Starlight Way, St Albans	1		0	1	0		1																		
5/2022/0265	2a Royal Road, St Albans	1		0	1	0		1																		
5/2020/0138	Northern End Of Mill Walk, Wheathampstead	1		0	1	0		1																		
5/2020/1408	Black Barn, Childwickbury, St Albans	1		0	1	0		1																		



Planning Permission Reference Number(s)	Site Name / Address	Estimated Gains (Gross)	Estimated Loss	Current Net Dwelling Completions	Estimated Net Dwellings to be Completed	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Narrative
5/2021/1279	Long Acre, Holly Lane, Harpenden	1	-1	0	0	0		-1	1																	
5/2021/1401	New Lodge, Drop Lane, Bricket Wood	1	-1	0	0	0		-1	1																	
5/2021/2244	Bowersbury Farm, Bower Heath, Harpenden	1		0	1	0	1																			
5/2021/2355	Hornbeam Wood, Common Lane, Batford	1		0	1	0		1																		
5/2021/2510	Woodring, Aubrey Lane, St Albans	1	-1	0	0	0		-1	1																	
5/2021/3155	Raisins Cottage, Mackerye End, Harpenden	1		0	1	0		1																		
5/2021/3470	242 Radlett Road, Frogmore	1	-1	0	0	0		-1	1																	
5/2021/3607	5 Meads Lane, Wheathampstead	1		0	1	0		1																		
5/2022/0039	108 Harper Lane, Radlett	1	-1	0	0	0		-1	1																	
5/2021/3159 5/2021/0178	Aberfoyle House, Stapley Road, St Albans	1		0	1	0		1																		
5/2021/0764	122 Southdown Road, Harpenden	0	-1	-1	0	-1																				
5/2018/2666 5/2015/0722	Copsewood and A405 Junction, North Orbital Road, Chiswell Green	0	-1	0	-1	0	-1																			
Permissions (Past Completions and Estimated Future Completions) Totals		3,130	-229	898	2,003	314	562	440	343	197	65	145	145	109	0	0	0	0	0	0	0	0	0	0	0	
Number of dwellings to discount from totals row above. 5% discount on un-started permissions (small sites 1 to 4 dwellings)						0	-1	-4	-3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
Total with 5% discount on un-started permissions (small sites 1 to 4 dwellings)						314	561	436	340	197	65	145	145	109	0	0	0	0	0	0	0	0	0	0	0	



Site Allocations

Site Reference Number	Site Name / Address	Estimated Gains (Gross)	Estimated Loss	Estimated Net Dwellings to be Completed	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Narrative
HA1	Harpenden Memorial Hospital, Harpenden	34		34	0						15	15	4												Made Harpenden Neighbourhood Plan 2019, Policy H10 - Housing Site Allocations HA1 for minimum of 34 dwellings. Retention of healthcare use on remainder of site in accordance with Policy SI8. Net site area of 0.84 hectares is approximated residential area (excluding land to be retained as healthcare).
8D	222 London Road, St Albans	22		22	0						15	7													Site likely to be redeveloped for housing over time, as supported by Saved Policy 122 of 1994 District Local Plan Review (Site Reference 8D).
RS46	Jewson Depot, Cape Road, St Albans	20		20	0						15	5													Allocated for housing in 1994 District Local Plan Review, as supported by Saved Policy 4 (Site Reference RS.46).
HA4	Jewsons, Grove Road, Harpenden	14		14	0						14														Made Harpenden Neighbourhood Plan 2019, Policy H10 - Housing Site Allocations HA4 for minimum of 14 dwellings.
HA6	Land at 63 High Street, Harpenden	5		5	0						5														Made Harpenden Neighbourhood Plan 2019, Policy H10 - Housing Site Allocations HA6 for



Site Reference Number	Site Name / Address	Estimated Gains (Gross)	Estimated Loss	Estimated Net Dwellings to be Completed	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32	2032/33	2033/34	2034/35	2035/36	2036/37	2037/38	2038/39	2039/40	2040/41	Narrative
																									minimum of 5 dwellings.
HA8	Land and Garages at Longfield Road, Harpenden	4		4	0						4														Made Harpenden Neighbourhood Plan 2019, Policy H10 - Housing Site Allocations HA8 for minimum of 4 dwellings.
Allocations Totals		99	0	99	0	0	0	0	0	0	68	27	4	0	0	0	0	0	0	0	0	0	0	0	



Appendix 2

Employment Land Availability

Table 58: Employment Land Availability by Type – Use Classes E(g)(i) / B1(a) Offices (1 April 2022)

Planning Permission Reference Number	Site Address	Description	Outstanding Floor Space (m ²)	Use Class Site Area (Hectares)
5/2018/3389	Noke Lane Business Centre, Noke Lane, St Albans	Side extension to commercial building with mezzanine floor (amended application form regarding existing use)	313	0.031
5/2019/3164	The Old Electricity Works, Campfield Road, St Albans	Retention of northern elevation to the Old Electricity Works building and adjoining facade of the warehouse building and demolition of all other existing buildings and construction of new buildings between two and six storeys in height to provide 107 flats (64 x 1 bed, 31 x 2 bed, 12 x 3 bed), 499 sqm of office floor space and associated parking, landscaping and access works (resubmission following approval of 5/2018/0095 dated 20/12/2018)	499	0.050
5/2019/3239	Garages Rear Of 30-44 Beech Road, Beech Road, St Albans	Demolition of existing garage block and construction of an office building (Class B1) with parking	162	0.008
5/2020/0669	The Barn, Sergehill Lane, Bedmond, Abbots Langley	Alterations and extensions to and change of use of domestic outbuildings to Class B1(a) (office) in association with landscape design office, including staff parking	143	0.014



Planning Permission Reference Number	Site Address	Description	Outstanding Floor Space (m ²)	Use Class Site Area (Hectares)
5/2020/1773	Civic Centre Opportunity Site (South), Victoria Street, St Albans	A mixed-use scheme comprising 93 units of Class C3 accommodation, approximately 6,200m ² of flexible commercial floorspace and associated plant, landscaping including public realm, car and cycle parking and access works	6,200	0.310
5/2020/2599	Unit C, Batford Mill, Lower Luton Road, Harpenden	Change of use from Sui Generis to Class E (G)	317	0.016
5/2020/2762	Victoria, Alexandra, Littleport And Collingham House, Marlborough Park, Southdown Road, Harpenden	Outline application (access, layout and scale sought) for mixed use 3-storey commercial office and residential development to provide Offices and 8 dwellings (resubmission following refusal of 5/2020/0556)	1,072	0.036
5/2021/1810	Unit 2, Brick Knoll Park, St Albans	Removal of existing internal staircase from ground floor to first floor mezzanine, conversion of existing first floor mezzanine storage space to office accommodation with new external fire escape staircase	36	0.004
5/2021/2243	Dorcas Court, Old London Road, St Albans	Change of use of two lock-up garages to create one office unit	25	0.003
5/2021/2258	45 Grosvenor Road, St Albans	Conversion of the existing undercroft car park to provide 496 sqm (GIA) of additional Class E office floorspace together with associated alterations	496	0.050
5/2021/3078	Verulam Point, Station Way, St Albans	Partial demolition and replacement of glazed atrium, internal alterations to create additional office floor space, installation of first floor louvres, alterations to facade, parking and hard and soft landscaping works	268	0.027
Total			9,531	0.548



Table 59: Employment Land Availability by Type – Use Classes E(g)(ii) / B1(b) Research and Development (1 April 2022)

Planning Permission Reference Number	Site Address	Description	Outstanding Floor Space (m ²)	Use Class Site Area (Hectares)
5/2016/2495	Building Research Establishment, Bucknalls Lane, Garston	Construction of a replacement building for research and development purposes and creation of additional car parking following demolition of seven existing buildings	555	0.028
5/2021/0527	Old Apiary Site, Hatching Green, Harpenden	Extension of existing buildings	600	0.060
Total			1,155	0.088

Table 60: Employment Land Availability by Type – Use Classes E(g)(iii) / B1(c) Industrial Processes / Light Industry (1 April 2022)

Planning Permission Reference Number	Site Address	Description	Outstanding Floor Space (m ²)	Use Class Site Area (Hectares)
5/2021/2804	Building 68, Building Research Establishment, Bucknalls Lane, Garston	Refurbishment and conversion of an existing R&D building to include a partially raised roof and other alterations to provide a fire test facility, together with associated external works (resubmission following withdrawal of 5/2021/2401)	922	0.046
Total			922	0.046



Table 61: Employment Land Availability by Type – Use Class B2 General Industry (1 April 2022)

Planning Permission Reference Number	Site Address	Description	Outstanding Floor Space (m ²)	Use Class Site Area (Hectares)
5/2019/2483	109 Ashley Road, St Albans	Single storey detached staff leisure and cafeteria building with covered link	137	0.014
Total			137	0.014

Table 62: Employment Land Availability by Type – Use Class B8 Storage and Distribution (1 April 2022)

Planning Permission Reference Number	Site Address	Description	Outstanding Floor Space (m ²)	Use Class Site Area (Hectares)
5/2020/0316	227B Hatfield Road, St Albans	Single storey side and rear extension with rooflights and alterations to openings	72	0.007
5/2020/0548	Unit 2, Riverside Industrial Estate, London Colney Bypass, London Colney	Warehouse storage unit and associated parking	271	0.027
Total			343	0.034



Table 63: Employment Land Availability by Type – Employment Use Classes E(g)(i) / B1(a), E(g)(ii) / B1(b), E(g)(iii) / B1(c), B2 and B8 (1 April 2022)

Use Class	Description	Available Use Class Site Area (Hectares)	Outstanding Floor Space (m²)
E(g)(i) / B1(a)	Offices	0.548	9,531
E(g)(ii) / B1(b)	Research and Development	0.088	1,155
E(g)(iii) / B1(c)	Industrial Processes / Light Industry	0.046	922
B2	General Industry	0.014	137
B8	Storage and Distribution	0.034	343
Total		0.730	12,088



Appendix 3

List of small and medium residential sites with permission (at 1 April 2022)

A list of current small and medium residential sites with permission will be updated annually and published as part of the Authority's Monitoring Report.

Paragraph 69 of the NPPF 2021 ¹² sets out a definition of small and medium sized sites:

69. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:

a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare...

With reference to NPPF 2021 paragraph 69 above, a list of small and medium residential sites of one hectare or less with permission at 1 April 2022 is included in the table below. All sites are currently granted permission for residential use. Planning permission has been granted for a total of 1,270 net dwellings as at 1 April 2022, which meet the NPPF criteria for small and medium sized sites.



Table 64: List of small and medium residential sites with permission at 1 April 2022

Planning Permission Reference Number(s)	Site Name / Address	Number of Dwellings (Gain)	Number of Dwellings (Loss)	Number of Dwellings (Net Gain)	Gross Site Area (Hectares)
5/2022/0265	2a Royal Road, St Albans	1	0	1	0.020
5/2022/0109	The Oak House, 14 Starlight Way, St Albans	1	0	1	0.070
5/2022/0095	53 White Horse Lane, London Colney	2	-1	1	0.040
5/2022/0039	108 Harper Lane, Radlett	1	-1	0	0.190
5/2021/3614	1 Sandridgebury Lane, St Albans	2	-1	1	0.140
5/2021/3607	5 Meads Lane, Wheathampstead	1	0	1	0.060
5/2021/3603	15 Highfield Road, Sandridge	1	-1	0	0.250
5/2021/3537					
5/2019/3260	Land Rear Of 213 The Ridgeway, St Albans	1	0	1	0.080
5/2021/3511	18 Prospect Lane, Harpenden	1	-1	0	0.130
5/2021/3491	2 The Mall, How Wood	1	0	1	0.020
5/2021/3470	242 Radlett Road, Frogmore	1	-1	0	0.040
5/2021/3433	Land Rear Of 1-5 Common Lane, Batford, Harpenden	1	0	1	0.038
5/2021/3418	Kestrels, Spring Road, Harpenden	1	-1	0	0.100
5/2021/3388					
5/2021/0110	19 Kirkwick Avenue, Harpenden	1	-2	-1	0.170
5/2021/3381	50-52 Mayflower Road, How Wood, St Albans	3	-2	1	0.220
5/2021/3375	90 Station Road, Harpenden	1	-1	0	0.060
5/2021/3364					
5/2021/1359					
5/2021/0042					
5/2017/2981	Ivens Orchids, St Albans Road, Sandridge	5	0	5	0.590
5/2021/3329					
5/2020/1663					
5/2020/1019	Canley, The Common, Kinsbourne Green	1	-1	0	0.943



Planning Permission Reference Number(s)	Site Name / Address	Number of Dwellings (Gain)	Number of Dwellings (Loss)	Number of Dwellings (Net Gain)	Gross Site Area (Hectares)
5/2021/3277 5/2018/1877 5/2016/3805	Land Rear of 103-105 St Peters Street, St Albans	9	0	9	0.220
5/2021/3260	42 Park Avenue North, Harpenden	1	-1	0	0.190
5/2021/3223 5/2020/1494	56 Oaklands Lane, Smallford	1	0	1	0.117
5/2021/3214	Land Rear of 131 Mount Pleasant Lane, Bricket Wood	2	0	2	0.050
5/2021/3212 5/2019/2749 5/2018/0542	71 Townsend Lane, Harpenden	2	-1	1	0.140
5/2021/3190	27a Townsend Drive, St Albans	1	-1	0	0.130
5/2021/3178	95 Stanley Avenue, Chiswell Green	1	-1	0	0.050
5/2021/3159 5/2021/0178	Aberfoyle House, Stapley Road, St Albans	1	0	1	0.017
5/2021/3155	Raisins Cottage, Mackerye End, Harpenden	1	0	1	0.500
5/2021/3139	2a Crown Street, Redbourn	2	0	2	0.020
5/2021/3133 5/2018/3282	4 Bamville Wood, East Common, Harpenden	1	-2	-1	0.090
5/2021/3093 5/2017/1669	Land Rear Of 3 And 5 Approach Road, Orient Close, St Albans	1	0	1	0.120
5/2021/3032	Land Rear Of 97 to 105 The Hill, Wheathampstead	3	0	3	0.090
5/2021/2954 5/2021/1752	48a Alma Road, St Albans	1	-2	-1	0.010
5/2021/2950 5/2020/1282	3 Watford Road, St Albans	2	0	2	0.080
5/2021/2944	12 Pondwick Road, Harpenden	1	-1	0	0.080
5/2021/2928	43 White Horse Lane, London Colney	1	0	1	0.140



Planning Permission Reference Number(s)	Site Name / Address	Number of Dwellings (Gain)	Number of Dwellings (Loss)	Number of Dwellings (Net Gain)	Gross Site Area (Hectares)
5/2021/2923 5/2021/1064 5/2021/0854	62 Spencer Street, St Albans	1	0	1	0.019
5/2021/2921	45 Park Avenue North, Harpenden	1	-1	0	0.118
5/2021/2920 5/2020/1328	316 Hatfield Road, St Albans	1	-1	0	0.070
5/2021/2895	21 Salisbury Avenue, Harpenden	9	0	9	0.230
5/2021/2881	8 Homewood Road, St Albans	1	-1	0	0.090
5/2021/2876	71 and 73 Hemel Hempstead Road, Redbourn	1	-2	-1	0.020
5/2021/2861 5/2020/3009	Land Rear of 50-54 Francis Avenue, St Albans	3	0	3	0.070
5/2021/2854 5/2020/2035 5/2018/1431	16 Gilpin Green, Harpenden	1	-2	-1	0.043
5/2021/2853	38 Burston Drive, St Albans	2	-1	1	0.060
5/2021/2743 5/2021/1800	86 Mount Pleasant Lane, Bricket Wood	1	-1	0	0.110
5/2021/2742	23 & 25 Moreton End Lane, Harpenden	1	0	1	0.020
5/2021/2725	364 Hatfield Road, St Albans	2	-1	1	0.070
5/2021/2704	19a Park Avenue South, Harpenden	1	-1	0	0.060
5/2021/2695	Land Rear Of 11 College Place, St Albans	1	0	1	0.004
5/2021/2674	6 Foxcroft, St Albans	1	0	1	0.030
5/2021/2566	40 Ridgewood Drive, Harpenden	1	-1	0	0.090
5/2021/2554	42 Mayflower Road, How Wood	1	-1	0	0.080
5/2021/2536 5/2020/1794	40 The Uplands, Harpenden	1	-1	0	0.140
5/2021/2515	16 & 16a High Street, Harpenden	5	0	5	0.040



Planning Permission Reference Number(s)	Site Name / Address	Number of Dwellings (Gain)	Number of Dwellings (Loss)	Number of Dwellings (Net Gain)	Gross Site Area (Hectares)
5/2021/2514 5/2021/2119 5/2020/0772 5/2019/1426	Land at Lady Bray Farm and Lady Bray Farm, Kennel Lane, Kinsbourne Green	4	0	4	0.160
5/2021/2510	Woodring, Aubrey Lane, St Albans	1	-1	0	0.260
5/2021/2414	134 St Albans Road, Sandridge	1	-4	-3	0.030
5/2021/2400 5/2020/1734 5/2018/0455	Dutch Barn, Harpendenbury Farm, Harpendenbury, Redbourn	1	0	1	0.020
5/2021/2365 5/2020/1889	232 Sandridge Road, St Albans	1	-1	0	0.096
5/2021/2355	Hornbeam Wood, Common Lane, Batford	1	0	1	0.010
5/2021/2332 5/2020/0200	86 Wheathampstead Road, Harpenden	2	-1	1	0.170
5/2021/2303 5/2019/0477	Land R/O 18-22 Bucknalls Drive, Bricket Wood	2	0	2	0.090
5/2021/2244	Bowersbury Farm, Bower Heath, Harpenden	1	0	1	0.670
5/2021/2242	32 Cambridge Road, St Albans	3	-1	2	0.060
5/2021/2163 5/2021/0758	Land Between 106 And 116 Tollgate Road, Colney Heath	2	0	2	0.090
5/2021/2135	118-120 Victoria Street, St Albans	2	0	2	0.010
5/2021/2120 5/2019/2748	223 Hatfield Road, St Albans	8	0	8	0.030
5/2021/2091 5/2020/0919	Land Between Hopkins Crescent And The Former Baptist Chapel, St Albans Road, Sandridge	14	0	14	0.460
5/2021/2069 5/2018/0865	Sopwell Mill Farm, 61 Cottonmill Lane, St Albans	2	0	2	0.670
5/2021/2036	169 Watling Street, Park Street	1	0	1	0.050



Planning Permission Reference Number(s)	Site Name / Address	Number of Dwellings (Gain)	Number of Dwellings (Loss)	Number of Dwellings (Net Gain)	Gross Site Area (Hectares)
5/2021/1987 5/2021/0367 5/2019/0717 5/2018/2016	2 Sandridge Road & 1 Sandpit Lane, St Albans	4	-1	3	0.020
5/2021/1974 5/2018/0629	The Elms, 24 Hall Place Gardens, St Albans	3	0	3	0.090
5/2021/1956	2 Dorcas Court, Old London Road, St Albans	1	0	1	0.070
5/2021/1953 5/2018/2237	14 Browning Road, Harpenden	1	-1	0	0.100
5/2021/1918 5/2021/1917	12 Hemel Hempstead Road, Redbourn	2	0	2	0.030
5/2021/1894 5/2021/0759 5/2019/1687	14 Perham Way, London Colney	1	0	1	0.040
5/2021/1864 5/2020/2159	53 & 55 Alexander Road, London Colney	1	0	1	0.025
5/2021/1824 5/2021/1826	Land At The Stables, Nicholls Farm, Livery Yard, Lybury Lane Redbourn, Redbourn	4	0	4	0.090
5/2021/1759 5/2020/0828	2 Broadstone Road, Harpenden	1	0	1	0.033
5/2021/1748	11a Croftwell, Harpenden	1	-1	0	0.080
5/2021/1735 5/2017/3659	Land adj 14 Summerfield Close, London Colney	2	0	2	0.090
5/2021/1674	The King Offa PH and Norman Close, Wallingford Walk, St Albans	14	0	14	0.370
5/2021/1654	26 Beaumont Avenue, St Albans	1	-1	0	0.090
5/2021/1610 5/2019/1904	The Old Lodge, Drop Lane, Bricket Wood	1	0	1	0.400



Planning Permission Reference Number(s)	Site Name / Address	Number of Dwellings (Gain)	Number of Dwellings (Loss)	Number of Dwellings (Net Gain)	Gross Site Area (Hectares)
5/2021/1594 5/2018/1689	Ayres End House, Ayres End Lane, Harpenden	4	-3	1	0.970
5/2021/1591 5/2017/2626	Redbourn Library, Lamb Lane, Redbourn	3	0	3	0.110
5/2021/1523	24 St Annes Road, London Colney	2	-1	1	0.060
5/2021/1452	18-20 Wood End Road, Harpenden	3	-2	1	0.290
5/2021/1435 5/2018/1867	York House, Guildford Road & 130 Ashley Road, St Albans	25	0	25	0.160
5/2021/1401	New Lodge, Drop Lane, Bricket Wood	1	-1	0	0.040
5/2021/1398 5/2018/3013	17 New House Park, St Albans	1	-1	0	0.100
5/2021/1327	26 Flavian Close, St Albans	1	-1	0	0.032
5/2021/1279	Long Acre, Holly Lane, Harpenden	1	-1	0	0.120
5/2021/1268	226a and 226b London Road, St Albans	4	-2	2	0.060
5/2021/1241 5/2021/1220 5/2020/1060	35c Lancaster Road, St Albans	2	0	2	0.050
5/2021/1233 5/2020/2659	217 Camp Road, St Albans	1	-1	0	0.011
5/2021/1155 5/2019/0045	1 Greyfriars Lane, Harpenden	1	-1	0	0.150
5/2021/1128	17 & 17a French Row, St Albans	1	-1	0	0.006
5/2021/0850 5/2020/1847	32 Burston Drive, How Wood	2	-1	1	0.060
5/2021/0840 5/2019/3185	Mandeville Health Centre, Mandeville Drive, St Albans	5	0	5	0.120
5/2021/0835 5/2017/3601	65 The Hill, Wheathampstead	1	0	1	0.030



Planning Permission Reference Number(s)	Site Name / Address	Number of Dwellings (Gain)	Number of Dwellings (Loss)	Number of Dwellings (Net Gain)	Gross Site Area (Hectares)
5/2021/0792 5/2018/2057	Land R/O 14 & 16 Marshals Drive, St Albans	1	0	1	0.520
5/2021/0776 5/2020/2068	Land Adjacent 1a, Barry Close, Chiswell Green	1	0	1	0.020
5/2021/0737	14 Frogmore, St Albans	2	-1	1	0.034
5/2021/0724 5/2020/0606	Noke Lane Business Centre, Noke Lane, St Albans	36	0	36	0.600
5/2021/0693	First Floor Offices, 9-10 Harding Parade, Station Road, Harpenden	1	0	1	0.010
5/2021/0688 5/2020/0969	87 Sandpit Lane, St Albans	1	-1	0	0.120
5/2021/0659	Land R/O The Red Cow PH, 171 Westfield Road, Harpenden	3	0	3	0.070
5/2021/0621 5/2020/2717	11 Moreton End Lane, Harpenden	1	-1	0	0.076
5/2021/0611 5/2019/1799	Former London Colney Recreation Centre, Alexandra Road, London Colney	45	0	45	0.810
5/2021/0555	Odyssey Cinema, 166 London Road, St Albans	4	0	4	0.011
5/2021/0547	Trentburn, St Bernards Road, St Albans	2	-1	1	0.060
5/2021/0499	Pinecrest, Sauncey Avenue, Harpenden	2	-1	1	0.007
5/2021/0415 5/2019/2786	Land rear of 8-10 Prospect Road, St Albans	3	0	3	0.080
5/2021/0337	The Grove, Livery Stables, The Grove, Pipers Lane, Harpenden	2	0	2	0.770
5/2021/0315 5/2020/0421	7 Manor Road, St Albans	2	-2	0	0.110
5/2021/0296	22 Sun Lane, Harpenden	1	0	1	0.070
5/2021/0286	17 Hazelmere Road, St Albans	2	-1	1	0.040
5/2021/0265 5/2019/2076	21 The Pleasance, Harpenden	2	-1	1	0.070
5/2021/0245	105 Victoria Street, St Albans	1	0	1	0.020



Planning Permission Reference Number(s)	Site Name / Address	Number of Dwellings (Gain)	Number of Dwellings (Loss)	Number of Dwellings (Net Gain)	Gross Site Area (Hectares)
5/2021/0189	5 Pondwick Road, Harpenden	1	-1	0	0.070
5/2021/0179 5/2020/1813	2 Greyfriars Lane, Harpenden	1	0	1	0.100
5/2021/0172	209 Camp Road, St Albans	1	0	1	0.010
5/2021/0098 5/2020/1680	105 Cambridge Road, St Albans	1	0	1	0.020
5/2021/0083 5/2018/1544	Rear Of 258 Hatfield Road, St Albans	4	0	4	0.058
5/2021/0082 5/2018/0399	Land Adjoining 11 Green Lane, St Albans	1	0	1	0.030
5/2021/0075 5/2021/0075 5/2018/2734	182-186 Folly Lane, St Albans	3	-3	0	0.083
5/2021/0067 5/2020/0706	Croft Farm, Cherry Tree Lane, Wheathampstead	1	0	1	0.100
5/2021/0028 5/2018/2657	Ground And Part First Floor, 114 Ashley Road, St Albans	7	0	7	0.080
5/2021/0026 5/2020/1699 5/2019/1428	Land Adjacent to 110a Park Street Lane, How Wood	1	0	1	0.040
5/2021/0024	10 Prospect Lane, Harpenden	1	-1	0	0.130
5/2020/3201	Land between 14 and 18 The Uplands, Bricket Wood	1	0	1	0.050
5/2020/3142 5/2020/3143	Batford Farm, Common Lane, Batford, Harpenden	4	0	4	0.040
5/2020/3121	39 Tuffnells Way, Harpenden	1	-1	0	0.060
5/2020/3084 5/2018/1260	Land Between The River Lea & Palmerston Drive, Wheathampstead	28	0	28	0.890
5/2020/3069 5/2020/1748	20 Park Avenue South, Harpenden	1	-1	0	0.160



Planning Permission Reference Number(s)	Site Name / Address	Number of Dwellings (Gain)	Number of Dwellings (Loss)	Number of Dwellings (Net Gain)	Gross Site Area (Hectares)
5/2020/3062 5/2020/1391	49 Hatfield Road, St Albans	3	-1	2	0.013
5/2020/2995	Brickfield Farm, Coles Lane, Kinsbourne Green, Harpenden	2	0	2	0.370
5/2020/2979	15 Seymour Road, St Albans	1	-1	0	0.060
5/2020/2978	67 St Peters Street, St Albans	20	0	20	0.060
5/2020/2938 5/2017/3655	Car Parking opposite 9 to 13 Temperance Street, St Albans	1	0	1	0.020
5/2020/2917 5/2018/0925	Land To Rear Of 116 To 118 Lower Luton Road, Harpenden	1	0	1	0.030
5/2020/2894 5/2020/0519	3 Faulkners End Cottages, Roundwood Lane, Harpenden	1	-1	0	0.150
5/2020/2862	212-212a Sandridge Road, St Albans	1	-2	-1	0.080
5/2020/2837 5/2019/2978 5/2017/2276	Land Adjacent The Blue Anchor PH, 45 Fishpool Street, St Albans	1	0	1	0.060
5/2020/2781	The Kestrels Care Home, 2-4 The Kestrels, Bucknalls Drive, Bricket Wood	1	0	1	0.240
5/2020/2762	Victoria, Alexandra, Littleport and Collingham House, Southdown Road, Harpenden	8	0	8	0.280
5/2020/2720	80 Oakwood Road, Bricket Wood	1	-1	0	0.140
5/2020/2700	59 Battlefield Road, St Albans	1	-1	0	0.060
5/2020/2602 5/2018/2124	R/O 3 Sandridge Road, St Albans	1	0	1	0.110
5/2020/2585	5 Bamville Wood, Harpenden	1	-1	0	0.040
5/2020/2505 5/2018/1945	Land South Of Minister Court, Frogmore	4	0	4	0.370
5/2020/2463 5/2019/2525	1 The Mansion and 3 St Peters Street, St Albans	6	0	6	0.040
5/2020/2451	The Hedges, Woolam Crescent, St Albans	12	0	12	0.297



Planning Permission Reference Number(s)	Site Name / Address	Number of Dwellings (Gain)	Number of Dwellings (Loss)	Number of Dwellings (Net Gain)	Gross Site Area (Hectares)
5/2020/2412	38 Holywell Hill, St Albans	1	0	1	0.010
5/2020/2406	38 Maynard Drive, St Albans	1	0	1	0.040
5/2020/2384	Ellen House, 63 London Road, St Albans	1	0	1	0.030
5/2020/1192					
5/2020/2348	153 Victoria Street, St Albans	1	0	1	0.010
5/2020/2331	17 The Uplands, Harpenden	1	-1	0	0.130
5/2020/2323	Land Rear Of 28 To 32 Carisbrooke Road, Harpenden	1	0	1	0.100
5/2020/2240	25 Abbey Avenue, St Albans	2	-1	1	0.114
5/2019/3100					
5/2020/2232	2 Browning Road, Harpenden	1	-1	0	0.070
5/2020/2218	Land adj 243 Cell Barnes Lane, St Albans	1	0	1	0.050
5/2020/2216	The Cherry Trees Indian Restaurant, 261 Lower Luton Road, Wheathampstead	2	-1	1	0.220
5/2020/2186	St Matthews Residential Care Home, Chequer Lane, Redbourn	2	0	2	0.680
5/2020/2181	23 Oakwood Road, Bricket Wood	1	-1	0	0.077
5/2020/2170	10 Alders End Lane, Harpenden	1	-1	0	0.143
5/2018/1621					
5/2020/2142	61-65 St Peters Street, St Albans	18	0	18	0.060
5/2019/3099					
5/2020/2079	4 Leasey Dell Drive, Wheathampstead	1	0	1	0.101
5/2019/0208					
5/2020/1923	Garage Rear Of 77-79 Station Road, Smallford	3	-1	2	0.190
5/2020/1909	52 Oaklands Lane, Smallford, St Albans	2	-1	1	0.090
5/2019/0884					
5/2020/1906	29 Collyer Road, London Colney	2	-1	1	0.040
5/2020/1858	6 Stewart Road, Harpenden	1	-1	0	0.039
5/2020/1850	12 Admirals Walk, St Albans	2	-1	1	0.070
5/2020/1799	61 Cotlandswick, London Colney	1	0	1	0.150
5/2017/2584					



Planning Permission Reference Number(s)	Site Name / Address	Number of Dwellings (Gain)	Number of Dwellings (Loss)	Number of Dwellings (Net Gain)	Gross Site Area (Hectares)
5/2020/1773 5/2018/1925 5/2017/1060	Civic Centre Opportunity Site (South), Victoria Street, St Albans	93	0	93	0.590
5/2020/1771	61 Sandridge Road, St Albans	1	-1	0	0.040
5/2020/1755 5/2017/2720	Land Adj 38 Morris Way, London Colney	1	0	1	0.030
5/2020/1700	50 London Road, St Albans	1	0	1	0.014
5/2020/1693 5/2019/1634	Orchard Farm, 105 Dunstable Road, Redbourn	1	0	1	0.780
5/2020/1673	60 Marshals Drive, St Albans	1	-1	0	0.149
5/2020/1667	Land adjacent (south) Winslo House, Radlett Road, St Albans	9	0	9	0.380
5/2020/1665	Land Rear Of 34 North Riding Accessed From West Riding, Bricket Wood	1	0	1	0.032
5/2020/1633	6 Barley Beans, Marford Road, Wheathampstead	1	-1	0	0.187
5/2020/1624	5 Mount Pleasant Lane, Bricket Wood	3	-1	2	0.054
5/2020/1615	Woodbury Manor, Lye Lane, St Albans	1	0	1	0.320
5/2020/1582	36 Burston Drive, How Wood	4	-1	3	0.096
5/2020/1545 5/2019/3189 5/2019/3064	117 Hatfield Road, St Albans	10	0	10	0.065
5/2020/1544	20 Penny Croft, Harpenden	1	-1	0	0.103
5/2020/1524 5/2019/0887	43 Park Avenue North, Harpenden	1	-1	0	0.120
5/2020/1516	Land Adjacent 6 High Elms, Harpenden	1	0	1	0.050
5/2020/1450	Land Between 22 And 24 Caesars Road, Wheathampstead	1	0	1	0.013
5/2020/1408	Black Barn, Childwickbury, St Albans	1	0	1	0.530
5/2020/1351	Meadow Cottage, Kennel Lane, Kinsbourne Green	1	-1	0	0.152
5/2020/1299	17 Woodstock Road North, St Albans	2	-1	1	0.097



Planning Permission Reference Number(s)	Site Name / Address	Number of Dwellings (Gain)	Number of Dwellings (Loss)	Number of Dwellings (Net Gain)	Gross Site Area (Hectares)
5/2020/1259	Houndwood Stables, Houndwood Farm, Harper Lane, Shenley	3	0	3	0.268
5/2020/1233 5/2017/3079	Land Adj 9 Southgate Court, Luton Road, Harpenden	2	0	2	0.040
5/2020/1217 5/2019/0894	25 Homewood Road, St Albans	1	-1	0	0.080
5/2020/1215	Adjacent 155 Camp Road, St Albans	2	0	2	0.023
5/2020/1207 5/2021/0937	Land Adj 1 Railway Cottages, Station Road, Bricket Wood	2	0	2	0.100
5/2020/1095	Crown House, 1a Crown Street, Redbourn	4	0	4	0.010
5/2020/1093 5/2017/0938	20a Holywell Hill, St Albans	2	-1	1	0.010
5/2020/1035 5/2017/1294	12 Bloomfield Road, Harpenden	2	-1	1	0.060
5/2020/0947	London Colney Islamic Centre, 174 High Street, London Colney	1	-1	0	0.030
5/2020/0934	201 Hatfield Road, St Albans	4	-1	3	0.010
5/2020/0876	86 Beaumont Avenue, St Albans	1	-1	0	0.080
5/2020/0859 5/2017/0118	4 Hatching Green Close, Harpenden	1	0	1	0.060
5/2020/0841	31 Furse Avenue, St Albans	1	0	1	0.040
5/2020/0836	Paddock End, Kimpton Bottom, Harpenden	1	-1	0	0.970
5/2020/0835	Warwick House, 21-23 London Road, St Albans	3	0	3	0.023
5/2020/0785	2 Someries Road, Harpenden	1	0	1	0.030
5/2020/0738	47 Manor Road, Wheathampstead	1	0	1	0.030
5/2020/0733 5/2017/3185 5/2017/3015	60 Victoria Street, St Albans	18	0	18	0.060
5/2020/0713 5/2017/3581	6 Grove Road, Harpenden	1	0	1	0.010



Planning Permission Reference Number(s)	Site Name / Address	Number of Dwellings (Gain)	Number of Dwellings (Loss)	Number of Dwellings (Net Gain)	Gross Site Area (Hectares)
5/2020/0558 5/2016/2054 5/2015/1841	Searches Yard, Searches Farm, Searches Lane, Bedmond	8	0	8	0.940
5/2020/0555 5/2017/2409	Butter Foal Stud And Tack Shop, Smug Oak Lane, Bricket Wood	1	0	1	0.800
5/2020/0491	24 Grove Avenue, Harpenden	2	-1	1	0.040
5/2020/0475	204 Park Street Lane, How Wood	3	-1	2	0.280
5/2020/0464	Land R/O 43 & 45 Firwood Avenue, St Albans	2	0	2	0.050
5/2020/0463	4a-8 Piggottshill Lane, Harpenden	3	-2	1	0.080
5/2020/0420 5/2014/1450	Gorhambury, St Albans	3	-2	1	0.162
5/2020/0414	6 Penny Croft, Harpenden	1	-1	0	0.090
5/2020/0411	46 Marshals Drive, St Albans	1	-1	0	0.140
5/2020/0347	4 St Marys Close, Redbourn	1	-1	0	0.140
5/2020/0341	3 Cloister Garth, St Albans	1	0	1	0.280
5/2020/0331 5/2018/3147	Land East of 21 Grasmere Avenue, Harpenden	1	0	1	0.100
5/2020/0256 5/2019/1174	1 And 2 Bride Hall Cottages, Bride Hall Lane, Welwyn	1	-2	-1	0.440
5/2020/0238	83 & 85 Kings Road, London Colney	4	-2	2	0.060
5/2020/0204	Barns And Stables At Sleafshyde Farm, Sleafshyde, Smallford	1	0	1	0.007
5/2020/0193 5/2017/2893	143b, 143c and Land Rear of 143 Victoria Street, St Albans	4	0	4	0.020
5/2020/0169	33 Chalkdell Fields, St Albans	1	0	1	0.170
5/2020/0139	107 Camp Road, St Albans	4	-1	3	0.030
5/2020/0138	Northern End Of Mill Walk, Wheathampstead	1	0	1	0.010
5/2020/0035 5/2018/3102	1a Netherway, Netherway, St Albans	4	-1	3	0.120
5/2020/0024	Tankerfield House, 1 Romeland Hill, St Albans	1	0	1	0.010



Planning Permission Reference Number(s)	Site Name / Address	Number of Dwellings (Gain)	Number of Dwellings (Loss)	Number of Dwellings (Net Gain)	Gross Site Area (Hectares)
5/2019/3249	Land R/O 56 Harpenden Road, St Albans	2	0	2	0.050
5/2019/3217 5/2020/0784	6 Adelaide Street, St Albans	8	0	8	0.010
5/2019/3173	49 The Park, St Albans	1	-1	0	0.240
5/2019/3164 5/2018/0095	The Old Electricity Works, Campfield Road, St Albans	107	0	107	0.730
5/2019/3094	Unit 2, Meads Lane Industrial Estate, Meads Lane, Wheathampstead	1	0	1	0.060
5/2019/3061 5/2017/0014	52 Victoria Street, St Albans	5	0	5	0.060
5/2019/2946	12 Pipers Close, Redbourn	1	0	1	0.010
5/2019/2921	32 White Horse Lane, London Colney	5	-1	4	0.136
5/2019/2850	38 Saxon Road, Wheathampstead	1	0	1	0.030
5/2019/2833	54 Marshalswick Lane, St Albans	1	-1	0	0.180
5/2019/2772	Heath House & Flats 1 & 2, 9 Harpenden Road, St Albans	1	0	1	0.003
5/2019/2737	7, 9 and land to the rear of 5 West Way, Harpenden	4	-2	2	0.150
5/2019/2699 5/2018/2036	382 Hatfield Road, St Albans	8	-1	7	0.063
5/2019/2656	Units 6 And 7 Batford Mill, Lower Luton Road, Harpenden	14	0	14	0.198
5/2019/2633	7 Tintern Close, Harpenden	1	0	1	0.160
5/2019/2561	Land to the Rear of 32 Ridgewood Drive, Harpenden	1	0	1	0.200
5/2019/2555	Land Adj 31 West Common Way, Harpenden	1	0	1	0.140
5/2019/2513	Land R/O 8 Mitchell Close, St Albans	1	0	1	0.010
5/2019/2488	1 Jersey Lane, St Albans	1	0	1	0.020
5/2019/2365 5/2018/2594	Noke Shot Garages East, 35a and 35b Porters Hill, 46 Noke Shot and land rear of 38-40 Noke Shot, Harpenden	10	-2	8	0.380
5/2019/2333	Queen Elizabeth The Queen Mother Centre, Station Road, Bricket Wood	9	0	9	0.297



Planning Permission Reference Number(s)	Site Name / Address	Number of Dwellings (Gain)	Number of Dwellings (Loss)	Number of Dwellings (Net Gain)	Gross Site Area (Hectares)
5/2019/2258 5/2018/2344	The Wood Store, Redding Lane, Norrington End, Redbourn	1	0	1	0.006
5/2019/2235 5/2016/3817	The Barn & Holm Oaks, Albert Bygrave Retail Park, North Orbital Road, St Albans	1	-1	0	0.130
5/2019/2168	50 Roundwood Park, Harpenden	1	-1	0	0.060
5/2019/1990 5/2016/2754	9, 11 And Land To Rear Of 7 Crossfields, St Albans	4	-2	2	0.170
5/2019/1939 5/2016/2362	The Fruit Store, Gorhambury, St Albans	1	0	1	0.009
5/2019/1845 5/2018/0474	Former Westfield Allotment Site, Beeching Close, Harpenden	24	0	24	0.560
5/2019/1801	4 Midway, St Albans	1	-1	0	0.080
5/2019/1704	Building 1 Lamer Park Farm, Lamer Lane, Wheathampstead	1	0	1	0.030
5/2019/1642	Chelford House, Coldharbour Lane, Harpenden	35	0	35	0.400
5/2019/1622	399 & 399a Hatfield Road, St Albans	3	-1	2	0.010
5/2019/1287	Land R/O 24 Mayflower Road, How Wood	1	0	1	0.040
5/2019/1281	172 High Street, London Colney	1	0	1	0.100
5/2019/1274	Former Sopwell Youth Centre, Cottonmill Lane, St Albans	7	0	7	0.280
5/2019/1269	2a Warwick Road, St Albans	1	0	1	0.010
5/2019/1251	10 Tuffnells Way, Harpenden	1	-1	0	0.150
5/2019/1210	The Cottage, The Common, Kinsbourne Green, Harpenden	3	0	3	0.290
5/2019/1032	81 Sopwell Lane, St Albans	1	-2	-1	0.270
5/2019/0861	4 Pondwicks Close, St Albans	1	-1	0	0.130
5/2019/0733 5/2016/1170 5/2013/2021	Station House, 2-6 Station Approach, Harpenden	9	0	9	0.050
5/2019/0719	Barn At Turners Hall Farm, Annables Lane, Kinsbourne Green	5	0	5	0.740
5/2019/0440 5/2017/1520	23 Mount Pleasant, St Albans	1	-1	0	0.020



Planning Permission Reference Number(s)	Site Name / Address	Number of Dwellings (Gain)	Number of Dwellings (Loss)	Number of Dwellings (Net Gain)	Gross Site Area (Hectares)
5/2019/0422	12 Wheatfield Road, Harpenden	1	-1	0	0.140
5/2019/0249 5/2019/3080	227 & 227a Hatfield Road, St Albans	3	-1	2	0.010
5/2019/0223	Land Between 2 And 16 Radlett Road, Frogmore, Park Street	3	0	3	0.140
5/2019/0093	12 The Warren, Harpenden	1	-1	0	0.134
5/2018/3367	7 Wood End Hill, Harpenden	1	-1	0	0.070
5/2018/2880	Garden Cottage, Annables Lane, Kinsbourne Green, Harpenden	1	-1	0	0.180
5/2018/2525 5/2016/3422 5/2015/2726 5/2015/0408 5/2014/3337	Ziggurat House, Grosvenor Road, St Albans	130	0	130	0.340
5/2018/2266	Grimsdyke Lodge, Hatfield Road, St Albans	2	0	2	0.100
5/2018/2094	48 Marshals Drive, St Albans	1	-1	0	0.290
5/2018/2000	22-24 Grove Road (Pan Autos), Harpenden	39	0	39	0.360
5/2018/1655	Kennels, 1 Betts Cottages, Little Revel End Lane, Redbourn	5	0	5	0.240
5/2018/1566	Land R/O 68 Oakwood Road, Bricket Wood	1	0	1	0.170
5/2018/1540	R/O 68 Harpenden Road, St Albans	1	0	1	0.070
5/2018/1413	Aldwickbury School, Wheathampstead Road, Harpenden	2	-2	0	0.100
5/2018/1371	Land adj 103 How Wood, How Wood	1	0	1	0.040
5/2018/1254	1 And 2 Land Adjacent To Martyr Close, St Albans	2	0	2	0.034
5/2018/1049	16 Lower Luton Road, Harpenden	5	-1	4	0.060
5/2017/3661	3a Albion Road, St Albans	1	0	1	0.100
5/2017/3067	Faulkners End Farm, Roundwood Lane, Harpenden	1	0	1	0.170
5/2017/2602	132 & 132A Kings Road, London Colney	4	0	4	0.010
5/2017/2447	74 West Riding, Bricket Wood	1	0	1	0.060
5/2017/1904	27 Becketts Avenue, St Albans	2	-1	1	0.030
5/2017/1426	7 Woodside Road, Bricket Wood	2	-1	1	0.070



Planning Permission Reference Number(s)	Site Name / Address	Number of Dwellings (Gain)	Number of Dwellings (Loss)	Number of Dwellings (Net Gain)	Gross Site Area (Hectares)
5/2017/1149	Ziggurat House (Car Park), Grosvenor Road, St Albans	74	0	74	0.430
5/2017/0916	Part Of Garage Block Between Hughenden Road And The Ridgeway, St Albans	8	0	8	0.250
5/2017/0855	33 Stewart Road, Harpenden	1	0	1	0.100
5/2016/3281	90 & 90a Grange Street, St Albans	2	-2	0	0.030
5/2016/2877					
5/2016/0403	33, 34 And Part Of 35 The Close, Harpenden	3	-2	1	0.100
5/2016/2810	Calverton House, 2 Harpenden Road, St Albans	4	0	4	0.020
5/2016/2422	Porters House, 4 Porters Wood, St Albans	21	0	21	0.200
5/2015/3508	East Lodge, Oaklands Lane, Smallford	1	-1	0	0.100
5/2015/2871					
5/2016/3811	223a Hatfield Road, St Albans	14	0	14	0.128
5/2014/2136					
5/2016/1647					
5/2012/0987	270-274 London Road, St Albans	46	-3	43	0.680
5/2014/0063	Oak Court Business Centre, 14 Sandridge Park, Porters Wood, St Albans	14	0	14	0.260
5/2017/2878					
5/2013/2153	1-8 Reed Place, Bloomfield Road, Harpenden	14	-8	6	0.130
	Total	1,446	-176	1,270	~



Appendix HLS3 - Willow Tree House Appeal Decision



Appeal Decision

Hearing Held on 16 and 17 November 2021

Site Visits made on 15 (unaccompanied) and 17 (accompanied) November 2021

by Rachael Pipkin BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2022

Appeal Ref: APP/X0360/W/21/3275086

Willow Tree House, Brookers Hill, Shinfield RG2 9BX

- 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 Trevor & Lisa Collins, P Byfield & Kahn Properties Limited & E Rube against the decision of Wokingham Borough Council.
 - The application Ref 203560, dated 18 December 2020, was refused by notice dated 16 April 2021.
 - The development proposed is full application for a mixed use development comprising the proposed erection of 23 dwellings and community hall with vehicular access off Brookers Hill and pedestrian and cycle access from Hollow Lane together with open space and landscaping.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. During the Hearing I was provided with a copy of a deed of agreement to provide planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended) (the S106 Agreement). This deals with securing contributions to infrastructure, affordable housing, employment skills, biodiversity net gain and highways works.
3. At the Hearing, the appellants agreed to include provisions to secure the installation of the noise attenuation barrier and measures for the ongoing maintenance of both it and the proposed open space being provided on the site. To enable the S106 Agreement to be redrafted to address these matters and due to the large number of signatories to the S106 Agreement, I allowed extra time for the conclusion of these matters after the Hearing. I will discuss this S106 Agreement in more detail later in this decision.
4. Since planning permission was refused, a number of amendments were made to the scheme. These were submitted as part of the appeal. The amendments included changes to the layout and footpaths, removal of a woodland path, increased green space facilitated by a reduction in a 'public art' area, amended landscaping proposals based on alternative site re-grading, provision of additional cycle storage and refuse collection points. Whilst these amendments are numerous, they do not fundamentally alter the scheme. Furthermore, these amended drawings were available to interested parties as part of the notification of the appeal. I am therefore satisfied that interested parties have had the opportunity to consider and respond to these.

5. During the appeal process, in seeking to address the highways reason for refusal, a number of technical changes to the site layout were required which resulted in further amendments to the scheme. Given the technical nature of these changes, I am satisfied that these do not materially change the scheme. I have therefore proceeded to deal with the appeal on the basis of the amended plans submitted with the appeal and those plans subsequently amended and provided as Revision 5¹.
6. The planning application was refused for 8 reasons. The Council's third reason for refusal referred to the absence of sufficient information in relation to the proposals impact on ecology and biodiversity. During the appeal the appellants undertook further survey works and provided contributions to securing a biodiversity net gain through the proposed development. At the Hearing, the Council verbally confirmed that, subject to the imposition of appropriate conditions and securing biodiversity net gain through a legal agreement, this addressed its objection.
7. The Council refused the scheme on the grounds that insufficient information had been provided to demonstrate that the scheme would not have an unacceptable impact on highway safety with regards to the provision of adequate parking, providing a safe internal layout for pedestrians or promoting sustainable transport options. Prior to the Hearing, the appellants agreed with the Council measures for mitigation and addressing highway concerns. These would be secured through a combination of conditions and a planning obligation to secure highway works through a Section 278 Agreement under the Highways Act 1980. The Council confirmed that this addressed its reason for refusal as set out in reason 4 of the decision notice.
8. In terms of highway safety, the Council additionally set out under its fifth reason for refusal that it had not been demonstrated that the proposed noise barrier would not have a detrimental effect on the safe operation of the M4 motorway. This was on the basis of the response from National Highways (formerly Highways England) objecting to the scheme on the grounds that it had insufficient details to determine its effect on the M4 motorway.
9. During the Hearing, a condition to secure the approval of details of the noise barrier was discussed. Subject to the imposition of conditions securing approval of details of the proposed noise attenuation barrier and drainage systems and a construction management plan, National Highways confirmed in writing that it no longer objected to the scheme. The Council has however, not confirmed that it no longer objects to the scheme on this basis. I discuss this matter later in my decision.
10. The fifth reason for refusal also set out that it had not been demonstrated that the proposed noise attenuation barrier could adequately protect against road traffic noise from the M4 motorway without significant impact to residential amenity of future occupiers. In particular, the Council was concerned that this could not be addressed without windows having to be kept fixed shut. The appellants confirmed at the hearing that all windows would be openable at all times. The Council confirmed that on this basis, its reason for refusal in this regard had been addressed.

¹ Plans Ref: ITB15419-GA-001G, 009E, 011E, 014A and 016C

11. The Council's sixth, seventh and eighth reasons for refusal referred to the absence of a signed S106 Agreement to make the development acceptable in planning terms. However, the unsigned agreement provided to me at the Hearing addressed those matters set out under these reasons for refusal. The Council confirmed that, subject to securing the required signatories to the agreement, this addressed their concerns on these issues and removed its objection to the appeal in respect of these reasons for refusal. Since this completed legal agreement has been provided, I have proceeded on the basis that the Council is no longer pursuing its objections to the scheme on these matters.
12. Since the Hearing was closed, the Council published its annual Five Year Housing Land Supply Statement at 31 March 2021 on 7 January 2022. This superseded the Five Year Housing Land Supply Statement at 31 March 2020, published 14 January 2021 which formed the basis of the discussion at the Hearing. I sought the comments of both the parties on the revised Housing Land Supply Statement (HLSS). I have determined the appeal on the basis of the most recent HLSS.
13. On 14 January 2022 the Government published the Housing Delivery Test (HDT) Results for 2021. I wrote out to the parties for their views on this. I have taken their comments into account in my decision.
14. The Government launched its First Homes scheme in England, as set out in its Written Ministerial Statement of 24 May 2021. This came into effect on 28 June 2021 with a transition period which ended on 28 December 2021. I sought the views of both parties on the implications, if any, of this national policy in relation to the appeal.

Main Issues

15. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on protected trees; and
 - whether there are any material considerations which mean that the decision should be made otherwise than in accordance with the development plan.

Reasons

Character and appearance

16. The appeal site is located adjacent to the settlement of Shinfield and within the designated 'South of the M4 Strategic Development Location' (SDL). The SDL is 1 of 4 such areas within the Borough designated for growth. Within this context, the appeal site is included in the built-up area of Shinfield, although it lies outside the defined development limits.
17. The appeal site is approximately 2.4 hectares. It is an irregular shape and falls into 2 distinct sections. The southern section of the site which has a frontage to Brookers Hill comprises Willow Tree House and its gardens including an area of unmanaged orchard and woodland and trees. These provide enclosure of the site, largely screening existing development from

view. This gives the site a sylvan character which makes a positive contribution to the area. Development along this stretch of Brookers Hill is largely confined to the north side of the road, characterised by large, detached properties set within spacious grounds, similar to the appeal property. Beyond, on the opposite side of Brookers Hill, there are open fields. This contributes to the semi-rural character of the area.

18. Within the site, the ground rises up from Brookers Hill towards a wooded ridge. The northern section of the site lies beyond this. This part of the site slopes steeply down towards the M4 motorway which runs along its northern boundary. The large gardens to Brookers Hill properties form a boundary to its southern edge with an area of undeveloped land forming part of its south-eastern boundary with a small housing development off Brookers Hill beyond. Towards its eastern end there is a commercial building, a number of commercial shipping containers and an access onto Hollow Lane which runs between the Shinfield Arms and residential properties fronting this road.
19. The northern section of the site is an area of undeveloped grassland flanked by woodland and has a more open and rural character than the southern section. This is however limited in extent due to the hard edge formed by the M4 motorway. From here, it is viewed in the context of close-boarded acoustic timber fencing to the adjacent site and with the commercial buildings and containers visible through the trees and boundary vegetation separating the site from the M4 motorway corridor.
20. The scheme seeks the formation of a new access road, which would traverse the site from Brookers Hill. Six detached dwellings would be provided within the southern section of the site. Towards the top of the slope, a row of pairs of semi-detached houses would be constructed with an area of open space including a play area to the west. Two small blocks of flats would be located on the opposite side of the access road and adjacent to a new single-storey community building with car parking to its west. This would be adjacent to the boundary with the M4 motorway.
21. Along the northern edge of the site, and set in slightly from the boundary, a 240 metre long and 8 metre high 'Eco-Barrier' would be constructed to provide separation and acoustic screening from the M4 motorway. The eco-barrier would be an ivy covered steel structure forming a green wall between the trees and vegetation along the motorway corridor and the proposed buildings on the site.

Effect on the landscape character

22. The appeal site lies within the Spencers Wood Settled and Farmed Clay area an area of overall moderate quality as described in the Wokingham Borough Landscape Character Assessment (WBLCA). The WBLCA recognises that the area has a rural character but is strongly influenced by its proximity to Reading. The area itself is formed as a clay ridge that separates it from other landscape areas. It is characterised by a range of distinctive features which include pastoral land use within a wooded setting as well as displaying remnants of historic parklands and the sense of elevation and views provided across the adjacent lowland landscapes.
23. The appeal site displays some of the characteristics of this landscape area in the form of small-scale woodland and the northern section of the site

contributes to the undeveloped slopes of the clay ridgeline. This part of the site is visible for a short section travelling along the M4 corridor, from both a footbridge to the west and the Shinfield Road bus and cycle bridge to the east over the motorway.

24. The lower parts of the site are screened from view by boundary trees and vegetation along the M4 corridor outside the appeal site. A large cantilevered sign over the motorway significantly restricts views of the site from some sections of the footbridge, although it remains visible from its far side on the opposite side of the motorway. The views from the Shinfield Road bridge are significantly more open, where the contribution of undeveloped slopes and woodland to the rural character on the edge of the settlement can be seen.
25. The eco-barrier would be a substantial structure both in terms of its height and length. Once fully vegetated it would have a solid appearance. It would be partially screened in views from the motorway and bridges by the existing trees and vegetation on the sites northern boundary many of which would be a similar height or taller. Whilst this would go some way towards reducing its visual impact, the solid and impenetrable appearance of the eco-barrier, would make this a prominent feature running along a significant stretch of the motorway.
26. The ivy clad and verdant appearance of the eco-barrier would have a less harsh appearance than the timber fencing which characterises much of this stretch of the motorway including the adjacent site. However, it would be more than double the height of this fencing and would significantly reduce views into the site from the motorway. The enclosure of the site in this manner would significantly detract from the existing open character of the site. It would also have an enclosing effect on this stretch of the motorway.
27. The eco-barrier would only be visible from a limited number of viewpoints. It would be experienced over a relatively short period of time due to the speed of traffic travelling along the motorway. However, it would draw the eye due to its excessive length and height. Nonetheless, I agree that the harm would be relatively localised with a degree of seasonality, with the proposal less prominent during summer months when trees between the eco-barrier and the motorway are in leaf. As such, the proposed development would give rise to significant rather than substantial harm to landscape character.
28. The eco-barrier would provide some screening of the proposed development to the northern slopes. However, the proposed houses at the top of the slope, the green roof of the community building and parts of the proposed access road would be visible beyond this. This would erode the rural character of the site, diminishing its contribution to the undeveloped slopes north of the ridgeline and the landscape character.
29. The scheme proposes the retention of a modest area of open land at the top of the slope and to the west of the proposed housing with a wooded backdrop. This area would be visible beyond the eco-barrier similar to how the slopes are currently visible above the tree tops along the motorway verge, although with the eco-barrier providing a much less permeable view. Whilst this would retain some of the open character of the site, the undeveloped area would be much reduced and viewed in the context of the proposed houses and the new road. This would not therefore mitigate the loss of the rural character of the site.

30. In order to develop the appeal site, it is evident that extensive ground works would be required to provide the appropriate levels for the development so that the roads and buildings could be constructed. This would require a substantial amount of cut and fill development to create a series of terraces within the slope. This would fundamentally change the character of the slope. Whilst a portion of the most visible part of the site which can be seen above the existing boundary trees would be retained as open and sloping land, the changes to the slope would appear engineered and urbanising, which would be harmful to its natural and undeveloped character.
31. Views of the surrounding lowlands beyond the motorway are only possible from the higher parts of the site. These would be mostly retained and possible beyond the eco-barrier, although this would appear as an intervening feature in those views. However, as the motorway is also an intrusive feature within those views, the eco-barrier would have a negligible impact on the quality of those views.
32. Within the southern section of the site, the removal of trees and the formation of an additional access to Plots 1 and 2 would open up the site to views from Brookers Hill and the surrounding area. The proposed development of 6 houses would be prominent due to the reduced tree cover. The arrangement of houses would have a more suburban form which would be out of character with the low density, unobtrusive and dispersed pattern of development along this section of Brookers Hill. This would cause significant harm to the semi-rural and sylvan character and appearance of the area.

Settlement Separation

33. Policy CP19 of the Wokingham Borough Core Strategy Development Plan Document 2010 (the CS) sets out the requirement that development South of the M4 should include measures to retain separation of settlements from each other. This includes settlements both to the south of the M4 within the SDL as well as those to the north of the M4. The South of M4: Development Brief Supplementary Planning Document (the SPD) expands on this, explaining that this is to retain the character of the existing settlements and wider surrounding landscape. To achieve this, the CS defines settlement separation by means of a series of broad zigzag lines on a map running east to west and north to south.
34. Of relevance to the appeal, one of the zigzag lines runs along the M4 corridor broadly following its alignment, extending beyond the settlement of Three Mile Cross to the west and Shinfield to the east. This indicates the area of separation being protected between settlements south of the M4 and those to the north within the greater Reading area. The appeal site lies mostly within the area covered by this zigzag line.
35. The M4 motorway is a major lit highway corridor. Whilst this provides a clear physical and visual barrier between greater Reading and Shinfield, on its own it would not be sufficient to maintain a suitable gap between the settlements. However, in combination with the substantial area of undeveloped woodland directly to the north of the M4 opposite the appeal site, it separates the built-up area of Greater Reading and Shinfield.
36. The appeal site, in forming part of the undeveloped northern slopes of the clay ridgeline, also contributes to the separation of these settlements. The

- enclosure of the site by both the M4 motorway to the north and development to the south and east, including the existing commercial building and containers on site and the rooftops of development beyond, does however limit its contribution.
37. Development of the site would cause some reduction in the gap between the settlement areas north and south of the M4. However, with an undeveloped area of slope retained and some screening by both the boundary vegetation and the eco-barrier, a visible green gap, albeit reduced, would continue to exist. Together with the area of woodland to the north of the M4, the extent of harm in terms of settlement separation that would arise from this would be moderate.
 38. In coming to this view, I have taken into account the Council's conclusions in its recent grant of planning permission at Hogwood Park² on the grounds that the site was landlocked by SDL development and Park Lane and would not result in urban sprawl beyond the site into the wider countryside.
 39. I have also had regard to the conclusions in respect of the approved development at Ashridge Farm, Wokingham³. In this case, it was accepted that the proposal would not result in the proliferation of development away from development limits into open countryside nor would it compromise the separate identity of settlements with the A329(M) forming the barrier for development in north Wokingham. This scenario is similar to that of the appeal scheme.
 40. Whilst I appreciate that in both these 2 cases there were other benefits of the schemes, nevertheless the principle of roads and other development forming an enclosure of the site has been accepted. It seems to me that with these elements in place, some separation would be retained, the identify of Shinfield would be adequately protected and it would not merge into Greater Reading.
 41. The Council has drawn my attention to a dismissed appeal⁴ at Shinfield Glebe site some 350m south of the appeal site where the Inspector considered the extent of development would be harmful to the sensitive edge of the settlement location, leading to greater coalescence of Shinfield and greater Reading. However, that site was much larger than the appeal site with very little enclosure on any of its boundaries.
 42. Unlike the appeal scheme where there is woodland opposite, the urban area within Greater Reading to the north of the M4 corridor extends right up to the motorway. Consequently, the only separation between the settlements was provided by the motorway and a relatively narrow area of open land to the south of the Shinfield Glebe site. This represented a much more intrusive and significant encroachment into the countryside and closing of a settlement gap than the appeal scheme.
 43. Overall, whilst I do not find that the scheme would undermine settlement separation, I nevertheless conclude that it would cause significant harm to the character and appearance of the area in regards to its effect on landscape character. It would therefore conflict with Policies CP3 and CP11 of the CS, Policies CC02 and TB21 of the Managing Development Delivery Local Plan

² Council Ref 163547

³ Council Ref 201515

⁴ APP/X0360/A/10/2133804

2014 (the MDD LP) and Policy 2 of the Shinfield Neighbourhood Plan 2017 (the SNP). These policies together seek development appropriate to the character of the area, that protects the separate identity of settlements and maintains the quality of the environment, retaining or enhancing the character and features that contribute to the landscape. It would also not accord with the Borough Design Guide SPD 2012 (the BDG) which seeks the same.

The effect on trees

44. There are numerous trees within the southern section of the site and along the ridge. These give the site a sylvan character, particularly to its southern section and provide a wooded backdrop to the northern part of the site. Collectively the trees and woodland make a positive contribution to the landscape of the area. These are subject to a Tree Preservation Order (TPO)⁵ which comprises a combination of individual, groups and an area of trees.
45. The appellants have provided an Arboricultural Assessment and Method Statement (AAMS). The AAMS, which categorised trees based on guidance in British Standards⁶, identifies that most of the trees and groups of trees on site are considered to be either Category C grade and of low quality. There are a few individual trees and one group of trees within the site plus some off-site trees that are considered to be of moderate quality and classified as Category B. A small number of trees are Category U trees which are not suitable for retention.
46. The proposal would require the removal of 2 category B trees, a mature Norway spruce (T25) and a mature false acacia (T41), as well as several category C trees and groups of trees. The most significant area of tree removal would be to the southern section of the site. Here a large number of trees and groups of trees would be removed in order to both form the proposed access road running along the boundary with the adjacent property to the west, Foxglade; and to provide open garden space to the proposed dwellings in this part of the site.
47. There are a few trees within the grounds of Foxglade along its boundary with the appeal site. However, they are sparsely positioned and would not, on their own, provide a commensurate density of tree cover to that which currently exists. As I have set out in my reasoning above, this would significantly open up the site, and would erode the sylvan and semi-rural character of this area.
48. A limited number of trees would be removed from the belt of trees running across the ridgeline of the site. This includes a category B tree. The removal of these trees would effectively thin the line of tree cover, potentially forming a break within the canopy. This would detract from the wooded character of the ridgeline. This would be visible from the surrounding area and harmful to the landscape character of the site.
49. Within the area of woodland separating the 2 sections of the site, I observed that there are significant variations in ground level with evidence of some trees growing within embanked areas. The AAMS acknowledges that a number of these will require protection in the form of no-dig surfacing. Whilst this may provide some mitigation from harm where the ground is level, the AAMS is

⁵ Tree Preservation Order No. 1682/2019

⁶ BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations

- less clear on how protection would be provided for those trees growing at different levels close to where the proposed access road would run.
50. I have not been provided with details of existing levels in this area nor how the access road would be constructed. It seems to me that, with trees growing at different levels in combination with the ground works to form the required level area and width for the access road, there is likely to be some disturbance to the ground in this part of the site. This would be either through excavation or the piling of additional soil within the root protection area (RPA) of the trees to be retained. This could result in harm to the long-term health of the trees either through root damage from exposure or starving the trees of oxygen. Insufficient details have been provided in this regard. Had I been minded to allow the appeal, the imposition of a suitably worded condition to require further details and control over works associated with levelling the ground could provide some mitigation of this.
51. The off-site category B trees along the south-eastern site boundary to the northern section of the site are also protected as an individual and group of trees under the TPO. One of these, a poplar tree (T45), would be located at the end of the rear gardens to the proposed houses on Plots 11-13 and a protected group of poplars (G47) at the rear of Plots 14-18. Due to the differences in ground levels and the presence of these trees, it is proposed to construct a retaining wall at the rear of these gardens to accommodate the change in levels.
52. At the Hearing, the Council raised concerns about how this wall would be constructed so as to minimise any harm to these trees. The submitted tree protection plan indicates that the retaining wall would extend around the RPAs of these trees. This should minimise harm to these trees and a suitably worded condition could ensure their protection during construction.
53. The gardens to these properties are relatively small and with the overhanging tree canopies, the amount of useable space is reduced. This may give rise to pressure from future occupants to reduce or remove these trees to provide more space. I accept that any such works would require permission due to the protection afforded these trees, however, it may be difficult to resist such requests given the circumstances.
54. I am told that the TPO was only put on the site in May 2019 when the Council became aware of the proposed development of the site. A significant part of the TPO, covering the entire southern section of the appeal site and the area of woodland along the ridge to the north of this, is an 'area category' TPO. The Planning Practice Guidance (PPG)⁷ sets out that this type of TPO can be used to protect individual trees dispersed over an area. It is intended for short-term rather than long-term protection as a temporary measure until the trees on the site can be fully assessed and classified.
55. I have not been made aware that any further assessment of the trees has been undertaken. Whilst I recognise that this is a requirement, it does not alter the protection which these trees currently benefit from. I have found that the trees collectively make a positive contribution to the area and that their loss or works that may adversely affect their long term health would be harmful to the character and appearance of the area.

⁷ Paragraph: 029 Reference ID: 36-029-20140306

56. I appreciate that the proposal includes significant tree planting, indicated to be a net gain of some 87 new native trees. In the long term this would certainly provide some mitigation for the loss of trees on the site. However, in the short to medium-term the loss of trees would harm the character of the site, reducing its contribution to the wider area. Furthermore, these trees would not replace those lost along the western site boundary as this area would be occupied by the access road. The reduction in tree cover here would be permanent and harmful for the reasons I have set out.
57. I conclude that the proposed development would have a significant adverse effect on protected trees. In this respect, it would conflict with Policies CC03 and TB21 of the MDD LP and Policy 2 of the SNP which together seek the protection and retention of existing trees and features that contribute to the landscape. For the same reasons, it would also not accord with the BDG. I have found no conflict with Policy 6 of the SNP referred to in the decision notice as this relates to trees in the context of ancient woodland which is not relevant to the appeal scheme.

Other Considerations

Planning Policy Context

58. The development plan includes the CS, the MDD LP and the SNP. The Council is in the process of preparing a new Local Plan, but this is at an early stage and has not been submitted for examination. It therefore carries limited weight at this time.
59. Paragraph 11 d) of the National Planning Policy Framework (the Framework) sets out that for decision taking where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless: i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
60. The Framework does not provide any definition of what constitutes 'most important' however, the wording is clear it refers to the policies most important in the determination of the application rather than the appeal that need to be considered. This means that it is those policies relating to the consideration of the whole scheme rather than those matters in dispute at the appeal that should be included. Other policies may be relevant but would not necessarily be the most important.
61. In accordance with the approach established through case law⁸, a consideration of which policies are the most important must be made and an assessment about whether these are out-of-date. It is for the decision-maker to consider whether the 'basket' of most important policies as a whole is out-of-date, a matter which I return to in my conclusions below.

⁸ Wavendon Properties Ltd vs SSCLG and Milton Keynes Council [2019] EWHC 1524 (Admin)

The most important policies

62. The parties do not agree which are the most important policies for determining the appeal. At the hearing it was agreed by both parties that Policies CP9 and CP11 of the CS, Policies CC02 and TB21 of the MDD LP and Policy 1 of the SNP would be most important policies for determining the appeal. In addition, the Council considers that Policy CP3 of the CS and Policy 2 of the SNP should be included.
63. Policy CP3 sets out general principles for development. As the design of the proposed development in the context of the site constraints and its relationship to the surrounding area is an important factor, I consider that Policy CP3 is one of the most important policies. For the same reasons, I consider that Policy 2 of the SNP which sets out general design principles should be included as one of the most important policies.
64. The list of most important policies put forward by the parties are focussed on the location of development, landscape character and design. In terms of locational factors, I consider Policy CP19 of the CS is also most important as it sets out the expectations of development within the South of the M4 SDL. In respect of trees and landscaping, Policy CC03 of the MDD LP is also most important.
65. In addition to those referred to above, I consider that a number of the policies included within the reasons for refusal would also be most important policies. This includes Policies CP1 of the CS and CC01 of the MDD LP which secure sustainable development and Policy CP2 of the CS which relates to inclusive communities and the provision of community facilities.
66. The scheme includes residential development and proposals for a mix of housing types and affordable housing, therefore Policies CP5 of the CS and TB05 of the MDD LP are most important.
67. A community facility and 23 residential properties are proposed. Policies CP6 of the CS, CC07 of the MDD LP and Policies 4 and 5 of the SNP which manage travel demand and secure car parking are most important policies for assessing the effects of the scheme on the highway network and travel patterns.
68. The appeal scheme proposes the development of an area of land that is semi-improved grassland and woodland. The scheme would extend built development into this area which would remove some of this habitat. Consequently, I consider Policies CP7 of the CS and TB23 of the MDD LP and Policy 7 of the SNP which seek the protection of biodiversity and mitigation against its loss are also most important policies.
69. Due to the proximity of the appeal site and the proposed dwellings to the M4 motorway, the effect of noise on the proposed development is a significant factor. For this reason, I consider Policy CC06 of the MDD LP which relates to noise impacts and mitigation is also a most important policy.
70. Policy TB12 of the MDD LP and Policy CP4 of the CS which seek to secure employment skills and infrastructure in association with the development are relevant but not the most important.

71. Having regard to the above, I consider that the most important policies in the determination of the application are: Policies CP1, CP2, CP3, CP5, CP6, CP7, CP9, CP11 and CP19 of the CS; Policies CC01, CC02, CC03, CC06, CC07, TB05, TB21 and TB23 of the MDD LP; and Policies 1, 2, 4, 5 and 7 of the SNP.

Whether the most important policies are out-of-date

72. Paragraph 219 sets out that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the Framework. Due weight should be given to them according to their degree of consistency with the Framework. Such an approach has been established through case law⁹ where it has been held that there are a number of reasons why a policy may be considered out-of-date but the age of a policy is not decisive in this matter.
73. The parties agree that policies CP1, CP2, CP7 and CP19 of the CS, policies CC01, CC03, CC06, CC07, TB05, TB21 and TB23 of the MDD LP and Policies 1, 2, 4, 5 and 7 of the SNP are consistent with the Framework and should be attributed full weight. There is some dispute between the parties as to whether the remaining most important policies are consistent with the Framework, namely Policies CP3, CP5, CP6, CP9 and CP11 of the CS and Policy CC02 of the MDD LP.
74. Policy CP3 is a generic policy which sets out general principles for development. I have not been alerted to any significant inconsistencies with the Framework and whilst I accept that some wording may demonstrate minor inconsistencies, as found by the Inspector in the Land East of Finchampstead Road appeal¹⁰, overall I do not find this policy to be out-of-date.
75. Policy CP5 includes a provision that residential proposals of at least 5 dwellings will provide 50% affordable housing, where viable. This policy does not accord with paragraph 64 of the Framework and therefore is out-of-date.
76. Policy CP6 is a criteria-based policy which indicates that permission will be granted if road safety is enhanced, adverse effects on the network mitigated and highway problems are not causes. It is a permissive policy which does not state that permission will be refused if these provisions are not met. Although there is a difference in wording between this policy and paragraph 110 of the Framework, the approach of the policy is not inconsistent with the Framework.
77. Policies CP9, CP11 and CC02 are restrictive policies, which amongst other things, set out a settlement hierarchy, require development to occur within development limits, apart from allowing for some limited development including affordable housing on rural exception sites. The housing requirement set out under Policy CP17 of the CS reflects the revoked South East Plan. This has been superseded by the Local Housing Need (LHN) figure of 768 dwellings per annum plus a 5% buffer (806) compared to the CS requirement under Policy CP17 of an average of 623 dwellings per annum from April 2021.

⁹ Bloor Homes Ltd v SSCLG [2014] EWHC 745 (Admin) and Gladman Developments v SS & Central Bedfordshire Council [2019] EWHC 127 (Admin)

¹⁰ Appeal Ref: APP/X0360/W/19/3235572

78. The Council has set out that the defined development limits are not specifically drawn up to deliver a simple quantum of development. It has also confirmed that the housing numbers upon which these limits were based, in this case those set out under Policy CP17, are not a ceiling. Whilst this is accepted, it is nevertheless evident that the Council is reliant on several sites outside development limits in order to deliver a sufficient supply of housing. Together these sites would deliver 420 dwellings and just over 10% of the Council's 5 year housing requirement.
79. Of the dwellings permitted outside development limits and included in the Council's 5 year housing land supply (5YHLS), some 306 dwellings would be within the SDLs where significant investment in infrastructure has taken place or is programmed to be delivered as part of future housing. In these cases, the Council has stated that in granting permission a 'normal balance' was taken weighing up material considerations against any policy conflict. The remaining approvals were granted on appeal when the Council could not demonstrate a 5YHLS. This indicates that the policies can and are applied flexibly.
80. Recent HDT results show the Council is performing well in delivering its housing requirements and has significantly exceeded its annual requirement since 2018, with delivery at 189% in 2021. This indicates that the Council's strategy for housing and other growth, as set out within Policies CP9, CP11 and CC02 and the policies relating to SDLs, can be applied flexibly to deal with changing circumstances including changes to housing requirements.
81. Nevertheless, it is clear that the policies are unable to deliver the housing requirement without having to be applied flexibly and reasonably often, in order to meet housing requirements. Given the extent of development outside settlement limits and my findings that the Council cannot currently demonstrate a 5YHLS, which I discuss in more detail later in my decision, I conclude that Policies CP9, CP11 and CC02 are all out-of-date and inconsistent with the Framework. This accords with a recent judgment, *Eastleigh BC v SSHCLG*¹¹, where it was held that development plan policies were not consistent with the Framework where compliance with a 5YHLS had been achieved, in part, by greenfield planning permissions outside settlement boundaries.
82. These matters have also been considered in various appeals within the Borough where Inspectors have reached differing conclusions. Most recently, Inspectors for appeals at Land east of Finchampstead Road, Wokingham and Land north of Nine Mile Ride, Finchampstead¹² concluded that since the Council was relying on sites outside settlement limits for its 5YHLS, then Policies CP9, CP11 and CC02 are all out of date.
83. I am aware that the Inspectors in both the Land to the rear of 6 Johnsons Drive, Finchampstead appeal¹³ and Land at Lodge Lane, Hurst appeal¹⁴, which pre-dated the Finchampstead Road and Nine Mile Ride appeals, concluded that these policies were not out of date.

¹¹ *Eastleigh Borough Council v SSHCLG* [2019] EWHC 1862 (Admin)

¹² APP/X0360/W/19/3238048

¹³ APP/X0360/W/18/3205487

¹⁴ APP/X0360/W/18/3194044

84. In the Johnsons Drive appeal, the Inspector found that the Council could demonstrate a 5YHLS even when deducting those sites outside the settlement boundary. Within the Hurst Lane appeal, there was no dispute that the Council could not demonstrate a 5YHLS, although it was not specified whether any of this would have been made on land outside settlement boundaries. The circumstances are therefore different to those before me where the Council acknowledges reliance on sites outside settlement boundaries and I have found a 5YHLS does not exist.
85. In coming to this view, I am also mindful of case law¹⁵ which confirmed that the weight to be given to restrictive policies could be reduced where settlement boundaries were drawn up on the basis of out-of-date housing requirements. In this case, the settlement boundaries were drawn up in the context of a much lower housing requirement although I acknowledge that housing requirement was not set as a ceiling.
86. The Council has referred me to an appeal decision¹⁶ at Land off Moseley Road, Hallow, Worcestershire where the Inspector concluded that since the Council could demonstrate in excess of a 5YHLS, its policy restricting development outside settlement boundaries was up-to-date. However, there is nothing to suggest that the 5YHLS was in dispute or whether it relied on the delivery of housing development outside defined settlement boundaries. For this reason, a comparison with the circumstances of the appeal before me is not possible. I therefore give this appeal decision limited weight.
87. It has been established through the *Eastleigh BC v SSHCLG* judgment that the Framework adopts a more nuanced approach requiring that planning decisions should contribute to and enhance the natural and local environment by meeting a series of objectives which includes the recognition of the intrinsic character and beauty of the countryside. Similarly, the Secretary of State¹⁷ in determining an appeal for the redevelopment of Wheatley Campus of Oxford Brookes University confirmed that 'recognition' and 'protection' are not the same being distinguishable terms, finding that the restrictive policies seeking blanket protection of the natural environment were not consistent with the Framework.
88. The type of restrictive approach that protects land outside of defined settlements as set out within Policies CP11 and CC02 does not, in my view, accord with the more nuanced approach advocated by the Framework. This also makes these policies out of date.
89. I acknowledge the benefits and the certainty that a plan-led approach to development provides, as recognised in the *Gladman Development Ltd v Daventry DC*¹⁸ judgment. I also recognise that the Council has taken steps to address issues arising within the Borough that have affected planned housing delivery, notably in relation to the extension of the Detailed Emergency Planning Zone around AWE Burghfield. I also appreciate that it can be unfair for landowners to seek to short-cut the plan-led process when the Council considers development needs are being met.

¹⁵ Suffolk Coastal District Council v Hopkins Development Ltd [2017] UKSC 37

¹⁶ APP/J1860/W/17/3192152

¹⁷ APP/Q3115/W/19/3230827

¹⁸ Gladman Developments Limited v Daventry District Council and SSCLG [2016] EWCA Civ 2246

90. However, I have found that, at present, the Council cannot demonstrate a 5YHLS and that a reasonable proportion of its HLS is on sites outside development limits. It is therefore not unreasonable that landowners seek to promote their sites through the planning application process.
91. Consequently, I have found that 4 of the 22 most important policies are out-of-date. I will return to the matter of whether the 'basket' of policies itself is out-of-date and therefore whether the appeal scheme complies with the development plan as a whole in my final conclusions.

Housing Land Supply

92. The Council's latest HLSS for the period 1 April 2021 to 31 March 2026 is based on an assessment of LHN using the standard methodology and includes a 5% buffer as required by the Framework. The LHN identifies an annual need of 768 dwellings which including the 5% buffer equates to 4,032 dwellings over the 5 year period.
93. As of 1 April 2021, the HLSS sets out the Council has a 5.10 years supply of deliverable housing sites. This equates to an annual rate of 806 dwellings and a total deliverable supply of 4,115 dwellings. This represents a surplus of 83 dwellings.
94. The appellants dispute this on the basis that the Council has included sites that came forward beyond the base date and, through the inclusion of a windfall allowance for larger sites, has double counted its supply. It is the appellants' view that the Council has a deliverable supply of 3,742 dwellings and therefore a shortfall of 290 dwellings from its total housing requirement. This equates to a 4.64 years housing land supply.
95. The Framework sets out within its glossary that to be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years. It goes on to give examples under a) and b) of the categories of sites which are capable of meeting that definition. Under a) this includes all sites with detailed planning permission; and under b) those sites which have outline planning permission for major development and whether there is clear evidence that housing completions will begin on site within 5 years.
96. It is clear from a recent High Court Consent Order¹⁹ that the examples given in categories a) and b) are not exhaustive of all the categories of sites which are capable of meeting the definition and that whether a site does or does not meet the Framework definition is a matter of planning judgement on the evidence available.
97. I have been referred to an appeal at Land on East Side of Green Road, Woolpit, Suffolk²⁰ where the Inspector concluded that in order to meet the definition of deliverable, a site would need to have a resolution to grant permission within the assessment period, that is by the cut-off date for the assessment period. The Inspector took the view that to include sites granted planning permission after the cut-off date but before the publication of the assessment, in that case the Annual Monitoring Report, would be erroneous.

¹⁹ East Northamptonshire Council v SSHCLG, Case Number: CO/917/2020

²⁰ APP/W3520/W/18/3194926

- This was due to it overinflating the supply without a corresponding adjustment of need.
98. Whilst the findings of this Inspector are noted, I do not find it is that clear cut. The PPG sets out that to demonstrate a 5YHLS, the local planning authority should use the latest available evidence. To my mind, whilst this may include formal land availability assessments or the Annual Monitoring Report, it does not suggest that a base-line or cut-off date means no further evidence can be taken into account if it is available.
99. In coming to this view, I have had regard to an appeal²¹ at Woburn Sands, Buckinghamshire where the Secretary of State also concurred with the view of the Inspector that it is acceptable, in relation to an assessment of housing land supply, that evidence can post-date the base date provided that it is used to support sites identified as deliverable as of the base date. It was also held in that appeal that a proforma can, in principle, provide clear evidence of a site's deliverability. This approach is reasonable and I have no reason to disagree.
100. At the Hearing, the Council emphasised that it is a delivering authority. Certainly, in terms of its recent record of housing delivery, as demonstrated in the HDT results, the Council has been strongly performing at 189% for 2021, 200% for 2020 and 175% for 2019. However, evidence of housing completions indicates that until 2019/20 housing delivery had fallen short of meeting the cumulative housing requirements set out within the CS.
101. Nevertheless, based on current projections, the Council anticipates that over the remaining CS plan period to 2026, an additional 1,965 dwellings will be delivered over the minimum requirement. This equates to a significant boost in housing of 14.9% above plan levels. Whilst I do not have firm evidence to confirm this, housing delivery in recent years does suggest that the CS housing figures may be exceeded.
102. The Council has a specialist delivery team and a dedicated officer for each of the SDLs. Through this, the Council gathers information regarding sites and forthcoming applications which inform its housing delivery analysis. On this basis, the Council considers its information to be both up to date and robust. In support of its position, the Council has asserted that evidence on housing delivery given at the Hearing on sites that are no longer contested demonstrates the reliability of this engagement and the intelligence gleaned from it. Whilst I accept this, I do not find that on its own, this is sufficient to provide the firm evidence of deliverability which, to my mind, must additionally be backed up by other information.
103. It has been argued that reliance on sites outside defined settlement boundaries or development limits to demonstrate a 5YHLS may, in some circumstances, indicate that certain policies relating to housing land supply carry less weight. I have discussed this earlier on in my decision. However, this does not mean that sites outside development limits with planning permission cannot be included within the calculation of 5YHLS in accordance with the relevant tests of deliverability. This approach has been confirmed in the judgment in *Gladman Developments Limited v Daventry DC*. I have

²¹ APP/Y0435/W/17/3169314

therefore taken such sites into account in my assessment of the Council's 5YHLS.

104. In the context of the above and taking into account that the test of deliverability is about a realistic prospect not certainty and that the onus to demonstrate delivery lies with the Council, I now turn to look at the disputed sites within the HLSS.

Ashridge Farm, Warren House Road, Wokingham

105. This site is within the North Wokingham SDL. A scheme for 153 dwellings was granted full planning permission on 25 June 2021. Build out rates have been indicated by the developer operating on the site who has confirmed they will be delivered within years 2, 3 and 4 of the 5 year period. The latest available evidence confirms these have permission and that the new homes are being marketed for sale on David Wilson Homes' website. Whilst this certainly indicates deliverability, this was not the case at base date when the site had no permission at all.
106. In my view, this site did not meet the definition of deliverable having neither full nor outline permission at base date. Whilst I accept that evidence can be taken into account post base-date, this should only be the case where the site was considered deliverable at that point which was the not case here. For this reason, I conclude that the 153 dwellings should be excluded from the trajectory.

Land at 1 Barkham Road, Wokingham

107. This site is a brownfield site with a proposal for 14 dwellings. At base date, there was a resolution to grant planning permission subject to the completion of a legal agreement. I have nothing before me to show this has now been resolved. This degree of uncertainty could in my view put back the potential start date of a development by some time or may act as an impediment to development. For this reason, whilst I acknowledge that this would be a small site and should be deliverable within 5 years, I do not consider it appropriate to include this development within the calculation of overall supply. These 14 dwellings should be removed from the calculation.

Land at Hogwood Farm, Sheerlands Road, Arborfield

108. This is part of a larger scheme for 1,500 dwellings which has outline planning permission. Phases 1 and 2, delivering 178 and 235 dwellings respectively, have been subject to reserved matters and approved. A further reserved matters application in respect of 135 dwellings has been validated by the Council on 22 November 2021. The Council considers 73 dwellings arising from this would be deliverable in years 4 and 5.
109. The scheme is being brought forward by one developer who is a national housebuilder. Phase 1 is due to complete in year 3 and the Council has assumed that the 73 dwellings would be completed in the subsequent years. They have based this assessment on the Council working closely with the developer which has helped them understand the forthcoming projects. However, I note that in the proforma responses to the Council, the developer has not provided any information in respect of the timing of this phase of the development.

110. Notwithstanding the findings of the Inspector in the Nine Mile Ride appeal, I have been provided with no firm evidence that indicates that the use of modular housebuilding has speeded up delivery. Nevertheless, I recognise that the development would benefit from the completion of the Nine Mile Ride Extension – South which would provide the highways infrastructure to enable this development to come forward. The reserved matters for this road scheme have been granted permission and the road it expected to be fully built out within 2022.
111. In view of the expected completion of the road and phase 1 of development, on balance, I consider it is likely that this third phase of development will commence during the 5 year period. Taking into account delivery rates for both phases 1 and 2, the assumptions made by the Council in this regard do not appear unreasonable. For this reason, I consider that these 73 dwellings should be included within the trajectory.

Land to West of Shinfield

112. The disputed housing forms part of a larger scheme comprising 3 parcels of land for which outline planning permission was granted for 1,275 dwellings on 8 November 2012. This parcel of land relates to 137 dwellings remaining to be delivered following reserved matters. Of these the Council considers 25 dwellings will be delivered within the 5 year period. The Council has indicated that there have been 3 developers operating on the site and given the size of the permission, its location within an SDL and indications of expected delivery they consider its inclusion is justified.
113. An EIA Screening was submitted which the Council has referred to providing evidence of progress. The appellant disputes this as the EIA Screening did not indicate a time frame. Nevertheless, at the time the HLSS was published a reserved matters application had been approved for the 25 dwellings and it was therefore the latest available evidence relating to a site which did have outline permission at base-date.
114. The Council has adopted a cautious approach and proposed these would be delivered within year 4 which is reasonable. I find that these 25 dwellings should be included as part of the overall supply.

Land east of Gorse Ride South, south of Whittle Cross and north and south of Billing Avenue, Finchampstead

115. This site has planning permission for 249 dwellings, granted on 19 February 2021. It includes demolition of existing housing resulting in a net gain of 71 dwellings. The Council has projected that 44 of these will be delivered within the 5 year period. The scheme will be brought forward in 3 phases.
116. The majority of this site is within the Council's ownership but a number of properties and land holdings are in third party ownership. Negotiations are being undertaken to acquire the properties and a Compulsory Purchase Order (CPO) application was made to acquire any others. The CPO has been rejected and in order to acquire these properties for the development, the Council would be likely to need to again apply for a CPO. Furthermore, condition number 35 of the planning permission requires a legal agreement to be signed by the owners before development commences.

117. I have no evidence that this legal agreement has been signed and, in view of some of the landowners' resistance to the development, there is no certainty that this will be completed. This degree of uncertainty could in my view put back the potential start date of a development by some time or may prevent the development from coming forward in the manner proposed.
118. I appreciate that the site has been included on the brownfield register and budget allocated to its redevelopment, the Council's commitment to the development is not disputed. However, given the position in relation to land acquisition and securing a legal agreement, I do not consider there is robust evidence that these dwellings will be delivered. The 44 dwellings should therefore be excluded.

Windfalls

119. Paragraph 71 of the Framework sets out that where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. The parties dispute the windfall allowance from large sites.
120. A large windfall site is an unidentified site that delivers 10 or more dwellings. The Council has provided evidence that the average build out time for a large windfall is just over 2 years and that between 1998/99 and 2020/21 there was an average of 51 net completions from large sites. More recently, the Council has suggested that over the last 5 years, the average windfall delivery from large sites has been 116 dwellings per annum. On this basis, the Council has included a windfall allowance of 32 dwellings per annum for large windfall sites to be delivered in years 4 and 5.
121. The appellants have argued that the large windfall allowance which includes both large prior approvals and non-allocations means that there is a pool of 933 dwellings with permission (excluding sites the appellants have disputed). This would equate to a build rate of 186.6 dwellings per annum and a rate that has only been achieved in 2 years, 2018/19 and 2019/20. They also consider that the inclusion of a large site delivering 120 dwellings at land west of Beech Hill Road, Spencers Wood, which was allowed on a greenfield site outside a settlement boundary when the Council could not demonstrate a 5YHLS, does not represent the type of windfalls that would normally come forward. This therefore skews the figures.
122. The appellants contend that this scenario is unrealistic based on past delivery rates and that any additional windfall allowance should be excluded as it would represent double-counting as concluded by the Nine Mile Ride Inspector.
123. I recognise that the build rates would represent a significant uplift in delivery. However, there is evidence of high levels of housing delivery within the Borough as borne out in the recent HDT results. The evidence indicates that windfall sites can and do get developed relatively quickly. It therefore seems to me that should one or two such sites come forwards within year 1 or 2, it is quite feasible that they would be completed by the end of the 5 year period. On that basis, I do not consider the Council has been unrealistic in its assumptions around windfalls coming forward in years 4 and 5. I also concur that an annual rate of 32 dwellings is modest and not unreasonable. In coming to that view, I am mindful that were I to allow this appeal, the appeal

site would be one such windfall which the appellants have, in their evidence, indicated would be built out within 5 years.

124. I appreciate that I have reached a different conclusion on this matter to the Nine Mile Ride Inspector. However, it seems that she did not have evidence before her on delivery rates which have been provided in this case.

Overall findings on HLS

125. Based on my assessment above, I find that 211 dwellings should be taken out of the trajectory. By my calculation, this would mean the Council can demonstrate that 3,904 dwellings would be deliverable. This amounts to a shortfall of 128 dwellings against the 5 year requirement and a 4.84 year supply of deliverable sites.

Benefits

Affordable housing

126. Policy CP5 of the CS requires a minimum of 35% affordable housing on schemes of 5 dwellings or more within the SDL. The appeal scheme would provide 17 affordable housing units, representing 74% affordable housing. All of these would be delivered on site.
127. The Berkshire and South Bucks Strategic Housing Market Assessment 2016 (SHMA) provides an assessment of affordable housing needs. This identified an annual net need for the period 2013-36 for 441 affordable dwellings. This represents over 51% of the total housing need for the Council for this period. A subsequent appraisal of affordable housing need was undertaken in 2020 as part of the LHN Assessment. The identified an annual average figure of 407 affordable homes, which represented 51% of the minimum LHN figure.
128. In the period April 2013 to March 2020, 1,831 affordable homes were delivered, equivalent to an annual average rate of just under 262 affordable dwellings per year since 2013. There is evidence that delivery has increased in recent years, with a small surplus against the annual requirement having been delivered in just 2 of the 7 years, 41 affordable dwellings in 2017/18 and 5 in 2019/20. Consequently, the cumulative shortfall against need amounts to 1,256 affordable dwellings.
129. There is clear evidence that Wokingham has an affordability problem and that delivery of affordable housing has fallen well below need. The provision of 74% of the dwellings as affordable and more than double the affordable housing requirement is a positive aspect of the scheme. However, this has to be viewed in terms of its wider contribution to the supply of affordable housing. The scheme would deliver just over 4% of the total annual need for affordable housing and would make a modest contribution to supply. However, in the context of significant under-delivery over a number of years, this modest contribution would amount to a significant benefit of the scheme.
130. I appreciate that the Council considers that 1,769 affordable housing units can be delivered through the local plan process. I also appreciate that there are some large schemes coming forward within the SDLs. This includes one at Spencers Wood where I was told a contribution of £18 million to affordable housing was agreed and another for a development of some 1,800 dwellings of which 500 would be affordable in the South Wokingham SDL at land South

of the railway. However, I heard that this site is not due to deliver until after March 2025. The existence of these schemes do not therefore alter my view on the benefits to be attributed to the provision of affordable housing.

131. I have been referred to a decision²² by the Secretary of State at Moor Lane, Woodthorpe, York where the Inspector recognised the value in terms of national policy of a contribution of 5% excess over policy. In that case the Inspector considered that the excess contribution to the supply of affordable housing should be given disproportionate value because of the overall deficiency of supply. The Secretary of State agreed with the Inspector. However, I am also mindful that that scheme would have delivered 516 residential units and was of a scale much greater than the scheme before me.
132. The Nine Mile Ride Inspector also recognised the affordability issues within the Borough. That scheme would have provided some 59 affordable dwellings, again significantly more than the appeal scheme. The Inspector recognised this as an important benefit to which she attributed substantial weight.
133. Both these appeals to which I have been referred would have delivered significantly higher numbers of affordable housing units than the appeal scheme. For this reason, I do not accord greater weight to the provision of affordable housing than the significant weight I have stated.
134. For the avoidance of doubt, the Government's First Homes affordable housing scheme does not apply in respect of this appeal. It does not apply to applications where there has been significant pre-application engagement and which are determined before 28 March 2022. Substantive pre-application discussions and engagement between the main parties relating to the proposed quantity and tenure mix of affordable housing has already taken place and this forms the basis of the completed S106 agreement. The main parties share my view that First Homes affordable housing is not required.

Accessible location

135. The appeal site is located on the edge of the settlement which has a modest range of services and facilities, including a few convenience shops, a public house, school and healthcare facilities. It is also close to both the footbridge across the M4 and Shinfield Road bridge providing access to additional facilities north of the M4. The submitted Transport Assessment indicates that most of these facilities would be over 15 minutes' walk from the site and around 5 minutes' cycle ride. However, the footbridge incorporates some steps and may not be accessible to those with reduced mobility. The scheme would also provide improved linkages between Brookers Hill and Hollow Lane. In terms of walking and cycling, access to the site would therefore be modest.
136. There is a bus stop close to the eastern access of the site on Shinfield Road which provides frequent services to Reading as well as Wokingham and Arborfield Garrison. On this basis, future occupants would have reasonable access to services and facilities by means other than the private car. This leads me to conclude that the accessibility of the site carries moderate weight.

²² APP/C2741/W/19/3233973

Provision of a community hall

137. The scheme would provide a community hall which would be for the Tamu Pye Lhu Sangh UK Community group (the TPLS) and the wider Gurkha community. The TPLS is a charitable organisation which I am told has been looking for a site since 2015 to be used as a community hub. The charity requires a freehold tenure to provide them with security, a minimum size with sufficient parking and access to outdoor space for meetings and social events as well as being close to major public transport hub and the strategic highway network. I was also told that the members of the group are particularly keen on basketball and that the proposed facility would provide flexible space to accommodate this.
138. I have been provided with very limited information about the TPLS. Whilst I accept that the TPLS may be seeking their own premises, no evidence such as correspondence from the TPLS or indeed anything to connect this group with the appeal proposal was submitted to support this. There is no substantive evidence of any search for sites having been undertaken nor anything from the TPLS setting out their specific requirements.
139. The Council has questioned the need for an additional community hall as there is a recently built community hall within Shinfield as well as other schemes coming forward that would provide access to community space locally. I appreciate that the TPLS may require their own freehold premises and that the community hall may be able to provide a hub and facility to support and conserve the culture of this group, but there is nothing substantive before me to confirm this.
140. In the absence of firm evidence that this community building would be for them and with the recent and forthcoming provision of other community facilities locally, I am not persuaded that there is a need for this building. I therefore give this limited weight.

Living conditions of adjoining occupiers

141. The provision of the eco-barrier would reduce noise from the M4 motorway to existing dwellings on Brookers Hill. The appellants' submitted noise report²³ has assessed that for the garden facades of these houses facing towards the motorway, occupants would experience a noise reduction of between 4 to 6 dBA and at the end of their gardens where existing noise levels would be higher, a greater reduction of around 8 to 12 dBA.
142. This would improve the living conditions for these occupiers with subsequent health and well-being benefits. I accept that the M4 motorway has been in existence for some considerable period and that existing occupants would be both used to it and would have most likely purchased their properties in full knowledge of the motorway and the noise arising from it. Nonetheless, it seems that any reduction in noise disturbance from this source would be a benefit to occupiers. I therefore give this moderate weight.

²³ SBS Environmental Noise Barrier Design Study – Willow Tree House, Shinfield Noise Impact Assessment and Barrier Design, 3 December 2020

Biodiversity

143. The appeal site is considered to be in poor to moderate condition in terms of biodiversity. The appeal scheme provides an opportunity to enhance the existing habitats on the site. There was some debate at the Hearing as to whether the site should be managed for biodiversity or simply left to evolve with the possibility of turning into lowland mixed woodland in time. Nevertheless, both parties agreed that through the proposed management of the habitats, there would be enhancement to biodiversity and that this carried moderate weight. I have no reason to disagree with this.

Economic and social benefits

144. During construction and subsequent occupation of the development, there would be a number of economic benefits in relation to employment, supply of goods, use of services and spending money within the local economy. Those associated with construction would be time limited, however, longer term benefits would result from future occupants. Additional financial benefits would be accrued from the New Homes Bonus and CIL contributions. These benefits together carry moderate weight.
145. The proposal would add to the supply of housing, providing a mix of housing to meet housing needs including affordable housing as I have already discussed. In addition, the scheme would provide public open space which would provide health and well-being benefits to the local community. These social benefits of the scheme would carry moderate weight.

Other Matters

146. As noted above a Planning Obligation has been completed that would make contributions towards infrastructure, affordable housing employment skills, biodiversity net gain, securing highways works, provision of and maintenance of both public open space and the noise attenuation barrier.
147. In each case I am satisfied that the Obligation meets the requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) and complies with the tests set out in paragraph 56 of the Framework. Since they are to ensure that effects of the development are mitigated, I consider them to be neutral in the final balance.
148. The Council has maintained its objection to the eco-barrier on the basis that it does not consider a structure of this size and in close proximity to the motorway should be dealt with by a condition. My attention has been drawn to an appeal²⁴ at Land west of Grasslands, Cooper Close, Smallfield where a similar acoustic barrier was proposed adjacent to the M23 motorway and where the Inspector found it acceptable to deal with the matter by the submission of details secured through a condition. National Highways have confirmed that they would accept the details being submitted as a condition. I have no substantive grounds to disagree with either the Smallfield Inspector or National Highways. In these circumstances, had I allowed the appeal, I would have imposed a condition to secure this.

²⁴ APP/M3645/W/15/3135733

Planning Balance

149. I am required to make a judgement as to whether the most important policies, the 'basket', taken as a whole are to be regarded as out of date for the purposes of this decision. Of these, I consider Policies CP9 and CP11 of the CS, Policies CC02 and TB21 of the MDD LP and Policy 1 of the SNP, which relate to location of development and character and appearance, have the greatest bearing on my decision. I therefore give these policies more weight when considering the overall 'basket'.
150. Within these, I have found some inconsistency with the Framework and I have found that the development limits, as set out under Policy CC02 of the MDD LP, and applied through Policies CP9 and CP11 of the CS should be regarded as out of date. This is due to the Council's reliance on sites outside of these limits to deliver its housing requirement and because I have found that the Council cannot currently demonstrate a 5YHLS.
151. When taken as a whole, this means that, in this appeal, the basket of most important policies is out of date. For this reason, I consider that the presumption in favour of sustainable development (the tilted balance) as advocated within the paragraph 11d) of the Framework would apply.
152. In addition, the Council cannot demonstrate a 5 year supply of deliverable housing sites. This also triggers the tilted balance under paragraph 11 of the Framework.
153. The shortfall in the Council's 5YHLS is very modest. Furthermore, in the context of the Council's strong performance on housing delivery as demonstrated through the HDT results, whilst the development limit boundaries are considered out of date for the purposes of this appeal, I do not find that the Council's strategy for housing growth is failing to deliver in its entirety. In the context of housing delivery, the Council is therefore meeting the Government's objectives to significantly boost the supply of housing. For this reason, whilst the presumption in favour of sustainable development applies, this only weighs moderately in favour of the development.
154. The appeal site lies outside the settlement limits of Shinfield although within the South of the M4 SDL where the Council has highlighted that significant investment in infrastructure has taken place or is programmed to be delivered as part of future housing. I therefore find the locational conflict would carry moderate weight.
155. The proposed development would cause significant harm to the character and appearance of the area, the landscape and trees on the site. These adverse impacts are matters of very substantial weight and importance in the planning balance.
156. The scheme would make a small contribution to housing within the Borough. In the context of the absence of a 5YHLS, this carries moderate weight. The provision of affordable housing is a significant benefit of the scheme which I accord significant weight. Additional benefits of the scheme include the provision of housing in an accessible location, providing a mix of housing, public open space, contributions to biodiversity gains, improvements to living conditions of nearby occupants and a range of economic benefits both during construction and subsequent occupation of the proposed development. These

all carry moderate weight. The provision of a community hall carries limited weight.

157. As I have identified above, the proposal would give rise to significant harm in respect of the character and appearance of the area and harm to protected trees to which I attribute substantial weight. In my view, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. Therefore, the proposal would not constitute sustainable development with regard to paragraph 11 d ii) of the Framework.

Conclusion

158. The proposed development would be contrary to the development plan and there are no material considerations that outweigh this conflict. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal should be dismissed.

Rachael Pipkin

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Douglas Bond	Planning Consultant and Agent
John Seymour	Landscape Architect
Giles Parker	Acoustic Consultant
Steve Jenkins	iTransport, LLP
Edward Mather	Colony Architects
Chris Alder	Arboriculture
Karen Jones	Solicitor, Plan B Solicitors
Daniel Clark	Land Agent
Eleanor Frew	Ecologist

FOR THE LOCAL PLANNING AUTHORITY:

Chris Howard	Delivery Manager
Vincent Healy	Solicitor, Wokingham Borough Council
Ian Church	Team Manager, Growth and Delivery Team
Duncan Fisher	Ecologist
Victoria Higgins	Housing Policy Officer
Bridget Crafer	Landscape Officer
Gordon Adam	Borough's Highway Officer

HEARING DOCUMENTS

- HD1 Drawings 556-02-16 Proposed Ground Floor Key Plan P5, 556-02-16 Proposed site plan P5, 556-02-20 Proposed parking plan P5, 556-02-12 proposed Block Plan Pt 1 P5, 556-02-12 proposed Block Plan Pt 2 P5, 556-02-12 proposed Block Plan Pt 3 P5,
- HD2 Appeal Decision – Land west of Grasslands, Cooper Close, Smallfield Surrey, APP/M3645/W/15/3135733
- HD3 Horley image from adjacent road
- HD4 Email dated 17/11/21 including correspondence dated 8/12/2015 including written representations on behalf of Highways England in respect of the Horley eco-barrier
- HD5 Information relating to discharge of Condition 15 ref APP/M3645/W/15/313573

POST-HEARING DOCUMENTS

- PHD1 Copy of Deed of Agreement to Provide Planning Obligations pursuant to Section 106 of the Town and Country Planning Act 1990 and Section 11 Local Government Act 1972 (undated and unsigned – to supersede all versions submitted during the Hearing)
- PHD2 Revised list of conditions incorporating changes in relation to trees, highways and ecology
- PHD3 Email from appellants dated 23 November 2021 setting out changes to condition and confirming acceptance of pre-commencement conditions
- PHD4 Email correspondence dated 23 November 2021 confirming that, subject to the imposition of agreed conditions, National Highways no longer objects to the appeal proposal for the installation of the eco-barrier.
- PHD5 Copy of plan 556-04-10 Proposed Site Sections a-a b-b P5
- PHD6 Email dated 23 November 2021 from the appellants confirming that drawing only includes added dimensions and no change to the scheme design.
- PHD7 Updated Tree Protection Plan, Ref 20212-3
- PHD8 Updated Arboricultural assessment & method statement
- PHD9 Copy of executed S106 Agreement dated 16.12.21
- PHD10 Wokingham Borough Council 5 Year Housing Land Supply Statement at 31 March 2021 and Appendix 4 – SDL Progress maps
- PHD11 WBC Post Hearing Statement on Housing Land Supply
- PHD12 Further Planning Hearing Statement (Housing Land Supply) January 2022 and appendices (DB31, DB32 and DB33)
- PHD13 Joint response from both main parties regarding First Homes
- PHD14 Email dated 4 February 2022 from the appellant commenting on WBC Post Hearing Statement
- PHD15 WBC response to appellant’s statement – WBC Post Hearing Statement Feb 2022 and appendices
- PHD16 Rebuttal to LPA Statement Feb 2022 and appendices (DB3, DB5, DB9 and DB34)

Appendix HLS4 - Green Road, Woolpit Appeal Decision



Appeal Decision

Inquiry held on 31 July, 1, 30 and 31 August 2018

Site visit made on 2 August 2018

by Harold Stephens BA MPhil DipTP MRTPI FRSA

an Inspector appointed by the Secretary of State

Decision date: 28th September 2018

Appeal Ref: APP/W3520/W/18/3194926

Land on East Side of Green Road, Woolpit, Suffolk IP30 9RF

- 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 Landex Ltd against the decision of Mid Suffolk District Council.
 - The application Ref 2112/16, dated 2 May 2016, was refused by notice dated 6 September 2017.
 - The development proposed is the erection of 49 dwellings (including 17 affordable dwellings) and construction of a new access.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of 49 dwellings (including 17 affordable dwellings) and construction of a new access at Land on East Side of Green Road, Woolpit, Suffolk IP30 9RF in accordance with the terms of the application, Ref 2112/16, dated 2 May 2016, and the plans submitted with it, subject to the conditions set out in the Schedule attached to this decision.

Procedural Matters

2. The application was supported by a number of reports and technical information including a Design and Access Statement (DAS), a Planning Statement, a Revised Transport Assessment, a Planning Statement, a Contamination Report Part 1 and Part 2, an Ecology Report and Skylark Survey, a Flood Risk Assessment, a Foul and Surface Water Drainage Strategy, an Archaeological Report and a Landscape and Visual Appraisal.
3. At the Inquiry, a S106 Unilateral Planning Obligation was submitted by the Appellant.¹ This addresses all of the matters sought by the District and County Council in connection with the provision of community and other services arising from the development. The Planning Obligation is signed and dated 29 August 2018 and is a material consideration in this case. A Community Infrastructure Compliance Statement has been submitted by Suffolk County Council (SCC).² I return to the Planning Obligation later in this decision.
4. In addition, the Appellant submitted an Agreement with Flagship Housing Group Limited, conditional upon planning permission being granted, to enter into a Deed of Easement³ to secure pedestrian and cycle access to the north

¹ APP8

² INQ5

³ APP7

via Steeles Close. I shall return to the proposed easement later in the decision.

5. Statements of Common Ground (SoCG)⁴ between the Appellant and SCC were agreed and have been signed by both parties in respect of: (i) Archaeology Matters; (ii) Drainage Matters; (iii) Early Years and Education Matters; and (iv) Highways and Transport. An additional SoCG on Planning Matters including Housing Land Supply was agreed between the Appellant and Mid Suffolk District Council (MSDC).
6. The main parties confirmed the List of Drawings on which the appeal should be determined and this is set out at Document APP1. The List of Drawings includes the House Types (1-9), a Site Location plan PA33, a Site Layout Plan PA31 Rev H and an Offsite Highways Works Plan 112/2015/04 - Rev.P2.
7. The revised National Planning Policy Framework (NPPF 2018) was published on 24 July 2018 shortly before the Inquiry opened and was addressed by participating parties both during the event and in closings. I have taken it in to consideration in my conclusions.⁵
8. Following the close of the Inquiry I sought the views of both main parties in respect of the revisions made to the PPG⁶ on 13 September 2018 on Housing and economic land availability assessment. The comments received have been taken into account in my consideration of the appeal proposal.

Main Issues

9. In the light of the above I consider the main issues are:-
 - the effect of the proposed development on highway and pedestrian safety;
 - the impact of the proposed development on designated heritage assets including the setting of listed buildings and the character and appearance of the Woolpit Conservation Area; and
 - whether the Council is able to demonstrate a five-year supply of deliverable housing sites sufficient to meet the full objectively assessed need (OAN) for housing and the implications of this in terms of national and local planning policy.

Reasons

The proposed development and appeal site

10. The appeal proposal is for 49 dwellings including 17 affordable dwellings (35%) together with a new access to be constructed to serve the development of Green Road. The dwellings would have associated garages and parking areas and pedestrian access from the site onto Green Road and pedestrian/cycle access to Steeles Close. There is a dedicated on-site play area proposed as well as extensive on-site open space and linking footpaths.

⁴ INQ3

⁵ Paragraph 212 Annex 1: Implementation

⁶ Planning Practice Guidance

11. Woolpit is the third largest village in Mid Suffolk and has a good level of local services and infrastructure including health care, education and two business parks/employment sites and is designated as a Key Service Centre in the Council's settlement hierarchy. The appeal site is located on the southern edge of Woolpit village, to the south of its centre but with access to facilities which are in close proximity – a primary school, health centre, village shops and services are within walking distance.
12. Whilst, for planning policy purposes, the site is located in the designated 'countryside', its northern and eastern boundaries adjoin the defined settlement boundary for the village in the Mid Suffolk Local Plan 1998 (Woolpit Village Inset Map). There is existing residential development on the eastern side of the site on Steeles Road and immediately adjacent to the north lies Steeles Close and the main body of the village; on the opposite side of Green Road, but at the northern end of the appeal site lies residential development in the form of Priory Cottage, a Grade II Listed Building. There is therefore residential development on two sides of the appeal site. Land to the south and west comprises open agricultural land.
13. The appeal site comprises a total site area of about 2.3 hectares. It consists of a rectangular shape block of land which is part of an agricultural field. It is enclosed with an existing tree/hedge line on three sides. The appeal site is broadly level but there is a gentle slope west to east. There is an existing tree/hedge line to a part of the site's Green Road frontage and there are trees to the northern boundary which separate the site from Steeles Close. A public footpath passes north to south along the site's eastern boundary. This footpath connects to the southern part of the village and then to the wider countryside to the south.
14. There is a designated Conservation Area in Woolpit Village its nearest boundary being located about 250m to the north from the appeal site at the junction of Drinkstone Road and Green Road. The appeal site is not within the boundary of a protected landscape and there are no designations which apply to it. No Listed Buildings about the application site but the listed Grade II, 17th century, Priory Cottage is situated on the west side of Green Road opposite the north-west corner.

Planning policy

15. The statutory development plan includes the following documents:
 - (i) The Mid Suffolk District Local Plan 1998 (MSDLP) which was saved in accordance with the Secretary of State's Direction dated 14 September 2007;
 - (ii) The Mid Suffolk District Core Strategy 2008 (CS), as adopted in September 2008 covering the period until 2025; and
 - (iii) The Core Strategy Focused Review 2012 (CSFR) as adopted on 20 December 2012 covering the period until 2027.
16. The Council is in the course of preparing a new Joint Local Plan with Babergh District Council which will replace the CS and will be used to manage development in both districts up to 2036. The Councils have published the Joint Local Plan for consultation (Regulation 18) but the emerging Plan is in its very early stages and thus carries limited weight in the context of this appeal.

A Neighbourhood Plan is currently being prepared for Woolpit. It too is in its very early stages and draft policies have not yet been published so no weight can be attached to the Neighbourhood Plan.

First Issue - Highway and pedestrian safety

17. SCC, as Highway Authority, does not object to the proposal subject to conditions being attached to a grant of planning permission. The Council did not refuse the proposal on the basis of highway and pedestrian safety grounds because a highway improvement scheme at the pinch point on Green Road was proposed as part of the development and was to be secured by means of a planning condition. Rather, the Reason for Refusal (RfR) indicates that the proposed development would increase vehicular traffic in the village centre and require the provision of highway works to the north of the site in the vicinity of a number of unspecified listed buildings and within the Conservation Area. The Council then argues firstly, that the nature of the works and the increase in traffic would neither preserve or enhance the character of this part of the Conservation Area and secondly, would not preserve or enhance the setting of the unspecified listed buildings causing less than substantial harm to both.
18. The areas of debate at the Inquiry comprised:
 - Increase in vehicular traffic through pinch point
 - Increase in pedestrian flow through pinch point
 - Personal Injury Accidents (PIA) Analysis
 - Accessibility

Increase in vehicular traffic

19. North of the appeal site between Drinkstone Road and just beyond Mill Lane, Green Road narrows significantly to about 4.3m creating a pinch point about 60m long. On the western side there is no footway as the buildings and fences are hard against the edge of the road. On the eastern side there is a narrow footway measuring less than 1m in width, reducing to only 0.85m in parts. This road width is insufficient for two vehicles to pass with pedestrians on the footway being vulnerable to being hit by vehicles. The footway at this width is insufficient to allow pedestrians to pass each other without stepping into the road. It is also too narrow for wheelchair users and pram use so the only alternative for many is to walk along the road.
20. The footway here is also vulnerable to being driven over by vehicles as the kerbed separation is too low to offer sufficient protection. The kerb upstand is between 20mm and 60mm – this does not prevent or deter vehicles from driving over the kerb onto the footway. The Parish Council and others are concerned that at times Green Road can become congested. Both highway experts agree that Green Road is relatively lightly trafficked but this does not mean at times it cannot become congested.
21. I see no reason to doubt the underlying validity of the Appellant's Traffic Assessment (TA) as considered by the Highway Authority. The TA estimated that the proposed development would generate, overall, 33 vehicular trips in the AM peak hour and a total of 38 trips in the PM peak hour which would give

rise to 295 additional trips over a 24 hour period. The majority of this traffic would travel northbound through the pinch point to the transport links and facilities in the village beyond. Based on these TA figures, two-way traffic on Green Road would increase by 15% in the AM peak and by 16% in the PM peak as a result of the development traffic. This equates on average during the AM and PM peak hours to an additional vehicle passing through the pinch point every 2 minutes. In my view this represents at worst, a very modest increase in vehicular traffic through the pinch point.

Increase in pedestrian flow

22. The Council has assessed the additional pedestrian flows associated with the development: an additional three pedestrians walking northwards in the AM peak and 2 in the PM peak and an additional one pedestrian walking southwards in each of the AM and PM peak hours. The Council's assessment determines the theoretical likelihood of a northbound vehicle, a southbound vehicle and a pedestrian negotiating the pinch point together at any one time during the peak hour for both the existing scenario and that with the proposed development. It concludes that such events would increase threefold with the development in place, which equates to ten additional pedestrian injury risk events per year. These figures were accepted by the Appellant.
23. I appreciate that the Council's assessment is a theoretical risk analysis and that the ten additional pedestrian injury risk events compared to the baseline is relatively small – not even one per month. Nevertheless that increase is significant when considered over time, and it is noteworthy that any conflict between vulnerable road users (pedestrians) and motor vehicles will often result in an injury requiring hospital attention, even allowing for the slight reduction in vehicle speeds through the pinch point. In my view there would be a modest increase in the number of pedestrian injury risk events.

Personal Injury Accidents (PIA) Analysis

24. The TA demonstrates that there is no recorded accident data for Green Road itself, but there were four accidents which led to injury in the period between 2010 and 2015 (Appendix I). The Appellant accepted that when considering accident data, it is relevant to look more widely than the road on which the development is proposed, and that it is not just about the overall number of accidents but the details of them. Two of the accidents involved pedestrians being struck by passing cars (on The Street and on Heath Road) and that in one of those accidents the narrow width of the road was recorded as a causation factor by the police. Another accident involved a driver striking a line of cars in The Street during the hours of darkness. In my view the circumstances of the accidents which have occurred in the wider area are not inconsistent with a highway safety concern.

Accessibility

25. I accept that the proposed pedestrian and cycle link via Steeles Close and Steeles Road is likely to be used for a good percentage of pedestrian trips to give access to village services. It would be used for: (i) dropping off and collecting children from the primary school and pre-school as well as after school clubs; (ii) to access childcare services in the grounds of the primary school, such as a "Holiday Club" during school holidays; (ii) attending health appointments; (iv) picking up prescriptions from the dispensary; (v) shopping

at Costcutter Convenience Store with its extended opening hours (0600-2230 hours) and (vi) accessing the Brickfields Business Park, where around 25 companies are based. Moreover, the proposed easement to the north⁷ would be entirely adequate for the purposes of guaranteeing access at all times. The terms on which it is granted make it entirely enforceable and I cannot foresee any circumstances which would lead to the grantor being in a position to restrict or prevent its use.

26. Nevertheless, it is noteworthy that the proposed development provides a footpath link from the Green Road access on the west of the appeal site which links to the pavement outside Vine Cottage. Anyone seeking the shortest route to walk to the village centre, to access facilities including the village shop (Co-op), the post office within it, the bus stops, the village pubs, the bakery, the tea room, the hairdressers, the Village Hall, the Church and the petrol filling station would have to negotiate the pinch point and the increased traffic going through it. Even with the Steeles Close access, anyone using it to take the shortest route to the village centre would still travel through the pinch point on Green Road. Use of the access via the Greenway at the south east of the site onto the public footpath would be far from desirable for anyone accessing facilities in the village centre.
27. Taking all of these matters into account I consider that the increase in vehicular and pedestrian traffic from the new development having to negotiate the pinch point on Green Road would exacerbate highway dangers unless appropriate safety improvements can be made. I conclude on the first issue that the off-site highway works specified in Drawing 112/2015/04 Revision P2 are necessary to mitigate the increased safety risk as a result of the development. If an appropriately worded planning condition(s) is imposed to secure the off-site highway works then there would be no unacceptable residual highway or pedestrian safety impact arising from the proposed development.

Second Issue - Heritage Assets

28. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBA) requires that special regard shall be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the LBA requires special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
29. Paragraph 193 of the NPPF 2018 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
30. Whilst there is no statutory protection for the setting of conservation areas, paragraph 194 of the NPPF 2018 requires that consideration be given to any harm to or loss of significance of a designated asset, which includes conservation areas, from development within its setting. The main parties confirmed that no harm would be caused to the setting of the Conservation

⁷ APP7

Area in this case and I agree.

Woolpit Conservation Area

31. The Woolpit Conservation Area Appraisal (2012) tells us that the Conservation Area covers the historic core of the village and was first designated by the Council in 1972. The Appraisal notes that the built form is marked by a variety of dates, architectural styles and building materials including a variety of roof finishes. The Conservation Area includes the Grade I listed Church of St Mary with its flint and stone chequered flushwork. The remaining listed buildings, the majority being Grade II, are identified as *'timber-framed houses, many now re-fronted in brick'*. The variety of building materials is noted, with exposed timber-framing and bricks from the local brickworks, comprising *'Suffolk whites'* and *'soft red brick'*.
32. In terms of its plan form and layout, Woolpit village has a distinct central triangular island, which *'is a well defined focal point'* which forms the focus for three *'important vistas'* identified on page 11 of the Appraisal. In vista (1) looking north along Green Road towards the village triangle, the view is eroded somewhat by the presence of street signage and the extent of parked cars around this *'island'*. Each important vista contributes to the character and appearance of the Conservation Area.
33. I consider the significance of the Conservation Area derives from its character interest which includes a mixture of medieval, post medieval and later buildings, of a variety of styles and material finishes, arranged around a central village *'triangle'* which is laid out and maintained as a green-edged *'island'*, from which radiate outwards three main thoroughfares; Green Road, Church Street and The Street; and from there extends a wider network of smaller sub-roads. In connection with this, the vehicular traffic is regular enough to be noticeable particularly along the three main roads, but it is not an overbearing element. It contributes to the appearance of the Conservation Area, as does the traffic control measures that form part of the street scenes, most obviously in the form of a variety of bollards.
34. The Council alleges that there would be a significant impact on the appearance of the important vista along Green Road towards the central market place at the centre of the Conservation Area and that the important historical character of the southern *'gateway'* and the important historic street scene would be harmfully altered by the introduction of the highway improvements, resulting in a more urban appearance. In particular, reference is made to the kerbed build out with bollards, the footpath widening with raised kerbs, the erection of a TSRGD 516 sign on the pavement between Pepys House and Tyrells, the disruption of sightlines which have a natural downward slope and the noticeable increase in both vehicular and pedestrian traffic which it is said would detract from the perception of relative tranquillity. I disagree.
35. The changes such as they are would only be appreciable in relatively limited views north and south along Green Road from about the area of the village triangle to the southern edge of the Conservation Area. The proposed off-site highway works would only bring about a change to a limited and localised part of this designated heritage asset. In terms of the revision of road markings, when taken in the context of the existing roadway and indeed the appearance of the wider network of roads within the Conservation Area that are generally

of 'black tarmac with white network markings'; it would not be out of character and would not harm its special interest.

36. In terms of footpath widening, the existing pathway is a standard kerbed tarmac path, about wide enough for one person to traverse. The appeal proposals envisage the widening of this footpath to 1.8m with the kerb face raised to 125mm. Again, whilst this would represent a change to the current situation, it would not be incongruous with the character and appearance of the Conservation Area which includes a large number of kerbed footpaths of varying widths. The final form and finish of these proposals would be subject to detailed design at a later stage and there is an opportunity to include a higher quality surface finishing such as sandy bedding gravel to improve the appearance of this stretch of footpath, more in keeping with the current character of this area of the asset.
37. In my view, the proposed widening of the footpath would also allow better appreciation of the character and appearance of the Conservation Area by providing a more convenient means of accessing the asset to enjoy the quality of the historic built environment.
38. In terms of road signage there are currently numerous examples of instructional road signs elsewhere within the Conservation Area, not least within the village 'triangle' itself. The introduction of a new road sign would be needed at the southern end of the highways works to forewarn drivers heading north into the Conservation Area of the narrowing roadway. The exact location of this sign is not yet fixed and is subject to future agreement. It could, for instance, be located outside the southern boundary of the Conservation Area. Even if located within the asset I see no reason why it could not be sympathetically integrated into the street scene.
39. The kerbed build out with bollards adjacent to Model Cottage would be the most evident change resulting from the proposals, as the current location for this is a featureless part of the black tarmac roadway. However, the use of a variety of bollards for such traffic calming/building protection measures is already widely evident within the wider Conservation Area, with others also used to control parking. In my view, the use of bollards in this location and for this purpose, employing a sympathetic design to be agreed with the Council, would plainly not be intrusive or incongruous with the character and appearance of the wider Conservation Area and would not result in any harm.
40. In terms of the built form of the off-site highway works, the appeal proposals would only be evident from a small part of the wider Conservation Area, would not be incongruous with its current character and appearance, and, with regard to the widened footpath, could actually deliver an enhancement.
41. In relation to the increase in vehicular traffic and any effect on the character and appearance of the Conservation Area, I have identified that there would be a *very modest* increase in the amount of traffic using the immediate road network and on Green Road leading into the village centre. This very modest increase in vehicular traffic would not introduce an element into the Conservation Area that is not already present within the designated area and neither would it increase that existing element of the Conservation Area's character and appearance to any more than a modest degree. The very modest increase in traffic flow would have no effect on the special interest of the Conservation Area and no harm would be generated.

42. I consider there would be no harm caused to the Woolpit Conservation Area as a result of the appeal proposals. The proposals would as a minimum 'preserve' the character and appearance of the Conservation Area, if not actually enhance it through the improvement of the footpath.

Listed Buildings

43. When assessing the indirect impact of proposals on heritage assets such as those beyond the boundary of a development site, the question which should be asked is whether change within its wider 'setting' would result in a loss of (or damage to) its 'significance' as a heritage asset.
44. The NPPF 2018 defines significance in Annex 2: Glossary as: '*The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting*'.
45. The current Historic England (HE) guidance⁸ is clear in stating that change within a heritage asset's setting need not be harmful; the implementation of development proposals within a heritage asset's setting can be positive, negative or neutral. The HE guidance presents an approach to setting and development management based on a five-step procedure. The key issue is whether and to what extent, the proposal would affect the contribution that setting makes to the significance of the heritage asset in question. In the following analysis I give considerable weight and importance to the desirability of preserving the settings of Listed Buildings.

Mullions, Tyrells and The Cottage

46. These three Grade II Listed Buildings are closely associated with each other and are all late medieval or early post medieval houses and should be considered as a group in terms of the contribution which setting makes to their significance. They also share this group value with those other listed buildings within this same historic core area. Such associations provide positive contributions to the significance of these buildings by providing context in which to appreciate the layout and hierarchy of the earlier settlement. In particular, Tyrells and The Cottage derive significance from their historic and functional associations, as two parts of the same original late medieval dwelling.
47. Insofar as the setting of these three listed buildings contributes to their significance, it does so in terms of (i) their associative relationships within the group, as well as with other surrounding aspects of the historic built environment defining the street scenes around and south of the triangle; (ii) in respect of historic, functional and aesthetic relationships with the positions and alignments of both Green Road and Mill Lane; and (iii) in respect of their historic and functional inter-relationships with spaces forming their garden enclosures.
48. In terms of Mullions, Tyrells and The Cottage, the Council alleges that their settings would experience change as a result of the off-site highway works and increased vehicular traffic. In terms of the off-site highway works, as

⁸ The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) Historic England 2017

previously stated, these can be broadly divided into the following elements: (i) revision of road markings; (ii) footpath widening; (iii) new road signage and (iv) a kerbed build-out with bollards, adjacent to Model Cottage.

49. The proposals would effect physical change to only a short stretch of Green Road, which is already experienced as a modern tarmac road with white markings and street furniture. Although these three listed buildings are identified as deriving some significance from their association with this road, in terms of historic and functional associations, this is in no way dependent on its current appearance.
50. The three listed buildings would be broadly opposite where the kerbed build-out and bollards would be located. However, such a change would not reduce the ability to appreciate these buildings from Green Road or alter their evidential, historic or functional relationships with it. Moreover, the footpath widening adjacent to Mullions, would also be a noticeable change, particularly if the quality of finish was improved from tarmac to a more sympathetic surfacing, but in the context of the tarmac path already present, it would be inconsequential to the significance of the listed building. There is no substance to the allegation that the highway works would have an impact on the structural integrity of Mullions. The other changes, comprising new road signage and revised road markings, in the context of the existing setting would be such a marginal peripheral change as to be all but unnoticeable.
51. It is noteworthy that Dr Duck, the Council's Heritage Officer, did not raise the possibility of harm accruing to the listed buildings within the Conservation Area - including any of these three listed buildings as a result of the implementation of the off-site highway works. Given the very limited change and the existing context of these listed buildings I consider that the off-site highway works would preserve the setting of these listed buildings and would not harm their significance.
52. The appeal proposals would result in a very modest increase in traffic on average in the peak morning and evening hours. This increase would evidently be so marginal as to be barely perceptible and would not result in an apparent change to the experience of these listed buildings. As such, the traffic generation, such as it is would also not harm the significance of any of these listed buildings.

Priory Cottage

53. The Grade II listed Priory Cottage is the most southerly property in Woolpit and forms the southern gateway to the village. It comprises a cottage dating from the early 17th century, with 19th century additions. It is assessed as drawing its significance mostly from its architectural and historic interest, as evidenced in its built form. There is also some limited artistic and archaeological interest, which is derived from the few architectural embellishments and limited phasing which it possesses and exhibits. The building is set within private and well-tended gardens that provide an attractive space in which to appreciate its significance.
54. The property is adjacent to Green Road and the regular traffic along this roadway is also a notable feature within its setting. The roadway possesses historic and functional links with Priory Cottage and it forms the predominant means whereby the structure is appreciated. As the Cottage is located on the

edge of the village, there is some limited relationship with the street frontage immediately to the north, which represents pre-20th century dwellings. To the south and west, the wider setting of the building comprises open agricultural land, as it is also on the east side of Green Road (i.e. the appeal site).

55. The appeal site is assessed as falling within the setting of Priory Cottage, given that it is possible to experience the Grade II listed building from the farmland it comprises through a gap at the north end of the otherwise bushy and robust hedgerow. This hedgerow largely encloses the east side of Green Road and contains and curtails eastward views outwards from the listed building to the confines of this north-south thoroughfare of Green Road, thus separating the asset from the appeal site.
56. Therefore, whilst the appeal site does fall within the asset's setting, it makes only a very limited contribution to the significance of this building because of the screening effect of the boundary hedgerow and the concentration of the asset's relationships on (i) its garden enclosure (ii) the Green Road frontage north and south and (iii) the agricultural farmland that adjoins it to the west and south. All of these relationships are focussed to the west of the road.
57. The appeal proposals envisage two dwellings (Plots 15 and 16) in the north west corner of the development site served by a private drive that would run parallel to Green Road. A new footpath link with Green Road would run between Green Road and the private drive and thread through a gap in the roadside hedge opposite Priory Cottage. The hedgerow would be retained albeit on a slightly set back alignment.
58. Therefore, the change to the setting of Priory Cottage would only be noticeable as a change from partial views of an agricultural field to partial views of modern properties in the north west corner of the site. This would cause some erosion to the rural context of the area albeit limited by the partial retention of the hedgerow and the setback of the new properties from the Green Road frontage. Otherwise it would not affect the rural setting to the west and south, the relationships with its well-tended private gardens, Green Road or those properties in close proximity to it.
59. I consider that this limited change would result in a very low level of harm to the significance of this listed building at the lowest end of '*less than substantial harm*'. This conclusion is broadly in agreement with Dr Duck's original consultation response on the planning application where he states that the '*overall impact on the setting of Priory Cottage is notably less than substantially harmful*'.⁹ No further mitigation is suggested.
60. In line with statute, policy, and case law¹⁰, considerable weight and importance must be given to the presumption against granting permission for development that would harm the character or appearance of a conservation area or the setting of a listed building. If less than substantial harm is found of whatever magnitude, the decision maker needs to give considerable weight to the desirability of preserving the setting of the asset. In this case I have found a lack of identifiable harm to the Woolpit Conservation Area and the proposals would, as a minimum 'preserve' its character and appearance. However, the overall impact of the proposal needs to take into account the

⁹ Mr Crutchley's Appendix AC5

¹⁰ East Northamptonshire DC v SSCLG [2014] 1 P & R 22 at paragraph 29

less than substantial harm to Priory Cottage and this harm should be weighed against the public benefits of the proposals.

61. The public benefits of the appeal proposals comprise:

- An increase in the provision of housing numbers at a time of pressing need (see my conclusion on the following main issue)
- An increase in choice and type of homes
- 35% affordable housing provision
- Employment opportunities during the construction phase
- Residents would be likely to use the local shops and services within Woolpit making a positive contribution to their vitality and viability
- Provision of 0.5 ha of community open space with green infrastructure features – delivering high quality green spaces available to all
- Footpath improvements to the village centre and the wider countryside
- Highway works in the village centre would deliver benefits to the Listed Buildings and the Conservation Area.

62. In accordance with the test set out in paragraph 196 of the NPPF 2018, I find that the clear public benefits of the proposal would outweigh the less than substantial harm to the significance of a designated heritage asset.

Third Issue - Housing Land Supply (HLS)

63. It is common ground that the Council's strategic policy for housing numbers is more than five years old and has not been reviewed. Accordingly, paragraph 73 of the NPPF 2018 indicates that the Council's housing land supply is to be assessed against the standard method for calculating local housing need. The Council's local housing need is 585 dwellings per annum (dpa) and a 20% buffer is to be applied. This amounts to 3,510 dwellings for the next five years, or 702 dpa. The difference between the parties is solely down to supply.

64. No under supply/previous under delivery is taken into account when using the standard method. Therefore, no 'backlog' of unmet need should be taken into account when calculating the Council's housing land supply position.

65. The NPPF 2018 provides specific guidance in relation to the calculation of the five years supply but specifically with regard to qualifying sites, the Glossary definition of 'Deliverable' in Annex 2 goes further than its predecessor. Small sites and those with detailed permission should be considered deliverable until permission expires unless there is clear evidence that they will not be delivered. Sites with outline permission, or those sites that have been allocated, should only be considered deliverable where there is clear evidence that housing completions will begin on sites within five years. The onus is on the LPA to provide that clear evidence for outline planning permissions and allocated sites.

66. The Council relies upon the same sites in its supply as were contained in its

Annual Monitoring Report (AMR) dated 11 July 2018. The only new site referred to at the Inquiry was that known as Land on the West of Barton Road, Thurston which was missed out of the AMR in error and for which planning permission was granted on 5 July 2018. The Council has carried out a sense check of the supply against the terms of the NPPF 2018 and referred to events that have occurred after the base date of the AMR.

67. In my view the definition of 'deliverable' in the Glossary to the NPPF 2018 does not relate to or include sites that were not the subject of an allocation but had a resolution to grant within the period assessed within the AMR. The relevant period is 1 April 2017 to 31 March 2018.¹¹ There is therefore a clear cut-off date within the AMR, which is 31 March 2018. The Council's supply of deliverable sites should only include sites that fall within the definition of deliverable at the end of the period of assessment i.e. 31 March 2018. Sites that have received planning permission after the cut-off date but prior to the publication of the AMR have therefore been erroneously included within the Council's supply. The inclusion of sites beyond the cut-off date skews the data by overinflating the supply without a corresponding adjustment of need. Indeed that is why there is a clear cut-off date set out in the AMR. Moreover, the site West of Barton Road, Thurston, should be removed from the supply as its permission postdates the cut-off for the relevant period of assessment.
68. Sites with outline planning permission make up a very large proportion of the Council's claimed supply. The onus is on the Council to provide the clear evidence that each of these sites would start to provide housing completions within 5 years. I accept that there was clear evidence of what was necessary on one site provided in Mr Robert's evidence¹² and so the 200 dwellings in respect of that site should be added to the Appellant's supply calculations. As for the other 1,244 dwellings with outline permission, the Council has not even come close to discharging the burden to provide the clear evidence that is needed for it to be able to rely upon those sites.
69. The up-dated PPG on Housing and economic land availability assessment sets out guidance on what constitutes 'deliverable sites' and covers the evidence that a site with outline planning permission is expected to have in support of its inclusion in the supply. The PPG places great weight on the adequacy and sufficiency of consultation with those responsible for delivering dwellings. It is noteworthy that in this case, the Council has failed to adequately demonstrate it has done so. An assessment of the Council's AMR against the updated PPG reveals that the AMR falls substantially short of producing the evidence that a LPA is expected to produce.¹³
70. Furthermore, the Council has had to provide additional information to demonstrate that sites are deliverable as and when it has surfaced throughout the weeks and months following the publication of the AMR in an attempt at retrospective justification. It is wholly inadequate to have a land supply based upon assertion and then seek to justify the guesswork after the AMR has been published. The site at Union Road, Onehouse is one amongst others, which was only an allocation at the time the AMR was published. Although planning permission was granted 17 August 2018¹⁴ it does not alter

¹¹ Paragraph 1.1 of the Annual Monitoring Report

¹² Mr Robert's POE A4 Build out rates for Chilton Leys

¹³ See paragraphs 36 (ID:3-036-20180913); 047 (ID:3-047-20180913) and 048 (ID3-048-20180913)

¹⁴ LPA4

the fact that the site was only subject to an allocation at the cut-off date but the Council did not have any clear evidence that it would provide housing within 5 years.

71. Paragraph 73 of the NPPF 2018 requires the Council's housing supply to be made up of 'specific sites'. The Council was presented with three opportunities to demonstrate that the figure of 858 dwellings recorded in its trajectory table for small sites is robust. Firstly, on production of the AMR. Secondly, the Appellant asked for a list of sites on 30 July 2018 and was supplied with a list of 561 planning permissions, which the Council said made up its 858 dwellings. In this list there was insufficient evidence to either accept or challenge this figure, although a number of defects quickly became apparent to the Appellant. The Council was asked to provide more information but failed to do so. Finally, the Council indicated that it was going to submit a final rebuttal proof of evidence on HLS but it did not do so.
72. The Council argues that the St Modwen case¹⁵ continues to provide sensible guidance on the context, as applied to NPPF 2018 and claims that it can demonstrate a 5 year HLS of 5.39 years. However, I cannot accept that the 858 is a robust figure. I agree that it would be a time consuming exercise for the Appellant to review 561 planning permissions. This is an exercise which the Council should have done before it produced its AMR. The Appellant has completed a partial review and from the evidence that is before me it appears that there are at least 108 defective planning permissions within the list of 561 permissions¹⁶ but does not know by what number one should discount the figure of 858. As the NPPF 2018 carries a presumption that small sites are deliverable until there is clear evidence that they will not be delivered, the 858 has been left in the Appellant's HLS calculation but I consider it is likely to be an overestimate.
73. Drawing all of these threads together I consider that the Appellant's assessment of supply, set out in Mr Short's rebuttal proof of evidence, is the more realistic taking into account the St Modwen judgment. The only change is that the site West of Barton Road, Thurston should now be removed from the supply. This leaves the Council's HLS at 3.4 years. If the small sites problem is taken into account, it is highly likely that the Council's HLS is less than 3.4 years. I conclude on the third issue, therefore that the Council cannot demonstrate a five year supply of deliverable housing sites.

Other Matters

74. I have taken into account all other matters raised including the representations from the Woolpit Parish Council, the Suffolk Preservation Society, the landscape assessment of Woolpit by Alison Farmer Associates and other interested persons. I have also taken into account the various appeal decisions submitted by the main parties. The proposed development has generated a significant amount of public interest and many of the representations which have been submitted relate to the impact on the local highway network or the heritage impact which I have dealt with under the main issues.

¹⁵ St Modwen Developments Ltd v SSCLG et al [2017] EWCA Civ 1643 paragraph 35

¹⁶ APP6

75. The issue of landscape impact was raised in the representations. However, the Appellant has provided a comprehensive Landscape & Visual Impact Appraisal (LVIA) and the Council takes no issue with this. It is proposed to reinstate the former field boundary to the southern part of the site which would include a mixture of trees and hedging and a landscaped Greenway directly to the north of it which would form part of the pedestrian links throughout the site. The existing trees and hedging along the northern boundary and eastern boundaries of the site would be retained with some new planting proposed along the most southern part of the eastern boundary. Within the site itself, trees and hedging are proposed between dwellings and the public spaces to provide an attractive soft environment.
76. The appeal site would result in the loss of an agricultural field to development and whilst this would have some direct landscape impact, it would not be significantly adverse given its suburban backdrop. The proposed landscape framework would screen and filter views of buildings from the surrounding countryside. The visual impact of the development would be successfully mitigated into the rural edge of Woolpit and would provide an attractive environment for both new residents and those living in the surrounding locality. I therefore find no harm in this regard.
77. Reference is made to alternative housing sites identified in the emerging Joint Local Plan which are located to the north of the village centre. However, as I noted at the start, the emerging Joint Local Plan is in its very early stages and any conflict with this plan carries limited weight at this time and in the context of this appeal.
78. Concerns have been raised in relation to drainage, archaeology and ecological matters. However, it is noteworthy that the Council has not raised any objections in relation to these matters. In my view the concerns which have been raised can be adequately dealt with through the use of planning conditions in accordance with the advice in paragraph 54 of the NPPF 2018.

Planning Obligation

79. The S106 Unilateral Planning Obligation includes the provision of 17 affordable units on site which broadly equates to the Council's requirements for 35% provision. In this respect the Obligation is in line with both paragraph 62 of the NPPF 2018, which requires on-site delivery of affordable homes and Altered Policy H4 of the MSDLP.
80. With regard to open space covenants within the Obligation, the appeal scheme provides open space and a 360m² play area with play equipment within the site which meets the Council's policy requirements, notably Policy RT4 of the MSDLP.
81. With regard to covenants with SCC, the Obligation includes contributions in relation to primary school and Early Years provision and Public Rights of Way Improvements. A SoCG on Early Years and Education Matters has been agreed between the Appellant and SCC. There is also a Community Infrastructure Levy (CIL) Compliance Statement submitted by SCC.¹⁷

¹⁷INQ5

82. The Obligation includes the following matters in respect of SCC functions:

- Primary School Construction contribution – £180,719 (equates to £3,688.14 per dwelling). This is necessary if there are no surplus places available at the time of commencement, and if expansion of the existing primary school is confirmed, this Obligation would cease or be returned.
- Primary School Land contribution - £12,936 (equates to £264 per dwelling)– as above; and
- Contribution towards the build costs of a new Early Years setting - £33,332 (equates to £680.24 per dwelling).

83. The proposed development is estimated to generate up to four pre-school children. The proposed development should make a proportionate contribution towards the build cost of the new Early Years setting which in total would cost £500,000 and provide 60 places. The proposed development would generate 11 primary aged pupils but the Woolpit Primary Academy does not have enough places to accommodate all of the development being proposed in Woolpit. Due to the layout of the current school site it is not possible to add further permanent accommodation unless additional land is acquired.

84. Therefore the SCC strategy for primary school provision is to deliver a new 420 place primary school for Woolpit to ensure that there is adequate provision to support housing growth and basic need. The proposed development should make a proportionate contribution to the land and build costs of the new primary school in respect of the 11 pupils generated by it.

85. There are currently forecast to be surplus places available at the current secondary schools serving the proposed development, so no secondary or sixth form contributions would be required from the proposed development.

86. Paragraph 98 of the NPPF 2018 promotes the need to protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users for example by adding links to existing rights of way networks. The anticipated increased use of the PROW network from the development would result in the need for offsite improvement work involving heavy clearance on Woolpit Public Footpath 4. The total financial contribution required is £915. The requirement for the footpath improvement arises directly from the increased population which would be generated by the development in the local area and it would also meet Council policies.

87. The Council has confirmed that none of the obligations would conflict with Regulation 123 requiring that no more than five contributions are pooled towards any one specific infrastructure scheme.

88. In my view, all of the provisions set out in the Section 106 Planning Obligation are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. Therefore they all meet the tests with CIL Regulations 122 and 123 and should be taken into account in the decision.

Planning Balance

89. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission be determined in accordance with

the development plan, unless material planning considerations indicate otherwise. Whilst the RfR cites only a limited number of policies which are said to be breached I deal with all policies that have a bearing on the proposals and in line with the new approach of the NPPF 2018¹⁸ identify those which are most important for determining the appeal and whether they should be considered to be out-of-date.

90. The CS was adopted in 2008 and the MSDLP in 1998. Both plans predate the publication of the NPPF 2012 and the more recent NPPF 2018. The CSFR has had little impact on the saved or CS policies that remain in place and Policy FC1 really only and unnecessarily repeats what was in paragraph 14 of the NPPF 2012. It is now out-of-date because of the test it employs. Policy FC1.1 is policy of a very broad nature with one requirement that development must conserve and enhance the local character of the different parts of the district. It is up-to-date but is not otherwise of significance. The appeal proposal complies with these policies.
91. Policy CS1 of the CS merely sets out the settlement hierarchy. However, it includes the words "*the rest of Mid-Suffolk, including settlements not listed in the above (hierarchy) will be designated as countryside ... renewable energy*". By virtue of this latter requirement it offends paragraphs 77 and 78 of NPPF 2018. It perpetuates the theme of protection of the open countryside for its own sake and its limitations are inimical to the balanced approach which the NPPF 2018 exhorts. It is one of the most important policies and it is out-of-date. The appeal proposal complies with the hierarchical requirements of Policy CS1 but it conflicts with the latter part of this policy as the site is located outside the settlement boundary.
92. As the proposed development is in open countryside, it also offends the requirements of Policy CS2. Policy CS2 is a most important policy and it is out-of-date. The NPPF has never and still does not exhort a restrictive approach to development outside settlements in this manner. It does not protect the countryside for its own sake or prescribe the types of development that might be acceptable. The policy as worded obviates a balancing exercise and precludes otherwise sustainable development by default and thereby defeats the presumption in its favour. It is also contrary to paragraphs 77 and 78 of NPPF 2018.
93. Policy CS5 provides that all development will maintain and enhance the environment including the historic environment, and retain local distinctiveness. It requires development actually to maintain and enhance the historic environment which exceeds the statutory duty (LBA 1990) and goes further than paragraph 192 of NPPF 2018 which requires decision makers to "take account of the desirability of sustaining and enhancing the significance of heritage assets" (my underlining). This is a most important policy and it is out-of-date. It does not make enhancement a requirement where no such requirement is reasonably possible or appropriate to the nature of the proposed development. The policy also fails to acknowledge the balancing exercise which the NPPF 2018 requires to be undertaken in circumstances where the harm is less than substantial.
94. Moreover, I have found that the appeal proposal would accord with national policy advice in the NPPF 2018, notably paragraph 192, and there would be no

¹⁸ Paragraph 11

conflict with Policy CS5. The proposed development constitutes a high quality design as it proposes a form of development that reflects the character and appearance of the surrounding streetscape. The DAS provides details on materials and finishes. The materials selected for the new dwellings reflect the colours and shades of the Suffolk vernacular buildings of Woolpit in their simple forms and thus retain local distinctiveness in accordance with Policy CS5 and the NPPF 2018 in Section 12. Nor would there be any conflict with Policy CS5 in relation to the off-site highway improvements works in the Conservation Area.

95. Policy GP1 is a most important policy and it is up-to-date. The proposal complies with its requirements. Policy HB8 is also a most important policy and it is up-to-date despite the fact that it predates its CS equivalent. As I disagree with the Council's case on the impact of the proposal on the character and appearance of the Conservation Area, the proposal complies with its requirements. Policy FC2 is the Council's strategic housing policy within the development plan. However, in the light of paragraph 73 of the NPPF 2018, this policy is out-of-date, which is accepted by Mr Roberts.¹⁹
96. Drawing all of these threads together I find that being outside the settlement boundary and within the countryside, the appeal proposal is not in accordance with the development plan taken as a whole.
97. However, in the context of paragraph 213 of the NPPF 2018, I have found that some of the most important policies for determining this appeal are out-of-date, notably Policy CS1 and Policy CS2. I have attached only moderate weight to the conflict with these policies which lessens the significance of that conflict.
98. At paragraph 62 of this decision, I found that the clear public benefits of the proposal would outweigh the less than substantial harm to the significance of a designated heritage asset.
99. The tilted balance in paragraph 11 of the NPPF 2018 is engaged because firstly, policies that are most important for the determination of this appeal are out-of-date and secondly, the Council cannot demonstrate a five year supply of deliverable housing sites.
100. Balanced against the identified conflict with the development plan I give substantial weight to the provision of 32 market dwellings and 17 affordable dwellings on a site which is visually and functionally well related to the existing village. Paragraph 59 of the NPPF 2018 states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. This comprises a substantial social benefit.
101. I have attached moderate weight in terms of the economic benefits that would arise from the provision of employment opportunities during the construction phase and the spending power from 49 new households within the local area.
102. Furthermore I am satisfied that the proposed development would fulfil the aims of the NPPF 2018 by promoting a high quality design of new homes and

¹⁹ Proof of evidence paragraph 2.3

places. I find that the provision of on-site community open space with green infrastructure features, the footpath improvements to the village centre and the wider countryside and the highway works in the village centre would all provide environmental benefits. I apportion moderate weight in terms of the environment.

103. Taking all of these matters into account, including all other material considerations, I find that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits of the proposed development when assessed against the policies in the NPPF 2018 as a whole and that the proposal represents sustainable development. On this basis a decision, other than in accordance with the development plan is justified and therefore the appeal should be allowed.

Planning Conditions

104. I have considered the conditions suggested by the Council²⁰ in the light of the advice in paragraphs 54 and 55 of the NPPF, the model conditions retained at Appendix A of the cancelled Circular 11/95 and the Government's PPG on the use of planning conditions. I have made minor adjustments to the suggested conditions in the interests of clarity. Condition 1 imposes a shorter timescale than the normal three years but this is justified given the pressing housing need and the advice in paragraph 76 of the NPPF 2018. Condition 2 is necessary for the avoidance of doubt. Condition 3 is required to safeguard heritage assets of archaeological interest. Condition 4 which relates to Construction Management is necessary to ensure minimal impact on the public highway and residential amenity but I have deleted the element relating to haul routes as this relates to land outside the site and thus cannot be controlled by condition. Conditions 5-7 are necessary in the interests of ecology, safeguarding habitats/species and visual amenity. Conditions 8 -10 are required to ensure the development does not cause increased flood risk or increased pollution to the water environment.
105. Conditions 11-23 are necessary in the interests of highway safety, traffic management, safe and suitable facilities for pedestrian and cycle movement and to comply with paragraph 110 of the NPPF. Condition 24 is required in the interests of safeguarding ecology, biodiversity and amenity within the site. Condition 25 is required to ensure the site is suitably served by fire hydrants in the interests of public safety and fire prevention. Condition 26 is necessary to ensure that the development is equipped with access to high-quality telecommunications in accordance with paragraph 112 of the NPPF.
106. Condition 27 is required to ensure that recycling bins are not stored on the highway in the interests of highway safety. Condition 28 which relates to screen walls and/or fences is required in the interests of residential amenity. Condition 29 is required to ensure the appropriate recording and analysis of archaeological assets. Condition 30 is required to ensure the provision and long-term maintenance of adequate on-site space for the parking and manoeuvring of vehicles. Condition 31 relates to a Residents Travel Pack to reflect the national policy aim of achieving the fullest possible use of public transport, walking and cycling.

²⁰ INQ4

Conclusion

107. Having considered these and all other matters raised I find nothing of sufficient materiality to lead me to a different conclusion. The appeal is therefore allowed subject to the conditions set out in the attached Schedule.

Harold Stephens

INSPECTOR

SCHEDULE OF PLANNING CONDITIONS (1-31)

TIME LIMIT FOR IMPLEMENTATION

- 1) The development hereby permitted shall be begun not later than the expiration of two years from the date of this permission.

LIST OF APPROVED DRAWINGS

- 2) The development hereby permitted shall be carried out in accordance with the following drawings:

5018 PA01 House Type 1
5018 PA02 House Type 1
5018 PA03 Single Garage
5018 PA04 House Type 2
5018 PA05 House Type 2
5018 PA06 House Type 3
5018 PA07 House Type 3
5018 PA08 House Type 3
5018 PA09 Rev. A House Type 3
5018 PA10 Rev. A House Type 4
5018 PA11 House Type 4
5018 PA12 Rev. A House Type 4
5018 PA13 House Type 5
5018 PA14 House Type 5
5018 PA15 House Type
5018 PA16 House Type 6
5018 PA17 House Type 6
5018 PA18 Rev. A Cart Lodge
5018 PA19 House Type 7
5018 PA20 House Type 7
5018 PA21 House Type 7
5018 PA22 Rev. A House Type 8
5018 PA23 House Type 8
5018 PA24 House Type 8
5018 PA28 House Type 9
5018 PA29 House Type 9
5018 PA31 Rev H Site/block roof plan
5018 PA32 Rev C Street Elevations
5018 PA33 Site Location Plan
5018 PA34 rev A Typical Elevations
5018 PA35 rev B Street Elevations
5018 PA36 ASHP SIZES

PRE - COMMENCEMENT CONDITIONS

Archaeology

- 3) No development shall take place within the site until the implementation of a programme of archaeological work has been secured, in accordance with a Written Scheme of Investigation which has previously been submitted to and approved in writing by the Local Planning Authority.

The scheme of investigation shall include an assessment of significance and research questions; and:

- a. The programme and methodology of site investigation and recording.
- b. The programme for post investigation assessment.
- c. Provision to be made for analysis of the site investigation and recording.
- d. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- e. Provision to be made for archive deposition of the analysis and records of the site investigation.
- f. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- g. The site investigation shall be completed prior to development, or in such other phased arrangement, as agreed and approved in writing by the Local Planning Authority.

Construction Management

- 4) Prior to the commencement of development details of a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall incorporate the following information:
 - a. Details of the hours of work/construction of the development within which such operations shall take place and the hours within which delivery/collection of materials for the said construction shall take place at the site.
 - b. Details of the storage of construction materials on site, including details of their siting and maximum storage height.
 - c. Details of how construction and worker traffic and parking shall be managed.
 - d. Details of any protection measures for footpaths surrounding the site.
 - e. Details of any means of access to the site during construction.
 - f. Details of the scheduled timing/phasing of development for the overall construction period.
 - g. Details of any wheel washing to be undertaken, management and location it is intended to take place.
 - h. Details of the siting of any on site compounds and portals.
 - i. Monitoring and review mechanisms.

The construction shall at all times be undertaken in accordance with the agreed methodology approved in writing by the Local Planning Authority.

Landscaping and Biodiversity

- 5) All ecological mitigation measures and/or works shall be carried out in accordance with the details contained in the Ecological report (MHE Consulting August 2015) as already submitted with the planning application and agreed with the Local Planning Authority prior to determination.
- 6) No development shall commence until a detailed 'hard' and 'soft' Landscaping Scheme, which shall include any proposed changes in ground levels, has been submitted to, and approved in writing by, the Local Planning Authority.

The 'hard' landscaping shall include details of all hard surface materials and boundary treatments to be used within the development with a timetable for implementation, including all means of enclosure and boundary treatments, residential screen walls and fences.

The 'hard' landscaping shall be implemented and completed in accordance with the approved details and agreed timetable.

The 'soft' landscaping shall include details of the existing trees and plants on site to be retained together with measures for their protection which shall comply with the recommendations set out in the British Standards Institute publication 'BS 5837:2012 Trees in relation to design, demolition and construction'.

The 'soft' landscaping shall include details (including species, size of stock at time of planting, location) of all new plants and trees to be provided as well as any areas for seeding. The new landscaping should comprise of native species only as defined in Schedules 2 and 3 of the Hedgerow Regulations 1997.

The 'soft' landscaping shall be implemented in accordance with the approved details within the first planting season (October - March inclusive) following the commencement of development.

Any trees, hedges, shrubs or turf identified within the approved Landscaping Scheme (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.

The approved Landscaping Scheme shall be carried out in its entirety and shall accord with the approved drawings under this permission.

- 7) Prior to the commencement of development on the site a skylark mitigation strategy, including a timetable for implementation, shall be submitted to, and agreed in writing by, the Local Planning Authority. The agreed strategy shall be implemented in full to mitigate the loss of potential nesting habitat.

Site Drainage

- 8) No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No dwellings shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.
- 9) No development shall take place until a surface water drainage scheme for the site, including a timetable for implementation, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate that the surface water run-off generated up to and including the 100 year + Climate Change storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be

implemented in accordance with the approved details and timetable before the development is completed. Details of which will include:

- a. Details of further infiltration testing on site in accordance with BRE Digest 365 to verify the permeability of the site (trial pits to be located where soakaways are proposed and repeated runs for each trial hole). Borehole records should also be submitted in support of soakage testing.
 - b. Infiltration devices should be no more than 2m deep and will have at least 1.2m of unsaturated ground between base of the device and the groundwater table.
 - c. Dimensioned plans illustrating all aspects of the surface water drainage scheme including location and size of infiltration devices and the conveyance network. A statement on the amount of impermeable area served by each infiltration device should also be illustrated on the plans and should be cross referenceable with associated design calculations.
 - d. Full modelling results (or similar method) to demonstrate that the infiltration device has been adequately sized to contain the critical 100yr+ Climate Change event for the catchment area they serve. Each device should be designed using the nearest tested infiltration rate to which they are located. A suitable factor of safety should be applied to the infiltration rate during design.
 - e. Infiltration devices will have a half drain time of less than 24 hours.
 - f. Modelling of conveyance networks showing no above ground flooding in 1 in 30 year event, plus any potential volumes of above ground flooding during the 1 in 100 year rainfall + Climate Change.
 - g. Infiltration devices shall only be used where they do not pose a threat to groundwater. Only clean water will be disposed of by infiltration devices due to the site being inside a Source Protection Zone. Demonstration of adequate treatment stages for water quality control shall be submitted - SuDS features should demonstrate betterment to water quality, especially if discharging towards a watercourse or aquifer.
 - h. Topographic plans shall be submitted depicting safe exceedance flow paths in case of a blockage within the main surface water system and/or flows in excess of a 1 in 100 year rainfall event. These flow paths will demonstrate that the risks to people and property are kept to a minimum.
 - i. A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.
 - j. Arrangements to enable any surface water drainage within any private properties to be accessible and maintained including information and advice on responsibilities to be supplied to future owners.
- 10) No development shall commence until details of a Construction Surface Water Management Plan (CSWMP) detailing how surface water and storm water will be managed on the site during construction (including demolition and site clearance operations) is submitted to and agreed in writing by the Local Planning Authority. The CSWMP shall be implemented and thereafter managed and maintained in accordance with the approved plan for the duration of construction. The approved CSWMP and shall include:
- a. Method statements, scaled and dimensioned plans and drawings detailing surface water management proposals to include:

- i. Temporary drainage systems.
- ii. Measures for managing pollution / water quality and protecting controlled waters and watercourses.
- iii. Measures for managing any on or offsite flood risk associated with construction.

Highways

- 11) No development shall commence until details of the estate roads and footpaths (including layouts, levels, gradients surfacing and means of surface water drainage, lighting and traffic calming measures), have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and completed in accordance with the approved details and agreed timetable.
- 12) No development shall commence until a detailed scheme for highway improvements to Green Road, comprising traffic calming measures and footway widening provision which shall be in general accordance with those details as shown on Drawing no. 112/2015/04 Revision P2, has been submitted to and agreed in writing by the Local Planning Authority in consultation with the Local Highway Authority.
- 13) No development shall commence until details have been submitted to and approved in writing by the Local Planning Authority, of the means to prevent the discharge of surface water from the development onto the highway. The development shall be carried out and completed in accordance with the approved details and agreed timetable.

PRIOR TO OCCUPATION OR OTHER STAGE CONDITIONS

Highways

- 14) No part of the development shall be commenced above slab level until the new vehicular access onto Green Road has been laid out and completed in all respects in accordance with Drawing No. 5018 PA31 Rev H Site/block roof plan and with an entrance width of 5.5 metres and been made available for use. Thereafter the access shall be retained in the specified form.
- 15) Prior to the access from Green Road into the site being constructed, the ditch beneath the proposed access shall be piped or bridged in accordance with details which previously shall have been submitted to and approved in writing by the Local Planning Authority and shall be retained thereafter in its approved form.
- 16) The new estate road junction with Green Road, inclusive of cleared land within the sight splays to this junction, must be formed prior to any other works commencing or delivery of any other materials.
- 17) No development shall commence above slab level until a scheme for the provision and implementation electric car charging points for the development has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall include a clear timetable for the implementation of the measures in relation to the occupancy of the development. The scheme

shall be implemented, and the measures provided and made available for use, in accordance with such timetable as may be agreed.

- 18) Details of the gateway feature identified on drawing 5018 PA31 Rev H to be located to the southwest corner of the site shall be submitted to and agreed with the Local Planning Authority and shall be completed prior to occupation of the first dwelling and thereafter retained in the approved form.
- 19) Before the access onto Green Road is first used, visibility splays shall be provided as shown on Drawing No. 5018/PA31 Revision H, as submitted, and thereafter retained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays at any time.
- 20) No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least binder course level or better.
- 21) No dwelling shall be occupied until the area(s) within the site, shown on approved drawing 5018 PA31 Rev H for the purposes of loading/unloading, manoeuvring and parking of vehicles, including electric charging points and secure cycle storage, serving that dwelling has been provided and thereafter that area(s) shall be retained and used for no other purpose. Thereafter those areas applicable to that dwelling shall be retained and remain free of obstruction except for the purpose of manoeuvring and parking of vehicles.
- 22) A metalled footway/cycleway, as shown on Drawing 5018 PA31 Rev H of a minimum 2.0 metres width, shall be provided from the site into Steeles Close, northwards to connect with the existing access in Steeles Close. The metalled footway shall be provided and made available for use prior to the first occupation of any dwellings in the development.
- 23) No dwelling shall be occupied until the highway improvements secured under Condition 12 above have been constructed in strict accordance with the approved details and made available for public use and thereafter retained post construction in the approved form.

Site Infrastructure/Other

- 24) Within three months of the commencement of development a detailed lighting scheme for all public areas to be lit shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show how and where external lighting will be installed, (through technical specifications and the provision of appropriate lighting contour plans which shall include lux levels of the lighting to be provided), so that it can be:
 - a. Clearly demonstrated that areas to be lit have reasonably minimised light pollution, through the use of minimum levels of lighting and features such as full cut off cowls or LED.
 - b. Clearly demonstrated that the boundary vegetation to be retained, as well as that to be planted, will not be lit in such a way as to disturb or

prevent bats using their territory or having access to their breeding sites and resting places or foraging areas, through the use of minimum levels of lighting and features such as full cut off cowls or LED.

All external lighting shall be installed in accordance with the specifications and locations as set out in the approved scheme and shall be maintained thereafter in accordance with that scheme.

- 25) Within three months of the commencement of development details of the provision of fire hydrants for the development, including a timetable for installation, shall be submitted to and approved in writing by the Local Planning Authority. The fire hydrants shall be installed in accordance with the approved details in their entirety and in accordance with the agreed timetable.
- 26) Within three months of the commencement of development, details of how superfast or ultrafast broadband infrastructures will be delivered to every household in the development, subject to network capacity being available, shall be submitted to and approved in writing by the Local Planning Authority. The approved superfast broadband infrastructures for each dwelling shall be installed prior to first occupation of that dwelling.
- 27) Within three months of the commencement of development, details of the areas to be provided for the storage of refuse/recycling bins shall be submitted and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety prior to the first occupation of the dwelling to which it relates and shall be retained thereafter and used for no other purpose.
- 28) The residential screen walls and/or fences as may be approved pursuant to the Landscaping Scheme under Condition 6 above, shall be erected prior to the dwelling/s to which they relate being first occupied and thereafter shall be retained in the approved form.
- 29) No dwelling shall be occupied until the archaeological site investigation and post investigation assessment, secured under Condition 3 above, has been completed and submitted to, and approved in writing by, the Local Planning Authority.

POST OCCUPANCY MONITORING/MANAGEMENT

- 30) Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no development shall be carried out in such a position as to preclude vehicular access to those vehicular parking spaces and no alterations shall be carried out to the approved garage units that would preclude the parking of vehicles within them without planning permission being granted in that regard.
- 31) Within one month of the first occupation of any dwelling, the occupiers of each of the dwellings shall be provided with a Residents Travel Pack (RTP). Not less than three months prior to the first occupation of any dwelling, the contents of the RTP shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highway Authority and shall

include walking, cycling and bus maps, latest relevant bus and rail timetable information, car sharing information, personalised travel planning and a multimodal travel voucher. The RTP shall be maintained and operated thereafter.

End of Conditions Schedule

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Asitha Ranatunga of Counsel	Instructed by the Council
He called:	
Luke Barber HND BSc FD C Eng.	Principal Engineer Suffolk CC
Nicholas Joubert MSc	Heritage Consultant
Andrew Ryley BA (Hons) MSc MRTPI	Associate Director DLP Planning Ltd
Alex Roberts BSc (Joint Hons) Associate RTPI	Director DLP Planning Ltd

FOR THE APPELLANT:

Mr Paul Shadarevian QC	
He called:	
Gerry Bullard C Eng. MICE	Partner GH Bullard & Associates LLP
Andrew Crutchley BA (Hons) PG Dip (Oxon) MCiFA	Director The Environmental Dimension Partnership Ltd
Leslie Short BA MRICS MRTPI	Director Artisan Planning and Property Services Ltd

INTERESTED PERSONS:

John Guyler	Chairman of Woolpit Parish Council
John Christie	Local Resident
Susan Eburne	Local Resident

DOCUMENTS SUBMITTED AT THE INQUIRY

- INQ1 Notification Letter
- INQ2 Letters of Representation
- INQ3 Statements of Common Ground
- INQ4 Suggested Planning Conditions
- INQ5 Suffolk County Council Community Infrastructure Levy Regulations (CIL) Compliance Statement dated 27 March 2018

DOCUMENTS SUBMITTED BY THE LPA

LPA1 Opening Remarks

LPA2 Pytches Road, Woodbridge – Traffic Calming scheme with buildout

LPA3 Letter from Storey Homes dated 13 August 2018: Land at Gardenhouse Lane, Rickinghall

LPA4 Mid Suffolk District Planning Permission: Reference 4455/16

LPA5 List of sites disputed by the Appellant

LPA6 Closing Submissions

DOCUMENTS SUBMITTED BY THE APPELLANT

APP1 List of Drawings

APP2 HCC Decision *CPRE v Dover DC* [2015] EWHC 3808 (Admin) [APP2]

APP3 Agenda Document for MSDC Development Control Committee A 29.8.2018

APP4 Appeal Decision APP/N1730/W/17/3185513

APP5 Hart District Local Plan 1996-2006 Saved Policy RUR2

APP6 MSDC Minor Sites Outstanding Planning Permissions (April 2018)

APP7 Agreement to enter in to an Easement conditional on Appeal dated 29 August 2018 between Flagship Housing Group Limited and Landex Limited

APP8 Certified Copy of Unilateral Undertaking dated 29 August 2018

APP9 Letter from Burgess Homes Limited re site at Back Hills, Botesdale

APP10 Closing Submissions

INTERESTED PERSONS' DOCUMENTS

IP1 Statement by John Guyler

IP2 Statement by John Christie

IP3 Statement by Susan Eburne

Appendix HLS5 - Woburn Sands Appeal Decision



Ministry of Housing,
Communities &
Local Government

Timothy Waller
Waller Planning Ltd
Suite A, 19-25 Salisbury Square
Old Hatfield
Hertfordshire
AL9 5BT

Our ref: APP/Y0435/W/17/3169314

25 June 2020

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY WAVENDON PROPERTIES LTD
LAND TO THE EAST OF NEWPORT ROAD AND TO THE EAST AND WEST OF
CRANFIELD ROAD, WOBURN SANDS, BUCKINGHAMSHIRE MK17 8UH
APPLICATION REF: 16/00672/OUT**

1. I am directed by the Secretary of State to say that consideration has been given to the report of Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC, who held a public local inquiry from 14 - 23 January 2020 into your client's appeal against the decision of Milton Keynes Council to refuse your client's outline application, with all matters except the means of access reserved for subsequent approval, for residential development of up to 203 dwellings, a doctor's surgery, open space and landscaping, together with pedestrian, cycle and vehicular access from Newport Road and Cranfield Road and supporting infrastructure, in accordance with application ref: 16/00672/OUT, dated 20 July 2016.
2. On 31 October 2017, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.
3. The Secretary of State initially issued his decision in respect of the above appeal in his letter dated 5 December 2018. That decision was challenged by way of an application to the High Court and was subsequently quashed by order of the Court dated 14 June 2019. The appeal has therefore been redetermined by the Secretary of State, following a new inquiry into this matter. Details of the original inquiry are set out in the 5 December 2018 decision letter.

Inspector's recommendation and summary of the decision

4. The Inspector recommended that the appeal be dismissed.
5. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and agrees with his recommendation. He has decided to dismiss the appeal.

Ministry of Housing, Communities & Local Government
Jean Nowak, Decision Officer
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

Tel: 0303 444 1626
Email: PCC@communities.gov.uk

A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Matters arising since the close of the inquiry

6. On 18 May 2020, the Secretary of State wrote to the main parties to afford them an opportunity to comment on a letter from Milton Keynes Council dated 12 May 2020 which included a recent appeal decision relating to Rectory Farm, Woburn Sands Road, Bow Brickhill, Milton Keynes, MK17 9JY. A list of the representations received in response to this letter is at Annex A. These representations were circulated to the main parties on 27 May 2020 and 3 June 2020. The Secretary of State is satisfied that all representations received have been given full and due consideration, and no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties. Copies may be obtained on written request to the address at the foot of the first page of this letter.
7. In his letter of 16 August 2019, confirming the reopening of the inquiry, the Secretary of State explained that one change in circumstance he considered material to the redetermination was the announcement by Highways England, in September 2018, that corridor B (central option) had been selected as the preferred corridor for the Oxford-Cambridge Expressway (IR1.16). The Secretary of State has noted that, in March 2020 Highways England announced that work had paused on the Oxford-Cambridge Expressway while they undertook further work on other potential road projects that could support the government ambition on the Oxford-Cambridge Arc (<https://highwaysengland.co.uk/project-update-12-march-2020/>). The Secretary of State has also noted that none of the parties have made representations to him on this announcement. The Secretary of State does not consider the pausing of the work raises any matters that would require him to refer back to the parties for further representations prior to reaching his decision on this appeal.

Policy and statutory considerations

8. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
9. In this case the development plan consists of Plan:MK 2016-2031 (Plan:MK), Woburn Sands Neighbourhood Plan 2014 (WSNP) and Site Allocations Plan 2018 (SAP). The Secretary of State considers that relevant development plan policies include those set out at IR3.3-3.9.
10. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance').
11. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals or their settings, or any features of special architectural or historic interest which they may possess.

Main issues

Housing Land Supply

12. The Secretary of State has considered the Inspector's analysis at IR12.4-12.64. For the reasons given at IR12.8-12.12 the Secretary of State agrees with the Inspector that it is acceptable that the evidence can post-date the base date provided that it is used to support sites identified as deliverable as of 1 April 2019 (IR12.11). Like the Inspector, the Secretary of State does not consider it necessary to apply a 1 October 2019 base date (IR12.12). For the reasons given at IR12.13-12.15, the Secretary of State agrees with the Inspector that a proforma can, in principle, provide clear evidence of a site's deliverability (IR12.14). The Secretary of State also agrees with the Inspector that it would not be appropriate to automatically disregard all the sites owned by Homes England and Milton Keynes Development Partnership (IR12.15). For the reasons given at IR12.16-12.25 the Secretary of State agrees with the Inspector that there is no reason to apply a greater discount than the Council's rate (IR12.19). The Secretary of State agrees with the approach the Inspector has taken to prior approval sites in this case (IR12.22).
13. The Secretary of State has noted that the Globe and Castlethorpe Road appeal decisions came to different conclusions on whether the Council could demonstrate a 5-year housing land supply (HLS) (IR12.23), but he agrees that, as the Inspector's conclusions in this case are based on the evidence before him, this should be regarded as being sufficient to explain any difference from the findings of the Castlethorpe Road or Globe Inspectors (IR12.25).
14. The Secretary of State has considered the Inspector's assessment of disputed sites at IR12.26-12.60. For the reasons given, the Secretary of State agrees with the Inspector that the Council can demonstrate a HLS of 5.5 years for the base date of 1 April 2019 (IR12.61). The Secretary of State has also noted that the Inspector finds that, for a base date of 1 October 2019, there would be a 5-year HLS of 5.99 years (IR12.62). However, as already indicated in paragraph 12 above, the Secretary of State agrees with the Inspector that it is not necessary to apply a 1 October base date. The Secretary of State also agrees with the Inspector that the Council's Scenarios 2 and 3 do not affect his findings on HLS (IR12.63-64).
15. Overall, the Secretary of State agrees with the Inspector's conclusion at IR12.65 that the Council can demonstrate a 5-year supply of deliverable housing sites whichever approach is taken in terms of the base date, and even with the application of the Council's lapse rate.
16. The Secretary of State has noted that, in their correspondence of 26 May 2020 and 12 June 2020, the appellant has referred to the potential impact of the current Covid-19 pandemic on house building. He has also noted that the appellant submitted a document with their correspondence of 26 May 2020 issued by the Council entitled 'Rectory Farm decision and the Implications for Five-Year Housing Land Supply', published on 29 April 2020. The Secretary of State considers that, as the quantification in that document is based on the appellant's modelling using a past event and they have not put forward specific evidence about the deliverability of individual sites, it does not affect his judgement in this case.

The location of the development

17. For the reasons given at IR12.66-12.71 and IR12.74, the Secretary of State agrees with the Inspector that the location and type of the appeal development does not comply with Policies DS1, DS2 and DS5 of Plan:MK and WSNP policies WS5 and WS6. He further agrees that there is no inconsistency with the Framework in terms of how WSNP Policies WS5 and WS6 seek to safeguard the countryside and direct developments to specific locations, and that these policies can be given significant weight (IR12.71). The Secretary of State agrees with the Inspector that the housing would not be in an appropriate location having regard to the development plan and national policies (IR12.74). He further agrees that the conflict with the development plan in terms of the location of the proposal carries substantial weight (IR12.101).
18. For the reasons given at IR12.72 the Secretary of State agrees with the Inspector that the proposal does not conflict with the development plan insofar as the proposed Oxford to Cambridge Expressway is concerned. He also agrees with the Inspector that there is no conflict with the development plan or other reason to refuse the proposal in relation to the East-West rail project (IR12.73).

Housing Density

19. For the reasons given at IR12.75-12.82, the Secretary of State agrees with the Inspector that the final density figure cannot be established at this point (IR12.78). Like the Inspector the Secretary of State considers that, while the final layout and density of the development has yet to be fixed, a scheme based on the illustrative layout with a density of 16-20dph would be relatively low but would be acceptable in this instance for this location. It would balance an efficient use of land with respecting the surrounding character and setting and so would accord with Plan:MK Policy HN1 and NPPF paragraph 122 (IR12.81).

Other matters

Best and most versatile agricultural land

20. For the reasons given at IR12.83 the Secretary of State agrees with the Inspector that the loss of Grade 3a agricultural land within the site would conflict with Plan:MK Policy NE7. However, the Secretary of State also agrees with the Inspector that this would not, in itself, be a reason for refusal and carries only moderate weight (IR12.99).

Ecology and drainage

21. For the reasons given at IR12.84-12.87 the Secretary of State agrees with the Inspector that the development would not have an unacceptable effect on ecology or protected species (IR12.86). The Secretary of State further agrees that the development offers the means to alleviate current drainage problems through additional attenuation and the use of a suitable maintenance regime (IR12.87). The Secretary of State considers that the environmental enhancement of ecology and the provision of drainage measures to try to address existing problems are benefits which should be afforded moderate weight (IR12.97).

Highways and parking

22. The Secretary of State notes that the appellant's updated Transport Assessment concludes that there would be very modest impacts on all junctions as a result of the

development (IR12.88 and IR12.96). For the reasons given the Secretary of State agrees with the Inspector that only limited weight can be afforded to any highway benefits (IR12.96).

Facilities and services in Woburn Sands

23. For the reasons given at IR12.89, the Secretary of State agrees with the Inspector that there is little evidence to indicate that the development would have an unacceptable impact on services and facilities in Woburn Sands.

Heritage assets

24. For the reasons given at IR12.90-12.91 the Secretary of State agrees with the Inspector that the development would result in less than substantial harm to the significance of the Grade II listed Deethe Farmhouse. He also agrees with the Inspector that the level of harm would be low due to the existing setting and the proposed mitigation measures. Nevertheless, paragraphs 193 and 194 of the Framework state that great weight should be given to the conservation of listed buildings and any harm weighed against the public benefits (IR12.91).

25. The Secretary of State also agrees with the Inspector that, given the existing screening and distances involved, there would be no harm caused to either the Grade II listed park and garden at Wavendon House or the Grade II* Wavendon House itself (IR12.92).

Character and appearance of the landscape

26. For the reasons at IR12.93 the Secretary of State agrees with the Inspector that the development would have a very limited effect on the character and appearance of the landscape. Therefore, the Secretary of State affords little weight to any harm.

Other benefits

27. For the reasons given in IR12.94 the Secretary of State agrees with the Inspector that the provision of affordable housing beyond the minimum policy requirement should carry significant weight. The Secretary of State also agrees with the Inspector that the provision of market housing should be afforded significant weight given the potential number of dwellings that could be delivered and the eagerness of the appellant as a small to medium sized developer to deliver housing as swiftly as possible.

28. The Secretary of State agrees with Inspector that there are a range of economic benefits (IR12.95) and affords these moderate weight. For the reasons given in IR12.97 the Secretary of State agrees with the Inspector that little weight can be afforded to the appellant's claim of a high-quality living environment given the limited information at outline stage and the policy requirement that all development should be high quality.

Planning conditions

29. The Secretary of State has given consideration to the Inspector's analysis at IR11.1-11.2, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 55 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for dismissing this appeal and refusing planning permission.

Planning obligations

30. Having had regard to the Inspector's analysis at IR11.3-11.5, the planning obligation dated 27 February 2020, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR11.6 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework. However, the Secretary of State does not consider that the obligation overcomes his reasons for dismissing this appeal and refusing planning permission.

Planning balance and overall conclusion

31. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with Plan:MK Policies DS1, DS2, DS5 and NE7 and WSNP policies WS5 and WS6, and is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

32. Weighing in favour of the proposal, the Secretary of State affords the provision of affordable housing significant weight and also affords the provision of market housing significant weight. The economic benefits are given moderate weight, and the Secretary of State also gives moderate weight to ecology and drainage benefits. The Secretary of State affords limited weight to any highway benefits; and little weight to the appellant's claim of a high quality living environment..

33. Weighing against the proposal, the Secretary of State considers the housing would not be in an appropriate location having regard to the development plan and national policies. He further considers that the conflict with the development plan in terms of the location of the housing carries substantial weight as it would not accord with the spatial strategy in Plan:MK. The Secretary of State affords moderate weight to the loss of BMV agricultural land. The Secretary of State gives little weight to any harm to the landscape or character of the area.

34. The Secretary of State has considered whether the identified 'less than substantial' harm to the significance of the Grade II listed Deethe Farmhouse is outweighed by the public benefits of the proposal. In accordance with the s.66 duty, he attributes considerable weight to the harm. The public benefits have been summarised in paragraph 32 of this letter.

35. Overall the Secretary of State agrees with the Inspector at IR12.98 that the benefits of the appeal scheme are collectively sufficient to outbalance the identified 'less than substantial' harm to the significance of the Grade II listed Deethe Farmhouse. He considers that the balancing exercise under paragraph 196 of the Framework is therefore favourable to the proposal

36. The Secretary of State considers that other matters covered in this decision letter are neutral in the planning balance.

37. Overall the Secretary of State considers that the material considerations in this case indicate a decision in line with the development plan – i.e. a refusal of permission.

38. The Secretary of State therefore concludes that the appeal should be dismissed and planning permission refused.

Formal decision

39. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses outline planning permission, with all matters except the means of access reserved for subsequent approval, for residential development of up to 203 dwellings, a doctor's surgery, open space and landscaping, together with pedestrian, cycle and vehicular access from Newport Road and Cranfield Road and supporting infrastructure, in accordance with application ref: 16/00672/OUT, dated 20 July 2016

Right to challenge the decision

40. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

41. A copy of this letter has been sent to Milton Keynes Council and Woburn Sands Town Council.

Yours faithfully

Jean Nowak

Authorised by the Secretary of State to sign in that behalf

Annex A Schedule of representations

Party	Date
Milton Keynes Council	12 May 2020

Representations received in response to circulation of the Milton Keynes Council correspondence dated 12 May 2020

Party	
Waller Planning Ltd on behalf of Wavendon Properties Ltd	26 May 2020
Woburn Sands Town Council	26 May 2020
Milton Keynes Council	2 June 2020
Waller Planning Ltd	12 June 2020



Report to the Secretary of State for Housing, Communities and Local Government

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC
an Inspector appointed by the Secretary of State

Date 27 March 2020

Town and Country Planning Act 1990

Milton Keynes Council

Appeal by Wavendon Properties Limited

Inquiry Held on 14-17 and 21-23 January 2020
An accompanied site visit was undertaken on 20 January 2020

Land to the east of Newport Road and to the east and west of Cranfield Road, Woburn Sands,
Buckinghamshire MK17 8UH

File Ref: APP/Y0435/W/17/3169314

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GLOSSARY

APPxx	Appellant's proofs of evidence for redetermined inquiry
APS	Annual Position Statement
BMV	Best and most versatile agricultural land
CD	Core Document
CIL	Community Infrastructure Levy
DL	Secretary of State's first decision letter
dpa	Dwellings per annum
dph	Dwellings per hectare
EIA	Environmental Impact Assessment
GPDO	The Town and Country Planning (General Permitted Development) (England) Order 2015
ha	Hectare
HLS	Housing land supply
ID	Inquiry Document
IR	The first Inspector's report
LPAXx	Council's proofs of evidence for redetermined inquiry
LVA	Landscape and Visual Assessment
MKDP	Milton Keynes Development Partnership
MOU	Memoranda of Understanding
NLP	Nathanial Lichfield & Partners
NPPF	National Planning Policy Framework
OB	Optimism bias
PINS	The Planning Inspectorate
Plan:MK	Plan:MK 2016-2031, adopted March 2019 as a development plan document for Milton Keynes
PPG	Planning Practice Guidance
RID	Redetermined Inquiry Document
S106	A legal agreement made under Section 106 of the Town and Country Planning Act 1990
SAP	Site Allocations Plan 2018
SEMK	South East Milton Keynes site
SME	Small and medium-sized enterprises
SOCG	Statement of Common Ground
SoS	Secretary of State
SPD	Supplementary Planning Document
SPG	Supplementary Planning Guidance
TA	Transport Assessment
TCPA 1990	The Town and Country Planning Act 1990
TPO	Tree Preservation Order
WSNP	Woburn Sands Neighbourhood Plan

File Ref: APP/Y0435/W/17/3169314
Land to the east of Newport Road and to the east and west of Cranfield Road, Woburn Sands, Buckinghamshire MK17 8UH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Wavendon Properties Ltd against the decision of Milton Keynes Council.
- The application Ref 16/00672/OUT, dated 20 July 2016, was refused by notice dated 5 December 2016.
- The development proposed is an outline planning application with all matters except the means of access reserved for subsequent approval described as 'residential development of up to 203 dwellings, a doctor's surgery, open space and landscaping, together with pedestrian, cycle and vehicular access from Newport Road and Cranfield Road and supporting infrastructure'.
- This report supersedes that issued on 2 February 2018. The original decision on the appeal was quashed by order of the High Court.

Summary of Recommendation: That the appeal be dismissed.

1. Procedural Matters

- 1.1. This section is based on the first Inspector's report and has been updated as necessary.

Summary of appeal chronology

- 1.2. The original inquiry into this appeal opened on 11 July 2017 and closed on 19 July 2017. Although requests that the appeal be determined by the Secretary of State (SoS) were refused in August 2017¹, the SoS subsequently directed that he should determine this appeal himself in letters dated 31 October 2017². The original Inspector's report was submitted on 2 February 2018 with a recommendation to allow the appeal and grant planning permission subject to conditions. The SoS disagreed and dismissed the appeal³. The appellant challenged the decision in the High Court. The decision was quashed by order of the High Court on 14 June 2019⁴ and sent back to the SoS for redetermination. The SoS decided to re-open the inquiry, which opened on 14 January 2020 and ran for 7 days. The inquiry was closed in writing on 28 February 2020 once outstanding documents were received, including a completed and executed Section 106 (S106) agreement.

The proposal in outline

- 1.3. The appeal site extends across almost 15.2ha. It consists of about half a dozen fields, often enclosed behind mature hedges and trees, that wrap around the assorted residential streets and cul-de-sacs that project behind Newport Road and either side of Cranfield Road at the northern end of Woburn Sands. The main part of the town lies to the south beyond the Bletchley to Bedford railway line and a level crossing. The proposal is made in outline with all matters except the means of access reserved for subsequent approval. An illustrative

¹ ID26

² ID27

³ CD10.33

⁴ CD10.34

layout plan and a parameters plan⁵ show how up to 203 dwellings and a doctor's surgery could be laid out across the site along with associated landscaping and open space.

The application and the Council's decision

1.4. The original planning application was reported to the Council's development control committee on 1 December 2016⁶. In the absence of sufficient housing land being identified as available to meet requirements over the next 5 years, the scheme was recommended for approval, subject to conditions and the execution of a S106 Agreement securing contributions towards the provision of health and education facilities, parks, play and community facilities, together with the maintenance of open space. The reasons for the recommendation were as follows:

"With the lack of a five year housing land supply, the strategic policies of the Development Plan are out of date, as outlined by the National Planning Policy Framework. Having weighed all other matters, the proposed development is considered to represent a sustainable form of development in terms of its social, environmental and economic functions and the proposed development is therefore acceptable in principle. Access to the site is considered appropriate and would not put undue pressure on the local road network and there are no other fundamental issues that would warrant a refusal of the application. All other detailed matters would be considered under reserved matters applications at a later date. In the light of these comments and the report above, approval is recommended."

1.5. However, the committee decided to refuse the application contrary to the recommendation. The reasons for refusal were⁷:

1. The Committee resolved to refuse planning permission on the basis that any such development of this site would result in the loss of future development and infrastructure options, causing significant and demonstrable harm and is therefore not sustainable development in accordance with Resolution 24/187 of the United Nations General Assembly definition of sustainable development and the National Planning Policy Framework (NPPF) in respect of future generations. The development would also therefore be contrary to paragraphs 14 and 19 of the National Planning Policy Framework, Saved Policy D1 of the adopted Milton Keynes Local Plan 2001-2011 (adopted 2005) and policy WS5 of the Woburn Sands Neighbourhood Plan 2014-2026 (adopted 2014). This does not constitute sustainable development in terms of paragraph 14 of the National Planning Policy Framework.
2. Furthermore the low density of this proposed development would not be considered sustainable given the current objectives of central government and this Council to both optimise use of land and to build both quickly and strategically.

1.6. In the Council's Statement of Case for the first inquiry, the first reason for refusal was effectively amended to read:

1. The development would be contrary to policy WS5 of the Woburn Sands Neighbourhood Plan 2014-2016 ([sic] adopted 2014). This does not constitute

⁵ CDs1.4, 1.5 and 1.7

⁶ CD3.2

⁷ CD3.4

sustainable development in terms of paragraph 14 of the National Planning Policy Framework.

The reasons for recovery

1.7. An initial request to recover this appeal for determination by the SoS was made on the basis that the development exceeded the threshold of 150 dwellings and on whether the *Liverpool* or *Sedgefield* method of calculating the available provision for housing was the 'correct' approach to adopt in this case; that request was refused on 30 August 2017⁸. However, the SoS subsequently directed that he should determine this appeal himself in letters dated 31 October 2017⁹. The reason for recovery was that:

... the appeal involves proposals for residential development of over 150 units or on sites of over 5 hectares, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

The need for Environmental Impact Assessment (EIA)

1.8. Although this 'urban development project' falls within the descriptions set out at paragraph 10b of Schedule 2 and exceeds the thresholds in column 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2015, the Screening Opinion issued by the Council on 7 December 2016 indicated that the effects were likely to be mainly local and, given that the site was not in a specially sensitive location, that an Environmental Statement was not necessary, bearing in mind the advice in Schedule 3 to the Regulations. Accordingly, the scheme is not EIA development and an Environmental Statement is not required. Nevertheless, the application was accompanied by the following documents¹⁰:

- Planning Statement
- Design and Access Statement
- Transport Assessment (TA)
- Flood Risk Assessment
- Archaeology Report
- Tree Survey
- Landscape and Visual Assessment (LVA)
- Ecology Assessment
- Protected Species Report
- Noise Survey and supplementary report
- Statement of Community Involvement
- Sustainability Statement
- Geo-environmental Audit

1.9. The appellant's evidence to the second Inquiry included updates to the Ecological Assessment, the TA, and the Sustainability Statement, as well as updates to the Heritage Assessment and Economic Benefits Statement that had been presented to the first Inquiry¹¹.

⁸ ID26

⁹ ID27

¹⁰ CD1.10-CD1.29

¹¹ APP9

*Public consultation*¹²

- 1.10. Pre-application discussion with Council officers together with statutory and non-statutory consultees preceded the application; meetings were held in December 2015 and February 2016. As a result, the intention to pursue a low density scheme, creating a 'soft edge' to the settlement, was endorsed. In addition, the link road through the site between Newport Road and Cranfield Road was considered to help relieve congestion at the junction beside the level crossing. Technical evidence was requested, relating to noise emissions from the Deethe Farm Industrial Estate, surface water drainage, ecological assessments and the setting of the Grade II listed Deethe Farmhouse.
- 1.11. A public consultation event (publicised in advance) was held in the Summerlin Centre, Woburn Sands on Friday 22 January 2016. This attracted 218 people. Concerns were raised about the existing junction between Cranfield Road and Newport Road, considered unsafe and subject to congestion, particularly when the level crossing was closed, and the need for traffic calming on Newport Road and Cranfield Road. There was support for the low density and the large gardens proposed and for the possibility of an additional doctor's surgery to ease perceived capacity problems at the existing facility.
- 1.12. Discussions with officers continued after the submission of the scheme and a revised illustrative site layout responded to specific points made at a meeting in June 2016. In addition, an LVA was undertaken, surveys of protected species carried out and the TA updated.

*The first Inspector's report*¹³

- 1.13. The first Inspector's report (IR) dated 2 February 2018 recommended that the appeal be allowed and planning permission granted subject to conditions. The Inspector concluded that a 5 year housing land supply (HLS) could not be demonstrated and the development plan policies pulled in both ways at a location he considered to be sustainable (IR9.48). He concluded on matters relating to the character of the landscape and surrounding area, the setting of the listed farmhouse, the traffic, car parking and facilities in Woburn Sands, housing density, ecology, and drainage (IR9.49), and considered that these matters were not sufficient to prevent a sustainable housing development from proceeding especially in the absence of a 5 year HLS (IR9.50). Weighing up the harms against the benefits, he concluded that the planning balance was firmly in favour of the proposed development (IR9.51-IR9.55).

*The SoS's decision*¹⁴

- 1.14. The SoS's decision letter (DL) dated 5 December 2018 agreed with the Inspector on matters such as the effect of the development on the character of the area (DL27), heritage assets (DL28), traffic, parking and facilities in Woburn Sands, ecology, and drainage (DL30). He disagreed regarding the 5 year HLS and concluded that the supply was approximately 5.9-6.2 years (DL15-18). He also disagreed regarding housing density and concluded that there was conflict with the relevant development plan policy (DL24-26).

¹² Document 11 and CD1.28

¹³ CD10.33

¹⁴ CD10.33

Weighing up the benefits of the scheme against the adverse impacts including the conflicts with the development plan (DL34-37), he disagreed with the Inspector's recommendation and concluded that the appeal should be dismissed.

High Court challenge

1.15. The appellant appealed to the High Court on 6 grounds. It succeeded in the case of 2 which related to the SoS's findings in relation to the estimated deliverable supply of housing. The Court found that the SoS had failed to provide adequate reasons in relation to the HLS figure adopted in his decision. As a consequence, the decision was quashed in a judgment¹⁵ dated 14 June 2019 and the appeal returned to the SoS for redetermination.

Re-opening of the Inquiry

1.16. The SoS wrote to parties on 16 August 2019¹⁶ confirming that the inquiry would be re-opened. He considered that there had been significant changes in circumstances since the first Inquiry which were material to the redetermination of the appeal. These included:

- The adoption of a new local plan (Plan:MK) with the associated identification of housing expansion areas;
- The announcement by Highways England, in September 2018, that corridor B (central option) had been selected as the preferred corridor for the Oxford-Cambridge Expressway; and
- Changes to national policy and guidance.

1.17. A Pre-Inquiry meeting was held on 1 November 2019 which was followed by a note¹⁷ setting out the likely main issues and how they would be addressed. At the meeting, the Council provided a note¹⁸ updating the reasons for refusal to reflect changes in national and local policy. The updated reasons are as follows:

(1) The development by virtue of its location would be contrary to spatial policies DS1 (Settlement Hierarchy), DS2 (Housing Strategy) and DS5 (Open Countryside) of Plan:MK 2016 – 2031 (adopted March 2019) and to policy WS5 of the Woburn Sands Neighbourhood Plan 2014-2026 (adopted 2014). This does not constitute sustainable development in terms of paragraph 11 of the National Planning Policy Framework (2019).

(2) Furthermore, the low density of this proposed development would not be considered sustainable given the current objectives of central government and this Council to both optimise use of land and to build both quickly and strategically, contrary to policy HN1 (Housing Mix and Density) of Plan:MK 2016 – 2031 and paragraph 122 of the National Planning Policy Framework (2019)

1.18. The second Inquiry was held on 14-17 and 21-23 January 2020. I carried out an accompanied site visit on 20 January 2020. On the same day, I also carried out unaccompanied visits to locations in the surrounding area including within

¹⁵ CD10.34

¹⁶ CD10.42

¹⁷ CD10.44

¹⁸ CD12.3

Woburn Sands as highlighted on the site visit itinerary¹⁹. The Inquiry closed in writing on 28 February 2020 once all outstanding documents, including the completed and executed Section 106 agreement, had been received.

2. The Site and Surroundings

- 2.1. The following summary of the site and its surroundings is based on Section 2 of the first Inspector's report and the Statement of Common Ground (SOCG)²⁰ submitted to the second Inquiry which provides a number of updates.
- 2.2. The appeal site is almost 15.2ha. It consists of about half a dozen arable and pasture fields to the east of Newport Road and to the east and west of Cranfield Road. Part of the site is designated as Grade 3a agricultural land²¹ in the Agricultural Land Classification. To the north is the former Wavendon Golf Academy which closed in 2018 and is laid out as a golf course with a formal parkland character. Further to the north of the former academy is the Grade II* listed Wavendon House and a Grade II registered park and garden of the same name which was designated on 1 November 2019. To the east is agricultural land and to the south and west are residential properties at Parkway, Hillway, Tavistock Close and Ridgeway as well as the car park of the Wyevale Garden Centre. The site wraps around the Deethe Farm Industrial Estate. Deethe Farmhouse is listed Grade II and sits in the southern corner of the estate with commercial shed-type buildings to the north.
- 2.3. Internal boundary features include hedgerow and scrub. Mature trees and hedgerows bound the Newport Road and Cranfield Road frontages and the northern boundary with the former golf academy. A hedgerow also marks the boundary with a public footpath which runs through the site between the former golf course and the industrial estate. A Group Tree Preservation Order (TPO) protects trees at the proposed access point with Newport Road. A wider Area TPO²² was designated on 8 January 2020 on land which includes the appeal site.
- 2.4. The site lies on the northern edge of Woburn Sands and beyond the development boundary for that settlement. The site is split between the parishes of Woburn Sands and Wavendon. There are neighbourhood plan areas covering both parishes although only Woburn Sands has a made neighbourhood plan. Woburn Sands is a small town with a range of shops and services including schools and a medical centre. There are bus links to Milton Keynes and a railway station on the line between Bedford and Bletchley. There are plans to upgrade the railway line as part of the east-west rail link between Cambridge and Oxford, while the area surrounding Woburn Sands is within the preferred corridor for the Oxford to Cambridge Expressway road proposal.

3. Planning Policy

- 3.1. The relevant development plan documents for this appeal now comprise Plan:MK 2016-2031 (which has replaced the Milton Keynes Local Plan 2001-2011 and the Milton Keynes Core Strategy 2013) and the Woburn Sands

¹⁹ RID14

²⁰ RID06

²¹ RID24 and LPA4

²² TPO1

Neighbourhood Plan 2014 (WSNP). There is also the Site Allocations Plan 2018 (SAP) which is of relevance for some of the disputed HLS sites (see subsequent sections of this report).

- 3.2. The National Planning Policy Framework (NPPF) was updated in February 2019 and a new section on housing supply and delivery in the Planning Practice Guidance (PPG) was published in July 2019.

*Plan:MK*²³

- 3.3. The appeal site lies adjacent to one of only 3 key settlements (Woburn Sands, Newport Pagnell and Olney) in the rural area of Milton Keynes as identified by Plan:MK. They comprise the second tier of the settlement hierarchy in Policy DS1 and are considered to be the most sustainable rural settlements taking into account their population, constraints, transport links and the capacity of services within each town. Policy DS1 states that most new development within the rural area will be concentrated within these 3 settlements.
- 3.4. Policy DS2 sets out Plan:MK's housing strategy and seeks to deliver a minimum of 26,500 dwellings across the Borough of Milton Keynes over the plan period. The policy states that new housing development will be focused on, and adjacent to, the existing urban area of Milton Keynes as well as the 3 key settlements. There are 13 criteria within the policy setting out how this development will be delivered.
- 3.5. Policy DS5 defines open countryside as all land outside the development boundaries defined on the Policies Map. Planning permission in the open countryside will only be granted for development which is essential for agriculture, forestry, countryside recreation, highway infrastructure or other development, which is wholly appropriate to a rural area and cannot be located within a settlement, or where other policies within this plan indicate development would be appropriate.
- 3.6. Policy HN1 covers housing mix and density. Part C states that net densities of proposals for 11 or more new dwellings should balance making efficient use of land with respecting the surrounding character and context, and that higher density development will be encouraged in locations with good accessibility to facilities, that are well served by public transport, and where it can be accommodated by existing or improved infrastructure.
- 3.7. Although not mentioned in the updated reasons for refusal, Policy NE7 is referenced in the Council's planning proof of evidence which seeks to protect the best and most versatile agricultural land (land in grades 1, 2 and 3a meet this definition in the NPPF). In assessing proposals for greenfield sites, the policy states that the Council will take into account the economic and other benefits of such land. Development involving the loss of agricultural land should seek to use areas of poorer quality land (grades 3b, 4 and 5) in preference to that of a higher quality unless other sustainability considerations suggest otherwise.

*Woburn Sands Neighbourhood Plan*²⁴

²³ CD5.31

²⁴ CD5.3

- 3.8. A small part of the site between Hillway and Ridgway falls within the boundary of the WSNP area²⁵. Policy WS5 states that the preservation of the countryside setting, existing woodland and footpath links into the countryside is key to the future of Woburn Sands. The policy goes on to state that accordingly no extension to the current Woburn Sands Development Boundary will be permitted other than in the following exceptional circumstances:
- Plan:MK identifies a specific need for an amendment to the Development Boundary, and
 - Any proposed amendment is brought forward following full consultation with, and agreement by, Woburn Sands Town Council, and
 - The implications of any revised Development Boundary has been assessed in terms of the need to protect and maintain the character and countryside setting of Woburn Sands.
- 3.9. Although not mentioned in the original, amended or updated reasons for refusal, Policy WS6 was referenced at the second Inquiry. It states that existing housing developments in Parklands and on the Greens' site are expected to meet the needs for large scale housing development in Woburn Sands during the plan period. It goes on to state that additional housing in the plan area will be limited to small scale infilling between existing properties or redevelopment of existing properties other than in the following circumstances:
- The review of the MK Core Strategy [Plan:MK] identifies a specific housing need in Woburn Sands, and
 - Land proposed for development is brought forward after consultation, and agreement, with Woburn Sands Town Council, and
 - Development is of a scale and in a location that complies with the Vision and policies of the Neighbourhood Plan, and
 - Any such development is phased to take place in the latter part of the plan period in order to allow the assimilation of the increased population created by the already approved substantial developments.

National policies and guidance

- 3.10. NPPF paragraph 11 sets out a presumption in favour of sustainable development. For decision-taking this means either approving development that accords with an up to date plan without delay or where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, granting permission unless one of two exceptions apply. The first is whether the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development. The second is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

²⁵ CD12.4

- 3.11. Footnote 7 to paragraph 11 clarifies that out of date includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer set out in paragraph 73).
- 3.12. NPPF paragraph 73 states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies that are less than five years old. The supply of such sites should in addition include a buffer of 5%, 10% or 20% depending on the circumstances.
- 3.13. The NPPF glossary defines deliverable as sites for housing that should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. The definition goes on to state that, in particular:
- (a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).
 - (b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.
- 3.14. NPPF paragraphs 122 and 123 seek to achieve appropriate densities for development within the context of making effective and efficient use of land. Paragraph 122 sets out 5 criteria that need to be taken into account including (d) the desirability of maintaining an area's prevailing character and setting (including residential gardens), or of promoting regeneration and change.
- 3.15. Paragraph 123 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities and ensure that developments make optimal use of the potential of each site. It then sets out three considerations of which the first two are relevant to plan-making. The third sets out the following:
- (c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).
- 3.16. Paragraph 170(b) recognises the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services including the economic and other benefits of the best and most versatile

agricultural land. Paragraphs 193-196 deal with the impact of development on designated heritage assets.

3.17. The Housing Supply and Delivery section of the PPG sets out a number of paragraphs relating to demonstrating a 5 year HLS. This includes a paragraph²⁶ on what constitutes a 'deliverable' housing site in the context of plan-making and decision-taking. It states that robust and up to date evidence needs to be available. Sites in category (a) of the NPPF definition are considered deliverable in principle. Sites in category (b) require further evidence to be considered deliverable. The paragraph states that such evidence may include:

- current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and discharge of conditions;
- firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers' delivery intentions and anticipated start and build-out rates;
- firm progress with site assessment work; or
- clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.

4. Planning History

4.1. Two outline planning applications were previously submitted on land forming part of the appeal site. The first (11/00936/OUT) was for the erection of 102 dwellings and associated garages/parking, creation of two new accesses and provision of open space and associated works, which was refused in July 2011. The second (12/01502/OUT) was a resubmission of the first application and was refused in October 2012. Neither refusal was appealed. Two planning applications similar to the one at appeal were submitted in January and February 2017, but were withdrawn prior to determination.

5. The Proposal²⁷

5.1. The proposal is made in outline with all matters except the means of access reserved for subsequent approval. The access arrangements are shown on drawing nos.WO1188-101 rev.PO5 and WO1188-1021 rev.PO3 indicating junction geometries with, respectively, vehicle tracking and visibility splays. Each access is shown as a simple T-junction with 2.4m x 70m visibility splays. There are 4. Two are designed to serve a new 'spine road' running through the proposed development from Newport Road (at a position north of Frosts landscape business and the Wyevale Garden Centre) to Cranfield Road (at a point beyond the Deethe Farm Industrial Estate and Spinney Lodge); those

²⁶ PPG reference ID: 68-007-20190722

²⁷ Based on section 3 of the first Inspector's report and section 3 of RID06

access points are shown with 9m radii and are intended to serve a road some 6.2m wide suitable to accommodate buses. The access onto Newport Road entails the removal of 2 category A trees and 2 category B trees protected by the Group TPO. It also necessitates the relocation of a badger sett. Other trees protected by the Area TPO may be affected depending on details at the reserved matters stage.

- 5.2. The 2 other access points are shown on Cranfield Road, one on the outside of the bend beyond Ridgeway and the other opposite the Deethe Farm Industrial Estate; they are also shown with 9m radii, but with carriageways only 5.5m wide, as they are mainly intended to serve discrete parts of the scheme.
- 5.3. All other matters are reserved for subsequent approval, although an illustrative layout plan and a parameters plan show how the new road between Newport Road and Cranfield Road could serve a series of residential streets created partly around cul-de-sacs taken from that new road and partly around the 2 additional junctions on to Cranfield Road. Open space would be provided along with additional boundary screening, landscape buffers, play areas and surface water attenuation ponds.
- 5.4. The Design and Access Statement indicates that the dwellings would range in type and size and include both houses and some flats. 33% of the housing would be affordable dwellings equating to 67 units out of the proposed maximum of 203 units (25% would be affordable rented and 8% shared ownership).
- 5.5. The illustrative plans show the potential site for a doctor's surgery which would be provided if NHS England or the local Clinical Commissioning Group indicate that they would be willing to take advantage of such provision. It would either be a standalone facility or a satellite building for the existing surgery in Woburn Sands which has limited room to expand. Should the provision not be taken up, then 3 homes would be provided instead up to the maximum 203. This matter is addressed in the S106 agreement²⁸ and includes a financial contribution either towards the provision of the on-site surgery or expanding capacity at the nearest surgery serving the development. The S106 agreement also makes a range of financial contributions towards matters including education, open space, transport, community assets and social infrastructure. It also secures the provision of affordable housing on site.
- 5.6. Suggested conditions²⁹ are intended to ensure that the scheme would be implemented as intended and 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. In addition, foul and surface water drainage systems would be installed and controlled: a Construction Management Plan (including hours of operation) would be devised and implemented: a Landscape and Ecological Management Plan, including measures to safeguard protected species, would be prepared: a Travel Plan would be instigated: further archaeological investigations would be undertaken: the provision of 'green infrastructure', the retention of trees and the creation of new pedestrian and cycle facilities would be secured.

²⁸ RID37

²⁹ Section A2 of RID06

6. Other Agreed Facts

6.1. The main SOCG³⁰ sets out a number of agreed matters including:

- The proposal would not have an adverse effect of facilities and services within Woburn Sands;
- The proposed highway junctions onto Newport Road and Cranfield Road would have sufficient capacity to serve the development and additional through traffic and there are no objections to the junctions in highway terms;
- The junctions will remain well within capacity and will not create any queuing or congestion issues on the existing highway network;
- The effect on the listed Deethe Farmhouse would result in a low level of less than substantial harm;
- There are no national landscape designations that require consideration, effects on the locally designated area of attractive landscape will be negligible and the site and adjacent areas are not 'valued landscapes' in the context of NPPF paragraph 170;
- The landscape impacts would be limited to the site and immediately adjacent fields and would carry limited weight against the proposal. It is agreed that the same approach should apply at the current Inquiry;
- The proposal should not be refused because of the Oxford-Cambridge Expressway or on the grounds of prematurity;
- The proposal is acceptable with regard to surface water drainage and matters of detailed design can be addressed via planning conditions;
- Matters relating to noise from the adjacent industrial estate can be addressed via planning condition; and
- Matters relating to biodiversity and protected species are not an issue for this appeal and can be addressed via planning conditions and reserved matters applications.

6.2. An addendum to the SOCG³¹ was received after the inquiry addressing the recently designated Area TPO. It confirms that:

- The TPO covers a wide area including the appeal site. It is directed to a wide area rather than in relation to individual trees or groups of trees.
- It is subject to a 28 day legal challenge period up to 5 February 2020 and will remain in effect for 6 months up to 8 July 2020 and thereafter if it is confirmed or replaced in the meantime.
- It is agreed that this new TPO does not materially alter the planning evidence or planning balance as presented by each party

³⁰ RID06

³¹ RID35

- Should outline permission be granted, this would allow for the removal of trees within the area covered by the TPO once details have been fully agreed at the reserved matters stage.
 - The TPO protects trees on site until the implementation of the planning permission.
- 6.3. There is also a SOCG relating to housing land supply³², which sets out the following agreed matters:
- Plan:MK provides the basis for the calculation of the five-year housing land requirement. This states that there is a minimum requirement of 1,767 dwellings a year in the period April 2016 to March 2031;
 - There have been 4,529 net completions in the Plan:MK plan period to 31 March 2019;
 - There is a backlog of 772 dwellings as at 1 April 2019;
 - All of this backlog should be met in the next 5 years (the Sedgefield method); and
 - A 5% buffer should be applied to both the annual requirement and the backlog based on the published 2018 Housing Delivery Test results (February 2019).
- 6.4. The areas of disagreement relating to housing land supply are as follows:
- Whether or not a 5 year supply of deliverable housing sites can be demonstrated
 - The timescale of the assessment (1 April or 1 October 2019)
 - The timing of meeting the definition of deliverable
 - The definition of deliverable
 - Forecast completions
 - The "optimism bias" (discounting dwellings from the supply)

³² SOCG1

7. The Case for the Appellant³³

The previous decision letter and the first Inspector's report

- 7.1. The Council asserted that the previous SoS decision letter (DL) remained a material consideration relying on *Davison v Elmbridge BC* [2019] EWHC 1409³⁴. That judgment is on appeal to the Court of Appeal and relates to a planning committee's decision not an appeal decision which is an important distinction. The most recent judgment in relation to a challenge against an appeal decision held that the quashed decision is of no legal effect and should not be sub-divided in respect of those matters on which it was quashed: *R (West Lancashire BC) v Secretary of State for Communities and Local Government* [2017] EWHC 3451 (Admin), [27]-[38].
- 7.2. The Council in opening accepted that the SoS DL was not material in terms of HLS and conflict with expired Policies S10 and H8 (location and density respectively) due to the court order and change in circumstances including the adoption of Plan:MK. The Council identified the DL's finding of failure to accord with WSNP Policy WS5 was relevant but made clear that the weight to be accorded to that policy would need to be considered afresh. The appellant accepts there is policy conflict but there remains dispute about datedness.
- 7.3. The Council confirmed that the DL findings on landscape and character, heritage, traffic, ecology and drainage remained relevant where the DL simply endorses the conclusions of the first Inspector's report.
- 7.4. The only basis upon which the Council maintains the SoS is bound by consistency as to both policy conflict and weight is DL paragraph 26 (and the finding that the proposals were contrary to NPPF paragraph 122 and 123)³⁵. That is contentious and fundamentally incorrect. The approach does not correctly reflect the position that a quashed DL is of no legal effect. It ignores important changes in circumstances in the evidence before the Inquiry including:
 - (a) the Appellant's updated evidence at this inquiry as to the actual net density of the scheme and the changes in housing mix;
 - (b) the changes to the development plan following adoption of Plan:MK; and
 - (c) the Council's concession through the evidence of its planning witness³⁶ that density is a matter to be addressed at the reserved matters stage in the context of layout and does not provide a basis for refusal.

The Development Plan

Plan:MK

- 7.5. The Appellant acknowledges that the development is in conflict with Policies DS1, DS2 and DS5 of Plan:MK³⁷. However, it is important to examine the extent of the conflict and how precisely it arises. The development is contrary

³³ Largely taken from the appellant's closing submissions RID33

³⁴ RID03

³⁵ RID02, paragraph 8(d)(iii)

³⁶ Cross-examination and re-examination of Niko Grigoropoulos on Day 5

³⁷ APP8 page 7 para 3.1

to the terminology of the policies, given their reference to Policy DS5. DS5 is a counterpart policy. Where a proposal conflicts with DS5, it will be contrary to DS1 and DS2. However, it accords with the strategy underlying DS1 and DS2 insofar as directing development to the three key settlements in the rural area as locations that the Council has "chosen for development"³⁸.

- 7.6. Woburn Sands is the only key settlement to have its own train station. Plan:MK does not identify any constraint on housing delivery or place any cap on the number of dwellings to be located at Woburn Sands. The first Inspector found Woburn Sands to be a sustainable location for growth (see IR9.48). The WSNP was adopted more than 5 years ago and 3 years prior to Plan:MK. It does not make any allocations and has not been reviewed.
- 7.7. The settlement boundary is tightly constrained. The application of and weight accorded to Policies DS1, DS2 and DS5 must yield to the assessment of HLS. The Council accepted³⁹ that it was to Woburn Sands as a key settlement that development should go in the absence of a 5 year HLS.
- 7.8. The Council has identified conflict with Policies HN1 and NE7 of Plan:MK but confirmed that all other policies weighed in support (including Policy HN2 in respect of affordable housing and Policy EH5 in respect of health facilities) or could be addressed through reserved matters.

Woburn Sands Neighbourhood Plan

- 7.9. It is accepted that the development conflicts with Policy WS5 as none of the named exceptional circumstances are presently met. The weight to be accorded to the policy must however reflect the extent to which the policy remains in accordance with the NPPF and up-to-date, for the purposes of NPPF paragraph 213.
- 7.10. The WSNP was adopted comparatively early in July 2014 and was assessed for general conformity against a now expired Local Plan backdrop and the 2012 version of the NPPF. Policy WS5 was identified at appeal as creating an unacceptable constraint on growth in circumstances where there was no 5 year HLS. It was accorded very little weight in the Frost appeal⁴⁰ and the first Inspector for this appeal stated it was contrary to the advice in the NPPF (see IR9.20).
- 7.11. The policy is not consistent with the NPPF including the second test which requires the agreement of the Town Council. This was added after the examination without the recommendation of the examiner or any further assessment⁴¹. The policy also seeks to protect the countryside for its own sake which is at odds with the more balanced approach in NPPF paragraph 170(b).
- 7.12. The WSNP makes no provision for an up to date housing requirement in line with NPPF paragraph 65 and 66 and contains no allocations or policies to provide for housing. The lack of WSNP review means that the obvious defects of Policy WS5 have not been scrutinised. The Council is incorrect to say that

³⁸ CD5.31 Glossary on page 286

³⁹ Cross-examination of Niko Grigoropoulos on Day 5

⁴⁰ CD6.6

⁴¹ CD5.17 paragraph 7.6.12 and recommendation 2B

the policy has been given a new lease of life by Plan:MK as the Plan Inspector could not and did not make any finding on the soundness of this policy.

- 7.13. The Council's planning witness accepted no conflict with Policy WS6 in cross-examination but the Council's advocate seemed to withdraw that concession in cross-examination of the appellant's planning witness. The policy is parasitic on WS5 and equally inconsistent with the NPPF, requiring the agreement of the Town Council and seeking to delay development to the end of the plan period. This reduces the weight to be accorded to it.
- 7.14. Irrespective of the 5 year HLS position, Policies WS5 and WS6 are out of date for at least two reasons: (1) their wording is highly restrictive and fails to accord with the NPPF and (2) the WSNP was not prepared using an up to date housing requirement and makes no housing allocations.

Housing Land Supply

Overview

- 7.15. The SOCG on HLS sets out a number of agreed matters in terms of housing requirement, net completions, the backlog, the use of Sedgfield, the buffer and the resulting requirement.
- 7.16. Plan:MK was assessed under the tests contained in the old 2012 NPPF and the Plan Inspector made no findings as to deliverability under paragraph 73 and glossary definition of the 2019 NPPF. The Council's HLS witness accepted that the Plan Inspector's Report does not help in determining whether the Council can demonstrate a 5 year HLS now.
- 7.17. The appellant has identified that the deliverable HLS at the base date of 1 April 2019 would be 3.55 years (7,161 dwellings) and at the base date of 1 October 2019 would be 3.76 years (7,579 dwellings).
- 7.18. In comparison, the Council's respective figures are understood to be 6.41 years (12,931 dwellings) for the 1 April 2019 base date and 6.91 years (13,949 dwellings) for the 1 October 2019 base date
- 7.19. Deductions of 2,844 dwellings against the 1 April base date and 3,858 dwellings against the 1 October base date would result in the Council having less than a 5 year HLS.
- 7.20. The appellant submits that a deduction of that scale is justified on three site-specific bases. Firstly, that sites with detailed permission (category (a) in the NPPF definition) require deductions to reflect unrealistic build-out rates. Secondly that sites with outline permissions or allocations (category (b) in the definition) require deductions or removal to reflect the absence of clear evidence to demonstrate deliverability at the base date. Thirdly, other sites which do not fall within either category (principally prior notification sites under Class O) require removal to reflect the absence of clear evidence to demonstrate deliverability at the base date.

Deliverability

- 7.21. The Council refer to the judgments in *St Modwen*⁴² as to the distinction between certainty and a realistic prospect. That latter judgment was considered further and qualified in *Babergh*⁴³. The revised NPPF in 2018 and 2019 altered the definition of deliverable in two key respects. Firstly, the requirement to demonstrate clear evidence and secondly the use of closed categories in the definition with the burden of proof distributed accordingly. These changes have been described as ensuring a stricter approach by Inspectors⁴⁴. *Babergh* is more recent than *St Modwen*.
- 7.22. A site specific approach must be applied to an assessment of deliverability to comply with the NPPF. The SoS DL on this case was quashed based on the failure to provide site specific analysis on any reasons for the final HLS figure. It is permissible to consider the broader context of HLS in terms of the size and type of sites included, historic rates of delivery and the accuracy of past forecasts, but this cannot replace site specific analysis. In this respect, the Council states that their historic use of a generic "optimism bias" no longer meets the requirements of the NPPF nor the PPG⁴⁵. That said, the Council continue to use it and adopt that position in the context of this appeal.

The base date

- 7.23. The appellant's HLS witness explained why it is essential that the evidential position ('clear evidence') is assessed by looking to what existed at the base date. A 'backfilled' approach whereby a site was simply deemed to be deliverable and evidence then adduced and accumulated over the course of the year was not methodically sound and not compliant with the NPPF or PPG. There is Inspectorial authority on this point from the Woolpit decision⁴⁶. It is possible to take into account information that has arisen after the base date, but only where the site passed the test of deliverability at the base date⁴⁷. This was the approach of the last decision within the Milton Keynes area at Castlethorpe Road⁴⁸. The earlier Globe decision cited Woolpit but appeared not to apply it, notably omitting to set out the state of the evidence at the base date for respective sites.
- 7.24. The Council has further cited the Colchester Road decision⁴⁹, but the example cited by the Inspector of a separate full permission being excluded, is not replicated in the instant case. Moreover, that Inspector in disagreeing with Woolpit in respect of new permissions again did not address the specific problem of completions.
- 7.25. In assessing the intention of the NPPF, it is instructive to consider the position of Annual Position Statements requiring research to be complete prior to the necessary consultation with stakeholders which must take place between notification on 1 April and submission on 31 July of the given year. It is

⁴² CD7.1 [2016] EWHC 968 (Admin) and CD7.6 [2017] EWCA Civ 1643

⁴³ RID09 [2019] EWCA Civ 2200 paragraphs 45-50

⁴⁴ CD6.18 for example

⁴⁵ LPA1 page 22 para 4.54

⁴⁶ CD6.16 paragraphs 67 and 70-79

⁴⁷ CD6.13, CD6.14 and CD6.15

⁴⁸ CD6.18 paragraphs 58-61 and 65

⁴⁹ CD6.22, paragraph 63

therefore entirely practical and consistent with the intention of national policy to ensure that the evidence base is assembled prior to a 1 April base date, including the draft written agreements. The appellant referred to two examples from Mid Suffolk⁵⁰ and Babergh⁵¹ District Councils which respectively itemise the extent of prior consultation and evidence collection, resulting in the production of Memoranda of Understanding (MOU).

- 7.26. The fundamental principle at stake is that of robustness in the evidence base to give effect to the policy imperative of boosting the supply of housing. This can only be ensured by looking to the full 5 year period (not a shortened 4 ¼ period) and by ensuring full transparency on the part of the Council when drawing up its Annual Monitoring Report. The Council's HLS witness accepted that none of the evidence provided in its June 2019 HLS Statement contained documentary evidence at the base date of 1 April 2019. They either substantially pre-dated 1 April 2019 (based on Plan:MK information) or substantially post-dated it (such as the proformas). No amount of chasing of proformas or sense checking could repair the fundamental deficit of evidence at the base date. The appellant disputes the Council's claim that the appellant promotes an artificial two stage approach as one stage should suffice.
- 7.27. It is for this reason that the appellant advances an updated base date to 1 October 2019 to allow the most up to date evidence to be adduced, but only in a manner that reflects the level of completions that have occurred since 1 April 2019.

Proformas

- 7.28. The Council's proformas are not written agreements in line with the PPG ID68-007. They present the trajectory with a simple box to check without identifying the extent of the evidence of progress or testing the build out rate. Supporting information by way of covering emails was often sparse. As such, the Council has had to rely on variety of updates from its witness' proof to oral additions in the roundtable session. This is wholly inconsistent with national policy and does not reflect clear evidence to reflect the position as at the base date.

Build-out rates

- 7.29. The evidence of the appellant's HLS witness sets out the national perspective⁵² which identified the highest build-out rates of 268dpa averaged over 5 years at the Eastern Expansion Area in Milton Keynes (Broughton Gate and Brooklands). Based on the local experience of the appellant's HLS witness, any rates significantly in excess of this figure should be treated with scepticism.

Public ownership of land

- 7.30. Another key obstacle for the Council has been the extent to which it relies on sites in public ownership including the Milton Keynes Development Partnership (MKDP), the Milton Keynes Community Foundation and Homes England. The reason for delays in releasing sites are myriad. The proformas submitted by the Council were subject to assessment by a body that included officers of the

⁵⁰ RID10

⁵¹ RID08

⁵² CD11.1 and APP3 appendix 1 paragraphs A1.18-A1.22

Council and MKDP. Contrary to the Council's advocate's suggestion that this impugned their professional judgment, there was an inevitable circularity in the proforma assessments submitted by these bodies, unjustifiably reinforcing misplaced optimism as to delivery rates.

Past forecasts

- 7.31. The Council has had historic difficulties in the accuracy of its forecasting. When tabulating actual completions against forecasts⁵³, there is an under-delivery against forecasts of 28-30%. Current and past trajectories have failed to be met. Historic rates are instructive in identifying persistent trends and providing a sense check with long-range date.
- 7.32. Inspectors have commented on the way the Council's supply assumes very sharp increases in delivery beyond those experienced either locally or nationally⁵⁴. In response to this, the Council have sought to rely on recent short-term uplifts in completion rates to suggest that there has been a change of direction. Such data is too short-term and too limited in any supporting analysis to justify any conclusion that there has been improvement in their forecasting exercise. There is no evidence that Plan:MK is responsible for recent uplift in delivery. Peaks in development activity have historically been attributable to apartment blocks. This provides limited assistance in respect of how sharp and continuing increases can occur on strategic sites.

Consistency with previous decisions in Milton Keynes

- 7.33. The Castlethorpe Road decision, being the most recent and having taken into account the earlier Globe decision remains the most helpful reference point for the Inspector and SoS. The legal challenge to the Castlethorpe Road decision was unsuccessful. The decision sets out robust approach to individual sites at paragraphs 58-60 identifying longstanding delays to delivery and an overall absence of strong evidence. The Inspector in paragraph 63 made clear that he stopped halfway through looking at sites as it was already evident that the Council did not have a 5 year HLS.

Individual site analysis⁵⁵

- 7.34. The appellant's analysis is based on the evidence of its HLS witness in his proof (Appendix 3) and rebuttal (Appendices 3 and 3a)⁵⁶. The errata document⁵⁷ updates the evidence in several respects following the roundtable session.

Site 1: Brooklands (deduct 232 units for 1 April or 267 units for 1 October)

- 7.35. Sites with detailed permission but Council's rate of delivery is excessive, assuming a sharp uplift in delivery from 182 dwellings in 2019/20 to 347 dwellings in the following year with only 2 developers on site across 7 parcels. This would be substantially higher than the highest figures hitherto achieved (268dpa across 12 parcels). Reduce delivery from 222dpa to 175dpa (April) or 168dpa (October).

⁵³ APP3 appendix 2, table 2 and table 3

⁵⁴ CD5.32 paragraph 145 and CD10.33 paragraph 9.9

⁵⁵ The appellant's closing submissions sets out its case for each site in more detail

⁵⁶ APP3, 4 and 6

⁵⁷ RID20

- 7.36. For Phases 1B and 5B-6B, the Council's evidence comprised in proforma responses compiled as late as June 2019. These both assume rates of 60dpa, which are at odds with an average annual rate of 45dpa across Brooklands.
- 7.37. For Land south west of Fen Street, the Council have confirmed that no proforma was submitted for this site and accordingly, the Council have essentially relied on data from other developers on other sites. The appellant's figures reflect the commencement of completions on the site, but deduct the completions on this strategic site as the forecast rates are unrealistic.

Site 2: Tattenhoe Park (deduct 447 units for 1 April or 530 for 1 October)

- 7.38. Sites with outline permission with the Council relying on proformas from Homes England submitted in June 2019. Tender documents for Phases 2 and 3 dated July 2018 do not declare extent of progress at 1 April 2019 base date. Council sought to add extra 83 dwellings as a result of potential delivery agreement. No developer commitment for Phases 4 and 5.
- 7.39. Detailed permissions for Phases 2 and 3 granted on 15 November 2019 and 24 October 2019 respectively after the 1 April. Sites have had outline permission for over 10 years and failed to deliver any units. Proformas insufficient for either 1 April or 1 October base date. Castlethorpe Road Inspector agreed that sites were not deliverable.

Site 3: Western Expansion Area (deduct 1,503 units for 1 April or 1,084 for 1 Oct)

- 7.40. Outline permissions only for Area 10 and Area 11 Remainders at 1 April. Council rely on proformas. Detailed permission for 152 dwellings granted 24 September 2019. Following advice from developer, the Council has removed 306 units from Area 10 and 229 units from Area 11.
- 7.41. No evidence of deliverability at 1 April for either area and no evidence for why delivery rate of 300dpa for Area 10 would be realistic. Very large strategic sites and Council's expectations need reducing. Castlethorpe Road Inspector agreed the site was not deliverable.

Site 4: Strategic Land Allocation (deduct 864 units for 1 April or 743 for 1 Oct)

- 7.42. The disputed sites within this allocation all had outline permission at 1 April. No lead developer. Proformas not supplied for all sites. Belated evidence at roundtable session. Council's average delivery rate of 399dpa should be adjusted to 274dpa based on local and national evidence.
- 7.43. No proforma for Ripper Land site, only an email about access issues, so remove all units from supply for either base date. No proforma for Land West of Eagle Farm South although reserved matters application awaiting legal agreement at 1 April, so reduce supply by 64 units for either base date. No proforma for Eagle Farm site and the information from October 2019 on developer's intentions is not clear evidence and so remove all units from supply for either base date.
- 7.44. For Glebe Farm site, the Council rely on updated proformas and 2 detailed permissions granted in September and October 2019. Appellant taken into account September permission if 1 October base date used. Supply reduced by either 310 units (April) or 142 (October). For the Golf Course Land, the Council

rely on detailed permission for 180 units granted on 1 November 2019 which the appellant accepts could be included in 1 October base date but not April. For the Church Farm site, the Council rely on a proforma where only one condition has been discharged from outline permission so remove all units from supply for either base date.

Site 5: Newton Leys (deduct 80 units for 1 April and 0 for 1 October)

7.45. Outline permission at 1 April with reliance on proforma means removal of all units from supply at this base date. Reference to pre-application discussions at roundtable session not sufficient evidence of progress to reserved matters. Detailed permission granted in September so can include 80 units at October base date.

Site 6: Campbell Park Remainder (deduct 300 units for either 1 April or 1 October)

7.46. Proforma from MKDP limited and does not even confirm agreement to Council's forecast. Council referred to development brief and ambitions for a mixed use development at roundtable and an email from December 2019 refers to a joint strategy between MKDP and two named developers, but forecasts no planning application until latter half of 2020 and no start on site until 2021. The Castlethorpe Road Inspector agreed that the site was not deliverable.

Site 7: SEMK Strategic Growth Area (deduct 50 units for either 1 April or 1 Oct)

7.47. Allocated site in Plan:MK with no outline permission. No evidence of pre-application activity and SOCG from June 2018 is relatively high level and does not provide up to date evidence.

Site 8: Berwick Drive (deduct 16 units for 1 April or 11 units for 1 October)

7.48. Allocated site in Plan:MK and Council owned. Council rely on proforma from June 2019 and November update that refers to pre-application discussions and reduces number of units from 16 to 11. Delete site from supply.

Site 9: Wyevale Garden Centre (deduct 328 units for 1 April or 142 for 1 October)

7.49. Proforma from June 2019 limited. Permission not granted until July 2019. Delete site from April base date. Can include with October base date but with a deduction to reflect likely delivery rates over 5 years as the Council's rates of 150 and 130 in years 4 and 5 are unrealistic. 62dpa is more realistic.

Site 10: Food Centre (deduct 298 units for 1 April or 200 for 1 October)

7.50. Allocated site with no planning application as of 1 April and no proforma until November 2019. No detail of pre-application discussions. Hybrid planning application not submitted until 23 October. Delete site from supply.

Site 11: Redbridge (deduct 19 units for 1 April or 48 units for 1 October)

Site 12: Rowle Close (deduct 18 units for either 1 April or 1 October)

7.51. These sites are adjacent and have been considered as one. They are covered by an allocation but no planning application or permission. Reliance on a proforma only. Delete both sites from supply.

Site 13: Agora Redevelopment (deduct 104 units for either 1 April or 1 October)

7.52. Allocated site with no extant permission and no application pending. Council rely on amended trajectory in June 2019 proforma. Castlethorpe Road Inspector considered site was not deliverable as at 1 April.

Site 14: Galleon Wharf (deduct 14 units for either 1 April or 1 October)

7.53. The main parties agree this site can be deleted from the supply.

Site 15: Railcare Maintenance Depot (deduct 175 units for either 1 Apr or 1 Oct)

7.54. Outline application for mixed use development with activity focussed on non-residential uses at both base dates. June 2019 proforma limited and no new information to indicate progress towards implementing the residential elements. Delete site from the supply.

Site 16: Eaton Leys (deduct 308 units for 1 April or 182 units for 1 October)

7.55. Outline permission only at 1 April with no proforma until December 2019. Submission of reserved matters application means appellant accepts site is deliverable but with a consequent reduction in completions to reflect local and national data: 52dpa from 2021/22 to reflect that the site competes with other Barrett David Wilson sites locally.

Site 17: Lakes Estate Neighbourhood Plan Sites (deduct 130 units for 1 April or 279 units for 1 October)

Site 18: Phelps Road (deduct 11 units for either 1 April or 1 October)

Site 27: Southern Windermere Drive (deduct 11 units for either 1 April or 1 October)

7.56. These sites form part of a phased Council regeneration proposal. June 2019 proforma from Housing and Regeneration Manager reveals complexity of works commencing with demolition and re-housing of Council tenants. Hybrid application mentioned in proforma not submitted in late 2019. Considerable discussion at roundtable on the correct way of assessing impact of demolition and replacement dwellings. Appellant's approach is that the completion of dwellings to replace those that are due to be demolished does not meet housing need and therefore should not be permitted to address the housing requirement. The maximum number of units that can be taken into account is therefore 110, although there is no clear evidence for even this number.

Site 19: Land off Hampstead Gate (deduct 16 units for 1 April or 34 units for 1 Oct)

7.57. MKDP site with proforma submitted 13 November after both base dates. The accompanying email sets out project dates but nothing else provided. Delete site from supply.

Site 20: Land off Harrowden (deduct 25 units for either 1 April or 1 October)

7.58. Council owned site with June 2019 proforma. Uncertainty of delivery and Council accept trajectory should be pushed back to 2022/23. Delete site from supply.

Site 21: Broughton Atterbury Self Build Plots (deduct 6 units for either 1 April or 1 October)

7.59. MKDP site with June 2019 proforma and no further evidence. While Council referred to wider planning permission for wider site, no clear evidence of deliverability for the specific site. Assertion of demand for custom-built plots. Delete site from supply.

Site 22: Hendrix Drive (deduct 10 units for either 1 April or 1 October)

7.60. MKDP site with June 2019 proforma limited. No clear evidence of deliverability.

Site 23: Kellan Drive 1 (deduct 10 units for 1 April or 12 units for 1 October)

7.61. Council owned site with June 2019 proforma limited. Application submitted by 1 October but not determined and no identified developer. No clear evidence of deliverability.

Site 24: Singleton Drive (deduct 22 units for either 1 April or 1 October)

7.62. MKDP site with June 2019 proforma limited. Reference to pre-application advice and development brief not documented by Council. No clear evidence of deliverability.

Site 25: Former MK Rugby Club (deduct 100 units for either 1 April or 1 October)

7.63. Council owned site and Plan:MK allocation with land on long leasehold to the Parks Trust. No application submitted. May 2019 proforma from Bellway Homes but not yet the site owner and text of accompanying email states they are not under contract. Council rely on December 2019 email from Property team recording a putative land disposal agreement in an advanced state but no clear evidence of deliverability. Castlethorpe Road Inspector found site was not deliverable.

Site 26: Timbold Drive (deduct 130 units for 1 April or 118 units for 1 October)

7.64. MKDP site and SAP allocation. June 2019 proforma limited. New outline permission being sought but no reported progress on any reserved matters applications. No clear evidence of deliverability.

Site 27 (see above)

Site 28: Land north of Vernier Crescent (deduct 14 units for either 1 Apr or 1 Oct)

7.65. MKDP site and SAP allocation. June 2019 proforma limited. Pre-application work not documented and disposal plan pushed back. No clear evidence of deliverability.

Site 29: Manifold Lane (deduct 18 units for 1 April or 33 units for 1 October)

7.66. MKDP site and SAP allocation. June 2019 proforma limited and simply refers to application for permission. Council latterly referred to email correspondence but site still in MKDP ownership and sale dependent on permission. In roundtable Council only able to say application anticipated in January 2020. No clear evidence of deliverability.

Site 30: Daubeney Gate (deduct 90 units for 1 April or 73 units for 1 October)

7.67. MKDP site and SAP allocation. June 2019 proforma limited and simply refers to site being marketed. Council latterly referred to email correspondence with Taylor Wimpey but site still in MKDP ownership and purchase dependent on board approval and site investigation. Site capacity already reduced to 73 units. In roundtable, Council only able to say application forecast for March 2020. No clear evidence of deliverability.

Site 31: Springfield Boulevard (deduct 12 units for 1 April or 13 units for 1 October)

7.68. Council owned site and neighbourhood plan allocation. June 2019 proforma limited. Application submitted and then withdrawn. Application submitted in November but not registered until 2 December. No clear evidence of deliverability.

Site 32: Hindhead Knoll (deduct 30 units for either 1 April or 1 October)

7.69. MKDP site and neighbourhood plan application. June 2019 proforma limited. Application submitted October 2019 but not yet determined. No clear evidence of deliverability.

Site 33: Land at Walton Manor (deduct 115 units for either 1 April or 1 October)

7.70. MKDP site and SAP allocation. June 2019 proforma limited. Council rely on outline application submitted January 2019 and approved in November. Site remains in MKDP control and further sale to development dependent on progress with site disposal. No clear evidence of deliverability.

Site 34: Land at Towergate (deduct 150 units for either 1 April or 1 October)

7.71. Homes England site with outline permission and SAP allocation. June 2019 proforma merely looks ahead to future marketing activity. Landowner sought to discharge part 1 and 2 of condition 6 in September 2019. Later application to discharge ecological mitigation was withdrawn in August 2019. Indicates marketing activity has been inhibited. No clear evidence of deliverability.

Site 35: Reserve Site 3 (deduct 22 units for either 1 April or 1 October)

7.72. MKDP site and SAP allocation. June 2019 proforma limited. No further progress with an allocation. No clear evidence of deliverability.

Site 36: High Park Drive (deduct 74 units for either 1 April or 1 October)

7.73. Site with outline planning permission. No proforma. Work to discharge condition post-dates both base dates. No clear evidence of deliverability.

Site 37: Maybrook House (deduct 25 units for either 1 April or 1 October)

7.74. Prior notification site. Appellant explained that such a site does not fall within category (a) or (b) in the NPPF definition of deliverable. The PPG reference to "conversions" in 68-029 only refers to completions, it does not designate such units as part of a supply. If sites are to be included, there is still a requirement to assess the extent to which the sites are available in light of ongoing activity in existing use and whether there is clear evidence they will deliver completions at the rate forecast. No proforma for this site and no further evidence from Council. Site is still not fully vacated and so should not be

considered for residential use. Clear evidence that the site could not be delivered at either base date.

Site 38: Mercury House (deduct 113 units for either 1 April or 1 October)

7.75. Prior notification site. No proforma and no further evidence from Council. Grant of approval for demolition as at 9 January 2020 but no evidence of any timescale for further works. Clear evidence that the site could not be delivered at either base date.

Site 39: Bowback House (deduct 107 units for either 1 April or 1 October)

7.76. Prior notification site. No proforma and no further evidence from Council. Site is still not fully vacated and still be marketed for office use. Should not be considered available for residential use. Clear evidence that the site could not be delivered at either base date.

Site 40: Land east of Tillbrook Farm (deduct 36 units for either 1 April or 1 October)

7.77. Site with outline planning permission. June 2019 proforma and follow-up email from November 2019 refer to delays of further 3 months for submission of reserved matters. No clear evidence of deliverability.

Site 41: Tickford Fields (deduct 220 units for either 1 April or 1 October)

7.78. Council owned site with no outline permission. June 2019 proforma records start date as unknown. December 2019 email refers to future application but no further progress towards securing developer partner. No clear evidence of deliverability.

Site 42: Land west of Yardley Road (deduct 210 units for either 1 April or 1 October)

7.79. Site with outline permission and allocated in Olney Neighbourhood Plan. Council rely on June 2019 proforma. Reserved matters application submitted November 2019. No clear evidence of deliverability.

Site 43: Omega Mansions (deduct 10 units for 1 October)

7.80. Prior notification site for purposes of 1 October base date. No progress of further works. No clear evidence that the site was deliverable at base date.

Site 44: Cable House – duplication with Site 38 (Mercury House)

Site 45: Chancery House {deduct 40 units for 1 October}

7.81. Prior notification site for purposes of 1 October base date. No progress of further works. No clear evidence that the site was deliverable at base date.

Site 46: Land south of Cresswell Lane – Central MK C3.2 (deduct 294 units for either 1 April or 1 October)

7.82. The Council did not consider that this site was deliverable as at the 1 April 2019 base date. Full planning permission was only granted on 31 July 2019. There was therefore no clear evidence that the site was deliverable as at April base date. This application did not result in an amendment to the MK Housing Statistics and as such it was considered that the site remains undeliverable.

Site 47: Castlethorpe Road (deduct 50 units for 1 October)

7.83. Outline permission granted at appeal after 1 April. No clear evidence from Council as to why it should be included in the supply.

Site 48: Station Road Elder Gate

7.84. [Not covered in closing submission or in detail elsewhere by appellant]

Sites 49-52: Council's "Year 6" sites

7.85. The Council sought to add 4 sites predicted to deliver in first half of 2024/25 year (if the base date is 1 October). The appellant's overall position is that the timescales for delivery are extremely uncertain given that completions are only anticipated at the end of the period. None have outline permission and no recorded developers.

Site 49: Rear of Saxon Court (deduct 20 units for 1 October)

7.86. Council referred to development brief consultation in summer 2019. MKDP acting for Council and does not provide sufficient evidence of progress. Council's most recent assessment in December 2019 was that there was no clear evidence of delivery in 5 years.

Site 50: Rear of Westminster Court (deduct 15 units from 1 October)

7.87. MKDP acting for Council and does not provide sufficient evidence of progress. Council's most recent assessment in December 2019 was that there was no clear evidence of delivery in 5 years.

Site 51: C4.2 (deduct 22 units from 1 October)

7.88. MKDP acting for Council and does not provide sufficient evidence of progress. Council's most recent assessment in December 2019 was that there was no clear evidence of delivery in 5 years.

Site 52: Cavendish House (deduct 9 units from 1 October)

7.89. Part of Fullers Slade regeneration proposals now approved at referendum with a development option selected. Proforma from MKDP states 'strong possibility' site will come forward, but still not clear evidence of delivery.

Summary on housing land supply

7.90. The Council does not have a robust, deliverable five-year supply of housing land. This has been the case for some considerable time. The appeal site if released would be delivered within 5 years as a small site under the control of a SME developer which the Council's Housing Delivery Action Plan seeks to promote. Further, there has been a significant shortfall in the provision of affordable housing over the years which this site would help to address. The shortfall in housing for a new town is beyond problematic and the imbalance between jobs and housing increases in-commuting and frustrates sustainable growth.

Location of the development

7.91. The first Inspector found site to be in a sustainable location due to accessibility of public transport and local facilities and the absence of any unacceptable environmental effects.

Development plan and national policy

7.92. The adoption of Plan:MK has not altered this but recognised and reinforced it. Policies DS1 and DS2 identify Woburn Sands as a sustainable location with no cap on development. There is very limited space within the settlement boundary for development. Changes to the boundary in Plan:MK have reflected existing commitments, the Frosts appeal, the Nampak permission and the Frosts retail permission.

7.93. The revised NPPF in 2018 and 2019 has not altered sustainability. It continues to boost HLS (para 59), direct housing to sustainable locations (para 103) and ensure development is located within locations including rural locations where it can contribute to the vitality of the community (para 78). Majority of recent development at the Nampak site and of a density and general form that takes little account of town's existing character.

7.94. Housing would support public transport, shops and services. The existing doctor's surgery has capacity for new patients and financial contributions can be made for school places. Woburn Sands and the appeal site are appropriate locations for future growth. The fact that the Plan:MK Inspector did not require further allocations and the Town Council are declining to review WSNP does not alter this.

Oxford-Cambridge Expressway

7.95. The Council did not cite this as any basis for refusal of scheme and this remains their position in the SOCG and at the inquiry. The appellant has set out that plans are at the very earliest stages of consultation with the Secretary of State for Transport indicating that he will review whether there is a continuing justification for the proposal having described its benefits as finely balanced and the need to demonstrate a strong case that it will boost jobs, prosperity and has local support⁵⁸.

7.96. Examining the site and locality there is no realistic prospect of substantial road construction at the appeal site or vicinity. The appellant has explained the extent of constraints preventing road construction, most notably the registered park and garden and residential development including the Strategic Land Allocation. Further, the suggestion made by Highways England that development on the site would be contrary to the adopted development plan and potentially result in conflict with the expressway is wrong. Plan:MK only deals with the expressway in the context of the SEMK Strategic Growth Area. Therefore, the expressway does not constitute a reason to withhold consent.

⁵⁸ APP8 paragraph 4.6

Housing density

- 7.97. At this Inquiry, the appellant has made clear that the density figure should be assessed at 20.3 dwellings per hectare (dph) applying a net density approach that subtracts the area's listed in the planning witness' proof⁵⁹. That approach reflects the absence of any statutory definition or any extant policy or guidance. Changes to the housing mix would increase density in respect of habitable rooms per hectare⁶⁰.
- 7.98. The Council's case at the first Inquiry sought to prolong the initial objection on the basis of Policy H8 of the Local Plan 2005 which looked for a density of 35dph for locations like Woburn Sands. The first Inspector found no substance in this point in his paragraphs IR9.43 and IR9.45. The SoS DL paragraphs 24-26 referred consistently to conflict with Policy H8. The SoS referred only in DL paragraph 24 to NPPF paragraphs 122-123 in assessing the accordance of the policy with NPPF, notably identifying its use of a range of average net densities.
- 7.99. The development plan position and national policy position have both moved on markedly since the original Inquiry with the expiry of Policy H8. The policy framework for density is now Policy HN1(c) with contextual support from Policy SD1 and D1. Policy HN1 conforms with NPPF paragraph 122 and was found sound by the Plan:MK Inspector albeit in the contest of NPPF 2012.
- 7.100. The correct approach to assessing acceptability of density is to assess those areas immediately adjacent to the development, not an arbitrary wider area comprising the whole settlement. The appellant's evidence carries out a systematic calculation⁶¹ of density of area surrounding the site with regard to Policy HN1(c) and NPPF paragraph 122(d) in particular. The Council's planning witness accepted in cross-examination that he had undertaken no calculation of density of his own, had relied on the Nampak Inspector's finding of density, and had not identified any minimum density. His 27dph represented one variant of an acceptable scheme and he considered the acceptable number of dwellings on the site may be higher or lower than 203. He also accepted that NPPF paragraph 123(a) is a plan-making provision and 123(c) is to be read in the broader context of paragraph 122.
- 7.101. The Council's planning witness conceded that the layout of the development was a reserved matter and one the Council could control in due course. Article 2 of the Town and Country Planning (Development Management Procedure) Order 2015 defines "layout": "*means the way in which buildings, routes and open spaces within the development are provided, situated and orientated in relation to each other and to buildings and spaces outside the development*".
- 7.102. The Council's suggestion that a Council cannot control density at the reserved matters stage relies on the solitary basis of a single paragraph of the Planning Encyclopedia's section 3B-2200.5 citing *R v Newbury DC Ex p Chieveley Parish Council* [1998] PLCR 51⁶². The Council has not explained

⁵⁹ APP8 paragraph 5.5

⁶⁰ APP8 paragraph 5.6-5.8

⁶¹ APP10 appendices 2-6, especially appendix 2 which focuses on the built up area of Woburn Sands only

⁶² RID23

which part of the judgment is relied upon. However, on its face the judgment is not authority for the Council's proposition and it focuses on the issue of floor area, not density. The same section of the Encyclopedia reveals another authority which confirms that density is indeed capable of forming a reserved matter: *Inverclyde DC v Inverkip Building Co. Ltd* 1983 SLT 81, 90.⁶³

- 7.103. On a correct understanding of the development plan, national planning policy and the legal powers available to the Council at the reserved matters stage, there is simply no basis to refuse permission on grounds of density. The Council's attempts to retract their witness' clear concessions in evidence should be rejected.

Landscape and impact on character of settlement

- 7.104. The issue was considered in detail at the first Inquiry. The first Inspector found the effects would be limited and give rise to no unacceptable harm (IR9.26 and 9.27). The SoS concurred in the DL at paragraph 27. The Council agrees with this position as set out in the SOCG and that any adverse effects would carry limited weight against the proposals. The appellant has explained that such harm would be significantly and demonstrably outweighed by the benefits.

Heritage

- 7.105. The appellant's heritage consultant⁶⁴ has considered the effect on the listed farmhouse and Wavendon House and the registered park and garden. The first Inspector found less than substantial harm to the listed farmhouse (IR9.41) and the SoS agreed in his DL at paragraph 28. The appellant's heritage consultant has found the scheme would cause no harm to the significance of Wavendon House and the registered park and garden. The Council in the SOCG agrees that the proposal would result in a low level of less than substantial harm to the listed farmhouse and that there is no basis to refuse the scheme on heritage grounds subject to a satisfactory detailed scheme/design at reserved matters stage. The Council's planning witness confirmed that the public benefits would outweigh the low level of harm for the purposes of NPPF paragraph 196.
- 7.106. In summary, whilst considerable weight and importance should be attached to the desirability of protecting and enhancing the character and appearance of designated heritage assets for the purposes of s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, there is no basis for refusal on this ground in relation to the Appeal Scheme. For the purposes of NPPF 11d(i) there is no basis for refusal on heritage grounds.

Highways

- 7.107. Third parties raised traffic and transport concerns at the first inquiry and these have been raised to a more limited extent at the present inquiry. The first Inspector addressed these issues at IR9.35-9.38 and the SoS endorsed

⁶³ RID26

⁶⁴ APP9 appendix 4

these findings that the proposal would not give rise to unacceptable effects in his DL at paragraph 30. The TA has been updated⁶⁵.

- 7.108. The Council has confirmed in the SOCG that the proposal is acceptable in all respects, that the access is appropriate and would not put undue pressure on local road network. All other detailed matters can be considered under reserved matters applications. The TA remains robust and justifies the conclusions of the appellant and the Council's highway officers.

Best and Most Versatile Agricultural Land

- 7.109. The Council's planning witness raised this issue for the first time in his proof of evidence⁶⁶. While identifying a conflict with Policy NE7, he made clear in cross-examination that this did not amount to a freestanding basis for refusing the proposal. It is accepted that there would be a loss of Grade 3a agricultural land and that this gives rise to a conflict with NE7. However, both Policy NE7 and NPPF paragraph 170(b) make clear that this is an economic factor to be weighed against the economic benefits that would arise from the development, listed in the Economic Benefits Statement⁶⁷ and set out further below. The Council has allocated land on sites around the Borough which are of equal or greater agricultural value as the site⁶⁸.

Planning Balance

Affordable housing

- 7.110. The appellant's witnesses have identified a substantial need for affordable housing within Milton Keynes borough in their respective proofs⁶⁹. The Council has already seen a shortfall of 640 dwellings in the first 3 years of the plan period⁷⁰ with a chronic failure to deliver a sufficient amount from 2007 to 2018⁷¹. As set out above, there is a clear recognition in Plan:MK that additional weight should be accorded to the provision of affordable housing in excess of the policy minimum. The Council's planning witness confirmed in cross-examination that this was a benefit to which significant weight (the highest weight) should be attached.

Market housing

- 7.111. Significant weight should be attached to the benefits of providing market housing irrespective of the precise HLS position. The Government is committed to boosting significantly the supply of housing to meet the chronic and continuing shortfall both nationally and where it arises locally, but also to diversify the base of house builders to meet that need. One of the difficulties identified by the Government in its White Paper was the excessive concentration and dominance of the major national house builders which is seen to have a distorting and negative effect upon the continuous supply of housing up and down the country.

⁶⁵ APP9 appendix 7

⁶⁶ LPA4 paragraph 10.31-10.32

⁶⁷ APP9 appendix 6

⁶⁸ RID24

⁶⁹ APP2 chapter 7 and APP8 paragraphs 6.34-6.36

⁷⁰ APP2 table 13

⁷¹ APP2 table 17

7.112. The house builder in this case, Storey Homes, is a small to medium sized developer whom the Government wishes to encourage to provide housing, not only as a matter of choice but in order to meet a diversity of suppliers. The appellant's note⁷² has provided evidence both upon that, the track record of the company and the anticipation that it will be able to deliver all of the proposed housing within 5 years of the date of its permission. The proposal would deliver at least 150 dwellings within the current 5 year period up to March 2024, allowing for a year to clear reserved matters and conditions. The Council's suggestion that there should be any diminution in the weight to be accorded the proposal by reason that not all of the 203 dwellings might be delivered within the 5 year period (principally due to the suggested significant delay on the part of the SoS in issuing his decision letter on this appeal) is not credible.

7.113. The proposal will provide much-needed housing in an important growth location both regionally and nationally and where the provision of each type of housing has materially lagged over a prolonged period of time.

Economic benefits

7.114. There are substantial economic benefits as set out in the Economic Benefits Statement and accepted by the Council's planning witness at cross-examination. These comprise temporary construction employment of 180 workers per annum, or 630 workers over the course of a 3.5 year construction period, both on and off-site; demographic and labour market benefits, including a high proportion of working-age residents (75% in employment), and a cross-section of working people due to the range of accommodation offered; secondary employment generated by increased spending in the local area by new residents (£5 million total per annum), directly supporting around 40 gross full-time equivalent jobs; and New Homes Bonus paid to the Council of c.£1.4 million over 4 years.

Social benefits

7.115. The development will provide social benefits through housing (including much needed affordable housing) to meet future need and is accessible to the local services provided within the wider area including education facilities. The site would also provide a social benefit in the form of the doctor's surgery to be provided on site and the site would be within reasonable walking distance of existing local services and facilities.

Environmental benefits

7.116. There will be the opportunity to provide a net environmental benefit by the site having the potential to enhance the habitats within it, given that the appeal site has little value for wildlife at present. These are set out in an update report from CSA Environmental⁷³.

7.117. Clearly the site is outside the present settlement boundary of Woburn Sands but so would any site which is presently not allocated. Much of the Council's HLS is and will be located on green field sites. In that context, there

⁷² APP9 appendix 13

⁷³ APP appendix 5 paragraph 5.20

would have to be something distinct and material about this site in order to suggest that its green field location would render it unsustainable. That was certainly not the view of officers in their report recommending approval and it is freely recognised by the Council that there is no landscape or similar argument to support objection to the appeal site here.

Highways/Traffic benefits

7.118. There are highways and transportation benefits, by providing additional flexibility in the local network and an alternative to the existing Newport Rd / Cranfield Rd junction. These can be classified as both environmental and social benefits. The proposal would also help to contribute towards sustainable patterns of development and help to counteract the increasing levels of commuting which can be created by an imbalance of homes and jobs.

Summary on benefits

7.119. The proposed development is one which, by reason of its location and accessibility to a range of services, facilities and transport links, and having regard to the three dimensions set out in the NPPF, is sustainable development which properly benefits from the presumption in its favour. Even in circumstances (though not here) where an Inspector were to conclude that the Council was able to demonstrate a 5 year HLS, the sustainability and other advantages constituting material considerations in this case would be sufficient to justify the grant of consent.

Conclusions

7.120. The appeal proposal represents sustainable development adjacent to a settlement which is identified in Plan:MK as being a key settlement and which contains not only a wide range of service and facilities but also a railway station. The Council does not have a 5 year HLS and that the shortfall in both market and affordable housing is longstanding, acute and continuing.

7.121. The proposed development gives rise to substantial benefits which are not outweighed by any of the alleged detrimental impacts and is consistent with the presumption in favour of sustainable development. It is therefore respectfully submitted that the appeal should be upheld and planning permission ought to be granted.

8. The Case for Milton Keynes Council⁷⁴

Introduction

8.1. The Council submits that this appeal should be dismissed. In its evidence to this inquiry and questions in cross-examination, the appellant has demonstrated an obsession with process, an interpretative approach which is contrary to the plain words of local and national policy, and a selective approach to the evidence which ignores that which does not support its case. By contrast, the Council's approach has been straightforward, consistent with national policy, and should be preferred

Previous Decision Letter (DL)

8.2. The DL is a material consideration in the redetermination of this appeal, notwithstanding the fact that it was quashed by the High Court: see *R. (Davison) v Elmbridge Borough Council* [2019] EWHC 1409 (Admin)⁷⁵. This is to give effect to the well-established principle of consistency in decision making. In *Davison*, the judge gave specific guidance on the application of consistency to a quashed decision as follows:

- (a) The principle of consistency is not limited to the formal decision but extends to the reasoning underlying the decision.
- (b) Of itself, a decision quashed by the Courts is incapable of having any legal effect on the rights and duties of the parties. In the planning context, the subsequent decision maker is not bound by the quashed decision and starts afresh taking into account the development plan and other material considerations.
- (c) However, the previously quashed decision is capable in law of being a material consideration. Whether, and to what extent, the decision maker is required to take the previously quashed decision into account is a matter of judgment of the decision maker reviewable on public law grounds. A failure to take into account a previously quashed decision will be unlawful if no reasonable decision maker could have failed to take it into account.
- (d) The decision maker may need to analyse the basis on which the previous decision was quashed and take into account the parts of the decision unaffected by the quashing.
- (e) The greater the apparent inconsistency between decisions the more the need for an explanation of the position

8.3. Applying these principles, the Council submits:

- (a) The DL is a material consideration in the present case. No reasonable decision maker could fail to take the DL into account given the obvious relevance to the issues in dispute. However, the DL does not bind the decision maker who must start afresh, taking into account the

⁷⁴ Largely taken from the Council's closing submissions RID34

⁷⁵ Insofar as the Appellant may seek to rely on *West Lancashire v SSCLG* [2017] EWHC 3451 as establishing a different approach, *Davison* is to be preferred given that it expressly considered *West Lancashire*.

development plan and other material considerations, of which the DL is one.

- (b) The DL was quashed because the Secretary of State failed to give adequate reasons for concluding that the Council could demonstrate a 5 year HLS. Accordingly, the Secretary of State's conclusions (and reasoning) on all matters unrelated to 5 year HLS were not impugned by the High Court.
- (c) Notwithstanding the fact that the SoS's conclusions on these matters was not impugned, it is necessary to consider whether those conclusions remain relevant, and if so, whether they hold good, taking into account any changes in circumstances that may have arisen since the SoS's decision

8.4. In respect of the Secretary of State's principal conclusions, the Council's position is that:

- (a) 5 year HLS: The conclusion at DL paragraph 18 that the Council could demonstrate a 5 year HLS formed the basis on which the DL was quashed. Accordingly, no weight can be given to this conclusion and the issue must be considered afresh by reference to the new evidence now presented at this Inquiry.
- (b) Location of site: The conclusion at DL paragraph 19 that the development fails to accord with Policy WS5 of the WSNP is relevant and unaffected by the quashing of the DL. However, given the changes to the development plan since the DL was issued, the conclusion that the development was contrary to saved local plan policy S10 is no longer relevant. Further, given the changes to the development plan, it is necessary to consider afresh the weight to be afforded to the conflict with Policy WS5.
- (c) Housing density: The conclusion at DL paragraph 26 that the development fails to accord with NPPF 2018 paragraphs 122–123 is relevant and holds good given the similarity with the relevant paragraphs in the NPPF 2019. However, given the changes to the development plan since the DL was issued, the conclusion that the development was contrary to Policy H8 is no longer relevant.
- (d) Character of the area: The conclusion at DL paragraph 27 that "the significant visual and landscape effects of the scheme would be very local, while beyond those immediate surroundings, the effects would be very limited" is relevant and holds good as there has been no material change of circumstances.
- (e) Heritage: The conclusion at DL paragraph 28 that there would be less than substantial harm to Deethe Farmhouse is relevant and holds good as there has been no material change of circumstances.
- (f) Benefits of the scheme: The conclusion at DL paragraph 29 that the benefits of the scheme comprise affordable housing, temporary construction employment and secondary employment is relevant and holds good. However, it is necessary to consider afresh the weight to be

afforded to these benefits given the changed housing and economic environments.

- (g) Other matters: The conclusion at DL paragraph 30 that matters relating to traffic and parking, the impact of the development on the facilities of the town, and ecology and drainage, do not weigh against the proposal is relevant and holds good as there has been no material change of circumstances.

- 8.5. It is necessary to consider afresh the conclusions in respect of planning conditions and obligations and the planning balance given changes to the development plan and amendments to both conditions and obligations.

Housing Land Supply

The general approach to the assessment of HLS at this appeal

- 8.6. There is a need to adopt a proportionate and realistic approach to the assessment of evidence at an appeal compared to local plan examination as acknowledged by the Inspector at the Castlethorpe Road appeal⁷⁶. The policy imperative of demonstrating a 5 year HLS in NPPF paragraph 73 and the consequences of not being able to in terms of NPPF paragraph 11 is to ensure that there is an adequate supply of housing land. This is clear from NPPF paragraph 59. Contrary to the approach of the appellant, the assessment of 5 year HLS is concerned with the endpoint and a sufficient supply of deliverable land, not with the assessment process. There is a need for good planning judgment.
- 8.7. The appellant's approach to the assessment of deliverability invites the decision-maker to ignore evidence which is obviously material to the assessment of realistic prospects. It is well established that policy cannot lawfully make immaterial that which is material⁷⁷. The Appellant ignores this, and this is one of many reasons why its approach is wrong in law.
- 8.8. The Council's 5 year HLS must be viewed in the context of the recently adopted Plan:MK, which has brought about a robust supply and resulted in dramatic improvements in housing delivery. Since adoption in March 2019, the Council has achieved its annual delivery requirement in 2018/19 for the first time since 2007/08 consistent with the continual year on year improvement over the first 3 years of Plan:MK. In quarters 1-3 of 2019/20, the Council has delivered 92% of its annual requirement such that it is near certain that it will meet its annual delivery requirement again for the second consecutive year⁷⁸. The number of units under construction at the end of quarter 2 of 2019/20 was the highest number since June 2008 and quarter 3 only marginally lower. The first 3 quarters of 2019/20 is the first time since at least 2007/08 that the Council has recorded over 2000 units under construction for 3 consecutive quarters.

⁷⁶ CD6.18 paragraph 51 [the Council's closing submission refer to this appeal as 'Hanslope', but for consistency this report has used the same address used by the appellant]

⁷⁷ See *Gransden & Co. Ltd. and Another v Secretary of State for the Environment* (1987) 54 P. & C.R. 86 per Woolf J (as he then was) at 94.

⁷⁸ LPA1 table 5.1 and RID07

8.9. The Plan:MK Inspector confirmed the Council has a clear and robust roadmap to delivering housing and was satisfied with its housing trajectory, with special circumstances for significantly higher delivery over next few years, significant number of small and medium sites and the risk of non-delivery minimal⁷⁹. The Council submits that the change in the NPPF definition of deliverable does not affect these conclusions as they go to the underlying approach of the Council and the underlying circumstances of the local area.

Other recent appeal decisions dealing with 5 year HLS

- 8.10. Both the Castlethorpe Road and the Globe appeal decisions⁸⁰ are material considerations, but neither is binding on the decision maker. Given the conflicting conclusions on HLS, the decision maker will need to disagree with at least one and give reasons. Neither decision is more lawful than the other and their planning judgments have not been challenged. The differences between the appeals relate to the different evidence presented to each appeal and the different manner in which the evidence was presented. The fact that more time was spent on site by site analysis at the hearing for the Castlethorpe Road appeal does not make it a more considered decision. The evidence was presented in advance for the Globe hearing and there was only one appellant. The HLS evidence at the Globe hearing was more up to date and was presented earlier on. While this might mean the Globe decision should be preferred on this basis, there is still a need to reach a fresh judgment for this appeal based on the evidence before this Inquiry.
- 8.11. Both appeal decisions considered the most up to date evidence like this appeal. Both decisions noted the improving housing completions. The Castlethorpe decision dismissed criticism of the Council's proformas. This Inquiry has the benefit of the Council's note⁸¹ explaining the proforma process and that respondents did amend build out rates where necessary. A statement from a developer would provide no greater certainty of delivery. The evidence presented by the appellant from Mid Suffolk District Council⁸² accepts an email confirmation to support build out rates.
- 8.12. The Castlethorpe Road decision applies an optimism bias (OB) using a midpoint between the Council and appellants (paragraph 62). It is important to note that the Council and appellants were referring to two different things when using the term OB: the Council was referring to a lapse rate while the appellants were referring to an adjustment for alleged inaccuracies in the 5 year HLS assessment. The alleged inaccuracy was the discrepancy between the Council's previous assessments of HLS and the number of homes delivered. The midpoint applied by the Inspector was not 17.5% but a broader approach and the Council would have been able to demonstrate a 5 year HLS otherwise.
- 8.13. The Castlethorpe Road conclusion that it was not particularly apparent that the Council had reduced its calculations of housing land supply to reflect the revised definition of deliverable in the NPPF no longer holds good as the Council has given clear evidence⁸³ to this Inquiry of the approach and

⁷⁹ CD5.32 paragraphs 136, 145 and 152

⁸⁰ CD6.18 and CD6.17 respectively

⁸¹ RID13

⁸² RID15

⁸³ LPA2 appendix 2, section 2

methodology followed. Moreover, the Council has discounted sites from the Plan:MK 5 year HLS due to the new definition of deliverable⁸⁴.

Timescale of the evidence

- 8.14. There is dispute between the parties as to the use of evidence which post-dates the base date of 1 April 2019 to assess deliverability. This is a matter of principle which falls to be determined by interpreting national policy and is not an issue specific to the facts of the case. The Council's position is that the calculation of 5 year HLS should not introduce new sites granted permission after 1 April 2019 which were not identified as part of the supply at 1 April in Council's June 2019 HLS assessment. Moreover, regard should be had to all of the evidence presented to this inquiry even it was created after 1 April or relates to events which postdate 1 April. The assessment needs to ask a simple question in respect of each site – does the evidence presented to this inquiry demonstrate that the site is deliverable in the five-year period 1 April 2019 – 31 March 2024.
- 8.15. The appellant advocated an artificial two stage approach. Firstly, to consider, by reference only to evidence which predates 1 April (either because it was created before that date or because it was created after that date but referable back to matters known before that date), whether the site was deliverable as at 1 April. Secondly, to consider whether the conclusion reached at the first stage holds good today by reference to other matters since 1 April. The Council submits this is wrong and should be rejected for the following reasons.
- 8.16. Firstly, it is an approach that has no basis in the NPPF or PPG. Reference in paragraph 73 to a minimum of 5 years' worth of housing is simply an expression of the need for the supply to cover at least a 5 year period. Reliance on the PPG paragraph 68-001-20190722 is misplaced as 'next five years' operates as a contrast to 'last 3 years' to illustrate difference between retrospective Housing Delivery Test and prospective calculation of 5 year HLS. It does not impose an evidential cut-off date. The appellant accepts that the base date for assessment may be a date which has passed such that 'next' is not imbued with any special meaning. There is no basis for only considering evidence prior to the base date and no basis for a two stage approach.
- 8.17. Secondly, the PPG approach accords with the Council when considering the provisions relating to preparation of an Annual Position Statement (APS)⁸⁵ where the base date is 1 April and a local planning authority has until 31 July to prepare and consult on its APS before submission to PINS and PINS issues its recommendation by October. This allows for stakeholders to agree or disagree with evidence to allow robust challenge and reasoned conclusion on deliverability which is then assessed by PINS.
- 8.18. Thirdly, neither Woolpit nor Darnall School Lane decisions⁸⁶ support the appellant's approach. The former discounts sites not identified at the base date from the assessment which the Council follows in its approach. The latter considered information after the base date where it was relevant to identified sites with no artificial cut-off date for evidence.

⁸⁴ RID19

⁸⁵ PPG ID: 68-012-20190722, ID: 68-013-20190722, ID: 68-015-20190722

⁸⁶ CD6.16 and CD6.14/6.15 respectively

- 8.19. Fourthly, the appellant's approach is impractical and seeks to create an artificial process. An HLS assessment requires understanding of actual completions which cannot be known until after the base date. The Mid Suffolk and Babergh HLS assessments illustrate this reality⁸⁷. Both refer to MOUs/SOCGs agreed after base date; these may support evidence but can only mean there was sufficient clear evidence without them. The MOUs contained matters post-dating the base date that were taken into account in calculating 5 year HLS such as build out rates⁸⁸. The assessment of deliverability requires consideration of how many homes are deliverable and not simply that the site is deliverable⁸⁹. There is no basis in policy or logic to impose artificial time restrictions on the assessment of deliverability but not the other elements of the 5 year HLS assessment.
- 8.20. Fifthly, where an APS is not used, the PPG is clear that HLS should be demonstrated using the latest available evidence and up to date evidence⁹⁰. The Council's approach is consistent with this. The appellant seeks to disaggregate evidence so that there is a threshold test at first stage which omits the most recent evidence as it is limited only to evidence which predates the base date. The consequence is to invite the decision maker to disregard obviously material evidence in the assessment of whether there is a realistic prospect that a particular site is deliverable.
- 8.21. Sixthly, the Council's approach is consistent with the Colchester Road decision⁹¹ regarding evidence after the base date, the Globe decision⁹² regarding the use of proformas after 1 April base date, and the Castlethorpe Road decision regarding the use of proformas⁹³.
- 8.22. The appellant's approach seeks to create an obstacle course for local planning authorities to negotiate every time there is an appeal. It bears no resemblance to national policy and departs from clear purpose of HLS mechanism to ensure that there is a pool of sites of sufficient capability to create a realistic prospect that local housing need will be met in a timely fashion in the relevant 5 year period. The appellant places process above good, sound and sensible planning.

Deliverability, not delivery

- 8.23. There is a clear distinction in NPPF paragraph 73 between delivery and deliverable. The appellant conflates the two and the error manifests itself in two principal ways: it forms the basis for the application of an inflated OB to the Council's deliverable sites; and it forms the basis for the appellant's erroneous discounting of deliverable sites.
- 8.24. The *St Modwen* judgment⁹⁴ in paragraphs 35-39 highlights the essential distinction between the two concepts. Deliverability is a less demanding test than delivery. The fact that a particular site is capable of being delivered within five years and thus deliverable, does not mean that it necessarily will be

⁸⁷ RID15 paragraphs 10, 11, 23 and 29

⁸⁸ RID15 paragraphs 24 and 25

⁸⁹ See Colchester Road decision at CD6.22 paragraph 65

⁹⁰ PPG ID: 68-004-20190722 and 68-007-20190722

⁹¹ CD6.22 paragraph 62

⁹² CD6.17 paragraphs 23 and 24

⁹³ CD6.18 paragraph 55

⁹⁴ CD7.6

delivered. The judgment also highlights that the likelihood of housing being delivered within 5 year period is no greater than a realistic prospect, not certain or probable. The revisions to the NPPF does not affect this judgment including the definition of deliverable which is materially unchanged in the first part of that definition in the 2012 and 2019 versions.

- 8.25. *St Modwen* does not create new law but explains the correct interpretation of national policy. This is confirmed in the more recent *East Bergholt* judgment⁹⁵ at paragraphs 47-51, which highlights that 'realistic prospect' is a matter of planning judgment

Adjusting the assessment of deliverable sites

- 8.26. This issue relates to whether the assessment of deliverable sites should be adjusting by applying an OB and if so, what method of discount for OB should be applied. The Council uses OB to refer to lapse rates while the appellant uses it to refer to a discount to apply to the Council's HLS to address alleged inaccuracies in the assessment. The Council applies a lapse rate to all sites with forecast delivery in the 5th year of supply by discounting delivery of the site in each year by 10%. The appellant advocates a blanket discount of 28-30% to the supply but applies no such discount in its own assessment.
- 8.27. The Council's position is that it no longer considers it appropriate to apply a lapse rate due to the site by site assessment it undertakes. However, to be consistent with the approach for Plan:MK, a lapse rate was included in the HLS assessment in June 2019 and in the evidence to this appeal. This is to ensure robustness. The appellant's HLS witness has also carried out a site by site assessment and so there appears to be little difference that a lapse rate or OB is not required. It is open to the decision-maker to conclude that it is not required as the detailed assessment of sites reduces uncertainty.
- 8.28. The appellant's OB should not be applied as its HLS witness has compared the assessment of deliverable supply with actual delivery. This is erroneous and an unrelated comparison contrary to *St Modwen*. Just because a deliverable site was not delivered does not undermine the assessment of deliverability. It would also be inconsistent with national policy. For the purposes of NPPF paragraph 73, it is agreed that only a 5% buffer is necessary rather than 20% which is intended to make up for the significant under delivery of housing over previous three years. This achieves the same purpose as the appellant's OB. To impose the OB would be inconsistent with the NPPF which has decided it is not appropriate to apply a 20% buffer. Lapse rates were not applied in Mid Suffolk or Babergh's HLS assessments and the appellant has confirmed that it does not support a lapse rate⁹⁶.
- 8.29. If a discount is to be applied to this appeal, then it should be the lapse rate in accordance with the Council's methodology and not the appellant's OB.

Permitted development prior approval notifications

- 8.30. This relates to the grant of prior approval pursuant to Class O of Schedule 2 to the Town and Country Planning (General Permitted Development) (England)

⁹⁵ RID09

⁹⁶ RID17 paragraph 1.16

Order 2015 (GPDO) and the calculation of 5 year HLS. The Council's position is that it results in detailed planning permission which falls within category (a) of the NPPF definition of deliverable. This is a matter of law not planning judgment.

- 8.31. The NPPF should be interpreted consistently with the planning acts as judgments have found⁹⁷. Section 336(1) of the Town and Country Planning Act 1990 (TCPA 1990) defines "planning permission" as a permission under Part III TCPA 1990. The GPDO is made pursuant to Section 58 TCPA 1990, which falls within Part III TCPA 1990. Accordingly, where article 3 of the GPDO grants planning permission for development in Schedule 2 to the GPDO (including Class O), that planning permission is a permission under Part III TCPA 1990 and thus within the definition of "planning permission" in s. 336(1) TCPA 1990. On this basis, the reference to "detailed planning permission" must include planning permission granted pursuant to Class O.
- 8.32. The appellant's argument that the government was aware of Class O permitted development rights when drafting the NPPF definition of deliverable and the express omission of Class O is deliberate fails because the definition of deliverable includes such permissions under Class O.
- 8.33. A development with prior approval is indistinguishable from other types of permission in category (a). No further consent is required other than discharge of conditions like a site with full planning permission. This contrasts with the sites in category (b) where further consent is required. This approach is consistent with the SoS in the Hanging Lane decision⁹⁸ at paragraph 21 where he agreed with the Inspector's analysis regarding the inclusion of prior approval sites.
- 8.34. If the appellant is correct, then homes created under Class O would fall outside the 5 year HLS entirely. The PPG⁹⁹ states for the purposes of calculating 5 year supply housing completions can include conversions and changes of use. Furthermore, it is inconsistent with the rationale for Class O which is to boost housing delivery. The appellant has not referred to any appeal decisions or case law to support its approach and offered no cogent reason why homes created under Class O should be excluded from the definition of deliverable. Under category (a), the burden of proof is on the appellant to show clear evidence that a site will not be delivered.

Site by site assessment – general points¹⁰⁰

- 8.35. At the roundtable session, the appellant's approach was based on a number of common and erroneous themes. Firstly, the criticism of the proformas which has been dealt with above. Secondly, the discounting of proformas from MKDP for no reason other than assertion that they would be inaccurate for the purposes of the Council preparing its assessment. MKDP is an arms-length organisation with the remit of bringing land forward for housing, it has detailed local knowledge and no reason to doubt its responses. A similar approach was taken to responses from Homes England, who are a non-departmental public

⁹⁷ CD7.4 paragraphs 19 and 20

⁹⁸ CD6.20

⁹⁹ PPG ID: 068-029-20190722

¹⁰⁰ Appendix 1 to the Council's closing submissions sets out a summary on strategic sites

body and statutory corporation to improve the supply and quality of housing and the regeneration or development of land or infrastructure in England.

- 8.36. The proformas make clear that the information is being sought on the basis of a year running from 1 April to 31 March, with forecasts being sought from the year 2019/20 onwards, i.e. from 1 April 2019 onwards. Accordingly, the suggested completions of the Council (and any confirmation or amendment by the respondent) can only be on the basis of starting from the base date. As such, it is evidence which can be taken into account even on the appellant's artificial basis because it refers to matters as they were at the base date.
- 8.37. The appellant's distinction between sites in the control of land promoters or landowners and developers is without consequence as there is clear evidence that the former are no more likely than the latter to landbank sites as set out in the NLP report¹⁰¹.
- 8.38. The appellant's suggestion that the evidence gathered for the Plan:MK preparation was of no assistance as it had been prepared with the NPPF 2012 definition of deliverable erroneously conflates the collection of evidence with the judgment made on the basis of that evidence. There is no reason why Plan:MK evidence could not be taken into account and reappraised under the revised definition of deliverable.
- 8.39. The Council's approach to build out rates is robust, as the Plan:MK Inspector found, because it has adopted an individualised approach to each site, sense checked against build out rates derived from local context and subject to further checking by the Joint Housing Delivery Team.

Brooklands (Site 1)

- 8.40. Appellant's criticism of build out rates is misplaced as the Council's projected completions are consistent with local evidence and increasing pattern of completions. Over the last 4 years, the average delivery has been 247dpa which is above the 222dpa average rate for the next 5 years which the appellant criticises. Recent monitoring data illustrates that the site has already delivered well over Council projections of 182 completions for 2019/20, with 267 homes completed by the end of quarter 3. The evidence supports that the Council's figures are realistic and robust since delivery is already in advance of the Council's projections. This is also confirmed by the proformas provided by the Council from the housebuilders involved and who are already building out some parts of the strategic site.

Tattenhoe Park (Site 2)

- 8.41. Criticism of Homes England's involvement is misplaced for the reasons above. Homes England provided further information as part of Plan:MK process supported by continuing dialogue. Two parcels are in the hands of developers and Homes England is engaged in a clearly documented marketing exercise to secure developer involvement on remaining parcels via tender process. This documentation contains a clear timeline for this to happen (including the build out rates and lead in times which the developers must adhere to) and supports the proforma responses from Homes England (including the most recent

¹⁰¹ CD11.1 page 12, second column, first paragraph

updated proformas). All of this progress is consistent with the two recent grants of detailed planning permission, both of which were for more homes than expected.

Western Expansion Area (Site 3)

8.42. There have been completions on Area 10 for 4 years (5 including current year). Up to 1 April 2019 there have been 712 completions since the site started delivering and 300 delivered in this year alone. This area has delivered 1000 homes and is only 32 short of meeting this year's projected figure. For Area 11, there has been 834 completions over last 4 years and over the last 2 years the completions have been 267 and 268 homes. There have been 133 completions for this year, more than projected. Combined, the two areas are delivering in the same manner (high 200dpa almost 300dpa each). The Council's assessment is consistent with the proformas and supported by a documented disposal strategy. There has been a sense check of developer information with a more conservative approach adopted by the Council.

Strategic Land Allocation (Site 4)

8.43. The Council's careful parcel by parcel analysis is to be preferred as it is clearly grounded in the evidence of ongoing completions. For example, taking the area as a whole, 181 completions were projected across the whole site for 2019/20 and as the Q3 monitoring data demonstrates, 187 have been completed.

The Council's final 5 year HLS position

8.44. Scenario 1: removal of conceded site – Land at Galleon Wharf (Site 14) for 14 units.

1 April 2019	No. of Units
Annual requirement	1,767
Requirement to 1 April 2019	5,301
Completions to 1 April	4,529
Shortfall	772
5 year requirement	9,607
5 year requirement including 5% buffer	10,087
Supply as at 1 April 2019	13,610
MKC Lapse Rate	678
Supply as at 1 April 2019	12,932
5 year	6.41
Surplus	2,845

8.45. Scenario 2: removal of conceded site – Land at Galleon Wharf for 14 units and inclusion of all adjustments in paragraph 4.62 of Council's HLS proof of evidence with the exception of paragraph 4.6.11 (Site C3.2 Central Milton Keynes) as this was deemed undeliverable as of 1 April 2019.

1 April 2019	No. of Units
Annual requirement	1,767
Requirement to 1 April 2019	5,301

Completions to 1 April	4,529
Shortfall	772
5 year requirement	9,607
5 year requirement including 5% buffer	10,087
Supply as at 1 April 2019	13,252
MKC Lapse Rate	650
Supply as at 1 April 2019	12,602
5 year	6.25
Surplus	2,515

8.46. Scenario 3: as per Scenario 2 but with Council lapse rate not applied.

1 April 2019	No. of Units
Annual requirement	1,767
Requirement to 1 April 2019	5,301
Completions to 1 April	4,529
Shortfall	772
5 year requirement	9,607
5 year requirement including 5% buffer	10,087
Supply as at 1 April 2019	13,252
MKC Lapse Rate	0
Supply as at 1 April 2019	13,252
5 year	6.57
Surplus	3,165

Conclusions on 5 year HLS

8.47. For the reasons above the Council submits that its approach should be preferred and that it has demonstrated a 5 year HLS. The Council's approach is robust, sensible and consistent with national policy. By contrast the appellant's approach is artificial, focussed on process not good planning and inconsistent with national policy.

The Development Plan

Plan:MK

8.48. The appellant's planning witness accepted at cross-examination that the development is contrary to Policies DS1 and DS2 of Plan:MK. He suggested that it was nevertheless in general conformity with the approach that underlines the spatial strategy, but the spatial strategy is DS1 and DS2 and so this must be rejected. Policy DS1 draws a distinction between the urban area of Milton Keynes where development should be within and adjacent to that area, and the rural area where new development should be within the key settlements, villages and other rural settlements. The appellant's planning witness accepted that Policy DS2 is to be read in combination with Policy DS1. Thus, it only contemplates housing within the defined boundary of the key settlements. He also accepted that the appeal site does not fall within any of the 13 criteria in Policy DS2.

- 8.49. The Plan:MK Inspector as recently as February 2019 found Policies DS1 and DS2 were consistent with NPPF 2012 subject to modifications¹⁰². The Inspector considered the overall strategy for Woburn Sands and found no need to modify the settlement boundary to make a specific allowance for additional development¹⁰³. The appellant's witness accepted that the spatial strategy of Plan:MK is that there is no requirement for Woburn Sands to meet. Thus, there is no inconsistency between Policies DS1 and DS2 and NPPF paragraph 65 (which requires plans to set out housing requirements for neighbourhood areas) given the findings of the Plan:MK Inspector. The policies therefore carry full weight for this appeal.
- 8.50. The objective of Policy DS5 is, amongst other things, to recognise and safeguard the character of the areas within the Borough beyond the settlement boundary. The appellant's witness accepted conflict with this policy and that it is consistent with the NPPF 2019 and up to date. As such, it carries full weight. The Plan:MK Inspector found the policy was sound. The NPPF allows plans to include policies that conserve and enhance the natural environment, not just protect valued landscapes.

The Neighbourhood Plan

- 8.51. The policies in the WSNP remain the same as the first Inquiry but circumstances have moved on not least with the adoption of Plan:MK. Paragraph 19 of the SoS's decision only gave moderate weight to Policy WS5 since it defined boundaries by reference to a Local Plan only intended to guide development to 2011. However, the role of the WSNP and its boundaries have been considered afresh within Plan:MK and particularly Policy DS2. As above, the Plan:MK Inspector concluded that no modification was required in terms of the settlement boundary. Further, he concluded that Plan:MK was the first opportunity to systematically review settlement boundaries in the Borough and he found them to be robust. Therefore, the WSNP boundary is robust and up to date.
- 8.52. Policy WS5 is not purely a countryside protection policy, it is a settlement boundary policy indicating the approach to development within the boundary. This is not contrary to the NPPF, which also allows neighbourhood plans to include policies to conserve and enhance the natural environment. The appellant cannot assert that Policy WS5 is inconsistent and out of date but agree that Policy DS5 is consistent and up to date. The two policies reflect the same policy approach. The arguments concerning the bullet points in WS5 go nowhere since they are all contingent on Plan:MK identifying a need for a boundary change which it did not. As such they do not apply. Accordingly, Policy WS5 is to be given full weight for this appeal
- 8.53. The same is true in respect of Policy WS6. The appellant only raised points regarding the consistency of bullet points in that policy, none of which are engaged as Plan:MK did not identify any need for boundary changes. Thus, Policy WS6 is consistent with the NPPF and up to date and should be given full weight.

¹⁰² CD3.32 paragraphs 31-45

¹⁰³ CD3.32 paragraph 34

Density

- 8.54. As a matter of law, the grant of outline planning permission will establish that the density of the development, however it is distributed across the appeal site and, however many units will come forward, will be acceptable in principle. Accordingly, if outline permission were granted as sought and a developer were to apply at the reserved matters stage for 203 units distributed across the appeal site, the Council would not lawfully be able to refuse planning permission on the basis that the density of what is proposed is too low and makes an inefficient use of land contrary to Policy HN1 and/or paragraphs 122/123 of the NPPF. The Planning Encyclopedia states that density is not a reserved matter referred to the court judgment in *Chieveley*¹⁰⁴. The appellant has not suggested the use of a condition to reserve density for later approval and this has not been addressed at the Inquiry. Thus, there is no evidence for the SoS to consider such a condition.
- 8.55. The Council's planning witness was confused in cross-examination on the matter of whether reserved matters approval could be refused on the grounds of density. That suggestion cannot be found in the written evidence of either party since it is wrong as a matter of law. The decision-maker has to determine now whether a proposal which would allow up to 203 units across the whole of the redline area would be acceptable in density terms. This is a planning judgment as to whether the development would make efficient use of land.
- 8.56. NPPF paragraph 122 sets out a number of factors to consider as to whether a development makes efficient use of land. This approach is echoed in Plan:MK via Policy HN1(c) which is consistent with NPPF paragraphs 122 and 123 and so is up to date and given full weight. The policy adopts a flexible approach to ensure appropriate densities on a case by case basis. Any judgment needs to be sensitive to the extent to which land is being released to meet a housing need. The appellant's planning witness accepted the greater the need and/or shortfall in HLS the greater this will pull towards a higher density level.
- 8.57. Local market conditions and viability in this case do not pull towards a higher or lower density. There is no constraint in the availability and capacity of infrastructure and services which would prevent additional housing above 203 units. This site is in a sustainable location and no evidence that any increase in units would give rise to severe consequences for the local highway network.
- 8.58. In terms of maintaining the area's prevailing character and setting, the SoS's decision considered this matter in relation to the then extant Policy H8 which sought a density of 35dph. The SoS must have considered that such a density was acceptable in terms of character and appearance. He noted that the scheme was a significant departure from policy in paragraph 26 of his DL.
- 8.59. Since the SoS decision, the only material change in terms of the character of the area is that Policy H8 has been replaced with Policy HN1. While the latter does not contain a requirement for 35dph, the objection of bringing forward the highest density that can be delivered while ensuring that the development would still relate well to character and appearance has not.

¹⁰⁴ RID23

- 8.60. It is evident from paragraph 26 of the DL that the SoS must have concluded conflict with NPPF paragraph 122 since in paragraph 24 he had found that Policy H8 was consistent with this paragraph. The SoS had previously found only limited effects of the scheme on visual and landscape considerations implying that the site has strong visual containment. As such, there is scope for the density to increase while maintaining an appropriate buffer and landscape boundary without unduly affecting character and appearance. There is no reason to reach a different conclusion now as the scope for additional development to be accommodated. Thus, the only reasonable conclusion is that the development does not make efficient use of land contrary to NPPF paragraph 122 and Policy HN1.
- 8.61. The appellant argues the site should be released due to a lack of 5 year HLS. NPPF paragraph 123 is highly relevant here. Where there is shortage of housing land, it is especially important to avoid low densities and to optimise the use of each site. Paragraph 123(a) relates to plan making, but the policy response of a significant uplift in the average density applies in a decision-taking context. Paragraph 123(c) is clear that proposals which fail to make efficient use of land they should be refused planning permission, even in the context that includes circumstances where there is a shortage of housing land. If sites are to be released to meet housing needs, they must be utilised efficiently to reduce the overall amount of land that has to be released.
- 8.62. Where a development comes forward that does not make efficient use of land it must be refused even in the context of additional housing need. Any conflict with NPPF paragraphs 122/123 must be given significant weight against the grant of permission. Any less weight would not achieve the policy objective of optimising densities in situations of housing need.
- 8.63. The appellant cannot argue for a site to be released due to a shortfall of sites but propose a scheme which reflects the low density of adjacent development that is below the average density for Woburn Sands (26-27dph). There is no evidence that even with 203 units the amount of development is optimal. The appellant has not produced evidence that shows a higher density would be unacceptable in planning terms¹⁰⁵. The appellant has reduced the planning judgment to a series of comparisons of density calculations.
- 8.64. The appellant's recalculation of density was flawed in that it omitted access roads and other elements. This excluded roads initially described as estate roads which should have been included in the net developable area as without them access to houses could not be achieved. The Council's Urban Capacity Study which supported Plan:MK makes it clear this approach was inconsistent¹⁰⁶. The appellant revised density figure is thus flawed and overstates the density. The reliance placed by the appellant on the 50% net developable area approach adopted in the Strategic Housing Land Availability Assessment¹⁰⁷ is also misplaced since that documents predates the revisions to the NPPF on density.

¹⁰⁵ In response before its closing submissions, the appellant noted that at the first Inquiry, an illustrative proposal by the appellant for 303 dwellings (Document 11.13) did not find favour with the Inspector at paragraph IR9.46

¹⁰⁶ CD5.12 paragraphs 1.1.3 and 1.2.2

¹⁰⁷ CD5.15 paragraph 7.7 and table 7.2

8.65. The comparative exercises in the appellant's planning witness' rebuttal¹⁰⁸ is flawed as it does not compare like with like. The areas examined include larger areas of open countryside rather than focusing on the built-up area and so does not help with whether the development makes efficient use of land. None of the above gives rise to any reason to reach a different view from that concluded previously by the SoS. It is submitted that the simple fact here is that the proposed development would not make efficient use of land and is unacceptable in policy terms as a result. Regardless of the HLS position, the conflict with the NPPF is so significant it justifies refusal in its own right.

Best and most versatile land (BMV)

8.66. The appellant accepted that the development will result in the loss of some BMV and that this gives rise to a conflict with Policy NE7. He accepted that Policy NE7 is consistent with the NPPF and up to date and is to be given full weight in the determination of this appeal.

Benefits of the proposed development

- 8.67. Regardless of the HLS position, it is accepted that the provision of affordable housing should be given significant weight. If there is a 5 year HLS, the benefits of extra market housing are moderate at best. The weight to ascribe should take into account that the actual amount of housing that may come forward is uncertain (up to 203). If there is no 5 year HLS then the benefits of extra market housing could be significant, depending on the number and how many units are likely to be delivered in the 5 year period.
- 8.68. It will take time for decision on this appeal. It took 18 months last time. If it is assumed that a decision to allow is reached in 6 months (July 2020) there would be a period of time to secure reserved matter approvals and discharge pre-commencement conditions before works start on site. Based on the evidence of the appellant's HLS witness, the average time from grant of outline permission to commencement on site is 5 years. If that were applied here, the development would make no contribution to the 5 year HLS. If commencement began at a rate 5 times faster i.e. July 2021 there would be delivery in the 5 year period. At 50dpa, this would be 150 units at most, so the weight to be given to the contribution to 5 year HLS must be reduced.
- 8.69. There have been no material changes in circumstances in terms of economic benefits, which should be ascribed moderate weight.
- 8.70. The appellant cites the provision of an alternative route to the existing Cranfield Road / Newport Road junction as a highway benefit, but the updated TA presents modelling that shows increases in queue lengths and traffic flows at both the Newport Road and Cranfield Road junctions. While a very modest impact, this does not suggest improvement. There is no appraisal of the benefit to safety and so anything suggested is just assertion. Thus, while the development is acceptable in highway terms, there are no material benefits to be weighed in favour.
- 8.71. It is unclear the extent to which the offer relating to medical facilities is justified as necessary to make the development acceptable in planning terms

¹⁰⁸ APP10

or the extent to which that offer goes beyond the mitigation of what is proposed. To the extent that it mitigates the effect of the development it is not a benefit but rather what is required to render the scheme policy compliant. To the extent that it goes beyond that position then it cannot be given weight as a benefit since to do so would be contrary to regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010.

- 8.72. No details have been provided to show that the development would provide potential to mitigate the risk of surface water flooding. Since this alleged benefit would involve drainage proposals which seek to address a pre-existing issue it cannot be required by condition or by a planning obligation since it goes beyond that which is related to the development proposed. To give this factor weight would thus be contrary to the requirements of NPPF paragraphs 55 and 56 and to regulation 122 of the CIL Regulations 2010
- 8.73. A high quality living environment is unknown at this stage given the outline nature of the proposal. Further, such a requirement is required to be delivered by all development in Milton Keynes as a result of Policies D1 and SD1 of Plan:MK. This is not a benefit but a policy requirement and so carries no weight.

The proper approach to the determination of this appeal

- 8.74. Policies DS1, DS2, DS5, HN1 and NE7 of Plan:MK and Policies WS5 and WS6 of the NP are all relevant development plan policies. They are also the policies which are the most important to determining the application¹⁰⁹. Further, as has been established above, they are all consistent with the NPPF and are up to date. The Council has a 5 year HLS. Thus, NPPF paragraph 11(d) is not engaged and rather it is NPPF paragraph 11(c) that should be used.
- 8.75. Plan:MK is up to date. The development does not accord with it overall since it conflicts with the spatial strategy, its policy approach to making efficient use of land and to avoiding the loss of BMV. Section 38(6) of the 2004 Act requires the application to be determined in accordance with the development plan unless material considerations indicate otherwise. The development conflicts with the above policies and so is not in accordance with the development plan.
- 8.76. The development's benefits are not of such a nature or scale to justify departure from the constraint policies of a recently adopted plan. All of the benefits could be claimed by any housing development on greenfield land on the edge of any settlement in Milton Keynes. The weight to these benefits cannot be such as to outweigh the conflict with the development plan. Thus, the development conflicts with NPPF paragraph 11(c) and is not sustainable development. It does not accord with the development plan with insufficient material considerations to outweigh the conflict.
- 8.77. If, contrary to the Council's case, NPPF paragraph 11(d) is engaged, it is accepted that the application of policies in the NPPF that protect areas or assets of particular importance do not provide a clear reason for refusing the proposed development. As such, NPPF paragraph 11(d)(i) does not provide a

¹⁰⁹ Based on the cross-examination of appellant's planning witness and the evidence in chief of the Council's planning witness

reason for refusing planning permission. Accordingly, the tilted balance in paragraph 11(d)(ii) would be engaged.

- 8.78. There would be adverse impacts in a development of inappropriate density and the loss of BMV. These impacts would conflict with NPPF paragraphs 122, 123(c) and 170(b). In circumstances where greenfield land is to be released to meet housing needs due to inadequacies in the 5 year HLS it is all the more important that efficient use is made of that greenfield resource to meet as much of the unmet need as is possible (NPPF paragraph 123). The development does not optimise the use of the site but promotes a sub-optimal density and continues the inefficient low density development of the past. This clear breach of NPPF paragraph 123 should result in refusal given the importance of the issue and the clear words of paragraph 123(c). This is an adverse impact contemplated by the NPPF as justifying refusal.
- 8.79. Even if NPPF paragraph 11(d) is applied, the Council submits that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. Accordingly, the proposed development does not represent sustainable development even on this basis. This means that the NPPF weighs heavily in favour of refusal of planning permission. Applying section 38(6), even in circumstances where there is no 5 year HLS, the breach of the development plan together with the breaches of the NPPF weigh heavily in favour of refusal. It is submitted that the other material considerations which weigh in favour of the grant of planning permission are not sufficient to outweigh these factors. Thus, even if there is no 5 year HLS, planning permission should be refused for the proposed development.

Conclusion

- 8.80. The planning system should not be an obstacle course for local planning authorities. It should be about delivering homes that are needed at the right time and in the right place. That is best achieved via the plan-led system and not ad hoc at appeal, making judgments on the capability of housing supply with regard to all material evidence.
- 8.81. Plan:MK is not even 12 months old since adoption and yet is faced with submissions that there is no 5 year HLS. All relevant evidence should be considered for the 5 year HLS position. All that a decision maker has to guard against is skewing the 5 year period by not including schemes in the assessment that were not there at the outset. The obstacle course promoted by the appellant has no place in policy or guidance and is wholly impracticable.
- 8.82. The proposed development is contrary to a development plan which is less than a year old and up to date. It is contrary to the NPPF. The application of section 38(6) points firmly in favour of refusal.

9. The Case for Interested Parties

- 9.1. A number of interested parties made representations to the first Inquiry. Paragraphs IR7.1 to IR7.49 of the first Inspector's report¹¹⁰ provide an overview of their comments. In summary, the representations focused on traffic and parking impacts, ecology, flooding, development plan compliance, and the effect on existing services and facilities. The following parties made representations to the second Inquiry:

*Councillor Jacky Jeffries – Woburn Sands Town Council*¹¹¹

- 9.2. Woburn Sands was still a small town at the start of the 21st century with a population of about 2,500 in 950 dwellings. New housing since 2006 have added 622 homes, a 65% increase and an even bigger population increase. Yet, the infrastructure remains virtually unchanged and restricted by available land. Milton Keynes has always sought to preserve the character of existing settlements and the WSNP seeks to preserve green space around town to create small separation from Milton Keynes. Hence, the site is designated open countryside.
- 9.3. Education and medical services in Woburn Sands are at capacity and the proffered doctor's site will not be taken up as it will not be viable. The town has lost shops and the bus service to central Milton Keynes is once an hour. The library remains open thanks to volunteers. The future of East-West rail is uncertain and the line separates the development from the town. There is also the threat of the Oxford to Cambridge Expressway with the preferred corridor almost certain to go through part of this development.

*Councillor David Hopkins – Milton Keynes Council and Wavendon Parish Council*¹¹²

- 9.4. Plan:MK is recently adopted and should be afforded full weight for applications and appeals. The Plan:MK Inspector did not support the representations of the appellant made at the examination. Plan:MK sets out where development should and should not take place. The site is open countryside. The appellant can make representations to the Plan:MK Review should they wish.
- 9.5. The Council can demonstrate a 5 year HLS with enough land in excess of the Plan:MK housing requirement including the shortfall and a 5% buffer. There is clear evidence of deliverability for each site in the 5 year supply.
- 9.6. The WSNP makes it clear that the site is not included directly or as a reserve site for development. Wavendon does not have a neighbourhood plan but does have 4000 dwellings underway within the parish boundary as part of the Strategic Land Allocation first identified in the Local Plan 2001-2011.
- 9.7. The land is close to the East-West rail link and the preferred option for the Oxford to Cambridge Expressway. The Plan:MK Inspector while allowing the South East Milton Keynes allocation restricted development before 2023 to allow for full consultation and approval of the Expressway. If the Expressway does not come forward or the route goes elsewhere, then this site could be considered against other sites.

¹¹⁰ CD10.33

¹¹¹ RID04

¹¹² RID05

- 9.8. There are issues regarding density. There are issues regarding the capacity of the local highway network now and in the future with East-West rail seeing additional trains and the level crossing closed more often. The neighbouring land at Wavendon House is now a registered park and garden. There needs to be a masterplan when this site does come forward to take account of the park and garden, the need for highways infrastructure and other improvements and the provision of local services.

*Judith Barker – local resident*¹¹³

- 9.9. Plan:MK has been adopted and does not designate the land for development. Policy WS5 of the WSNP protects the field behind Tavistock Close from development. Woburn Sands' character and identity needs protecting. New flats at the Greens development remain unsold. The town's infrastructure cannot cope and the railway is due to be upgraded. When there is a problem on the M1, traffic re-routes through Woburn Sands.
- 9.10. The appellant has control over land to the east of the site and permission would set precedent for more rural development. Land along the A421 is already being developed for 4000-6000 dwellings with extra cars on local roads. New housing is not being bought by local people. Milton Keynes has a 20 year land supply in pipeline. Highways England has recommended no permission on land within the preferred route corridor until further consultation on route options in 2020.
- 9.11. If applications get turned down and the developer appeals and wins the Council has to recompensate the development with council tax money. The appellant has prejudiced the appeal outcome by giving a story to The Times complaining that smaller building companies are not getting permissions for political reasons when the reality is based on planning grounds. The importance of open countryside for nature and wildlife cannot be ignored in light of climate change issues and sustainability. There is a shortage of Council housing rather than housing in general. Firms are getting approvals and then not building to raise the land value for speculation purposes. Finally, Milton Keynes has 4 times more urban land than UK average and over 10 times less natural areas, all the more important to protect open countryside.

*Jenny Brook – local resident*¹¹⁴

- 9.12.** We will need farmland even more in the context of Brexit. Curveballs are being thrown at the local planning authority. Milton Keynes was intended as a city for 250,000 people and is now planning for 500,000 people. There are national infrastructure issues with East-West Rail and the Expressway. Network Rail has said the level crossing is not their issue. Plans need to be put in place to deal with the through traffic issue.

¹¹³ RID16

¹¹⁴ Oral comments only

10. Written Representations

- 10.1. In terms of the original application and appeal, paragraphs IR8.1 to IR8.6 of the first Inspector's report set out the comments that were made. They covered many of the points raised by interested parties above.
- 10.2. In terms of the redetermined appeal, there have been 11 letters of objection¹¹⁵ from local people and statutory bodies, and a further written objection received at the Inquiry highlighting concerns with surface water flooding from the site to adjoining properties¹¹⁶. The concerns raised in all of the other letters highlighted similar issues to those raised above. They included the loss of open countryside, ecological and flooding impacts, the capacity for Woburn Sands to take more development, increased strain on local services including the doctors and the police, traffic effects including delays at the level crossing, and the route of the potential Expressway.
- 10.3. One of the letters was from Highways England dated 13 December 2019 noting that the site lies within the preferred corridor of the Expressway. The letter registered concerns that development of the site could affect or be affected by a potential route option either directly or indirectly. The letter noted that environmental and planning constraints in the Woburn Sands area effectively limit the potential availability of route options in this area. As such, there are risks of conflict with the Expressway particularly in relation to proposals for major development which lie outside defined settlement boundaries. Highways England supports Plan:MK which seeks to accommodate necessary growth in the form of sustainable development whilst facilitating the Expressway as a key national infrastructure project with the potential to increase connectivity in Milton Keynes. The letter concludes that the development would be contrary to the adopted development plan and as such would potentially result in conflict with the Expressway.

¹¹⁵ See bundle of representations in REP1

¹¹⁶ RID11

11. Conditions and Obligations

- 11.1. Suggested conditions are included in Section A2 of the agreed SOCG between the parties¹¹⁷. They are based on the conditions recommended by the first Inspector with an additional condition relating to housing mix. The list of recommended conditions (28) in the attached annex are broadly the same of those in the SOCG with some small drafting changes to reflect discussions at the Inquiry. The main change is to Condition 3 which only requires compliance with those parts of the plans not reserved for later approval; the previous wording required the development to be along the lines of the illustrative layout and parameters plans which would prejudice the reserved matter applications.
- 11.2. Should the Secretary of State decide to allow the appeal, I consider all of the conditions to be necessary and meet the tests in NPPF paragraph 55. The reasons for each condition, including why some need to be pre-commencement, are set out in the annex.
- 11.3. The main thrust of the S106 agreement is set out above in Section 3 of this report. The justification for each obligation was set out by the Council before the Inquiry opened with further clarification provided during the Inquiry¹¹⁸. The affordable housing obligation meets the requirements of Policy HN2 of Plan:MK. The carbon neutrality obligation meets the requirements of Policy SC1 to help offset the carbon impact of the development. The obligations relating to education facilities are in accordance with Policy INF1 of Plan:MK and the Planning Obligations for Education Facilities SPG¹¹⁹ to address the impact of the development on school places. The leisure, recreation and sports obligations¹²⁰ are in accordance with Plan:MK Policies INF1 and L4 and the Planning Obligations for Leisure Recreation and Sports Facilities SPG¹²¹ to address the on-site and off-site impact of the development on such facilities. This includes an obligation to agree the specification of public open space within the development.
- 11.4. The social infrastructure obligations¹²² are in accordance with Policies INF1 and CC1 of Plan:MK and the Social Infrastructure Planning Obligations SPD¹²³ and address various social requirements arising from the development. They include a financial contribution either towards the provision of the on-site surgery or expanding capacity at the nearest surgery serving the development. There is also an obligation relating to reserving a site within the development for a potential health facility should this be required to address capacity issues in the local area that have been identified by the Council and relevant parties.
- 11.5. There is an obligation relating to the provision of bus vouchers and the distribution of travel information packs to promote more sustainable mode of transport in accordance with Policy CT5 of Plan:MK on public transport. There

¹¹⁷ Section A2 of RID06

¹¹⁸ RID12

¹¹⁹ RID32

¹²⁰ Relating to playing fields, local play, neighbourhood play, community hall, local park, district park, allotments, and sports hall

¹²¹ CD5.9

¹²² Relating to public art, libraries, burial grounds, heritage, health facilities, waste management, social care-day care, emergency services, voluntary sector, skills and training, and inward investment

¹²³ CD5.10

is also an obligation to secure the highway works necessary to form the highway accesses and connecting footpaths to the site.

- 11.6. All of the above obligations are necessary to make the development acceptable in planning terms. They are also directly related to the development, and fairly and reasonably related in scale and kind to the development. Therefore, they meet the 3 tests set out in NPPF paragraph 56 and regulation 122 of the CIL Regulations 2010.

12. Conclusions

12.1. The numbers in square brackets refer back to earlier paragraphs which are relevant to my conclusions.

Main Considerations

12.2. The main considerations for the reopened Inquiry were informed by the previous decision letter, notwithstanding submissions by both main parties on the extent to which specific sections of that letter remain a material consideration. Nevertheless, it was broadly accepted that those sections which did not form part of the High Court judgment to quash the first decision, or have not been overtaken by circumstances such as the adoption of Plan:MK, remain relevant to this redetermination. **[7.1-7.4 and 8.2-8.4]**

12.3. The main considerations were narrowed down at the pre-Inquiry meeting¹²⁴. At the start of the Inquiry the main parties confirmed that the effect on the character and appearance of the landscape was no longer a main consideration. It was agreed that the main considerations now are as follows¹²⁵:

- (a) whether or not the Council can demonstrate a 5 year supply of deliverable housing sites;
- (b) whether the proposed housing would be in an appropriate location having regard to the development plan and national policies, as well as routes of potential new transport infrastructure;
- (c) the acceptability of the proposed housing density; and
- (d) the overall planning balance in relation to the economic, social and environmental dimensions of sustainable development.

Housing Land Supply

12.4. A number of overarching themes were debated at the Inquiry which are discussed below before turning to an assessment of specific sites and whether the Council can demonstrate a 5 year HLS.

The definition of deliverability

12.5. The 2019 revision to the NPPF definition of deliverable retains reference to “a realistic prospect that housing will be delivered on the site within five years” as it did in the original 2012 version of the NPPF. The Court of Appeal judgment in *St Modwen* found that realistic prospect did not mean a site’s deliverability must necessarily be certain or probable. It also noted the distinction between deliverability and delivery in that a deliverable site does not necessarily have to be delivered. **[8.23-8.24]**

12.6. The more recent Court of Appeal judgment in *East Bergholt* noted that a decision maker could adopt a more cautious view when assessing a “realistic prospect”. It went on to say that the assessment of realistic prospect falls

¹²⁴ CD10.44

¹²⁵ It was agreed by the main parties at the start of the inquiry that the effect of the development on the character and appearance of the landscape and surrounding area was no longer a main consideration

within the realms of policy and planning judgment rather than a legal concept. The judgment did not seek to take a different view on the distinction between deliverability and delivery. Therefore, I consider that the *St Modwen* and *East Bergholt* approaches are broadly compatible and there is no need to favour one over the other when assessing deliverability. **[7.21, 8.25]**

- 12.7. Nevertheless, the 2019 revision to the NPPF resulted in a more precise approach to the assessment of deliverability, with two specific categories (a) and (b) and the need to provide clear evidence in both. This necessitates a site specific assessment to determine whether a site is deliverable.

The base date and timescale of the evidence

- 12.8. The Council uses a base date of 1 April 2019 for the purposes of calculating its 5 year HLS position. It published its assessment in June 2019 with the housing trajectory in Appendix 1 containing notes on deliverability. Proformas were sent out by email on 20 May 2019 asking for a reply by 7 June 2019. Where no response was received, this was followed up. It was accepted by the Council that the amount of evidence predating 1 April 2019 that informed the assessment was limited. **[7.26]**
- 12.9. However, there is nothing in the NPPF or PPG that stipulates that all of the documentary evidence for a 5 year HLS has to be available at the base date itself. Instead, the PPG advocates the use of the latest available evidence. A local planning authority can prepare and consult on an APS after the 1 April base date before submission to the Planning Inspectorate by 31 July. While not directly applicable here, this indicates that evidence can be produced and tested after the base date. The HLS position statements in Babergh and Mid Suffolk for the 2019-2024 period were published in September 2019 and included data to justify supply that was only known about after 1 April. **[7.25, 8.16, 8.17, 8.19, 8.20]**
- 12.10. The Council has avoided adding new sites after the base date to prevent the skewing of supply in line with the Woolpit decision. While the Woolpit Inspector criticised the retrospective justification of sites after the publication of the Annual Monitoring Report, the Inspector at Darnall School Lane permitted additional evidence to support sites identified as deliverable at the base date which was a position accepted by the SoS in that case. The Longdene and Colchester Road Inspectors took a similar approach. In terms of Milton Keynes appeals, the Castlethorpe Road and the Globe Inspectors took into account the proformas used by the Council to inform its June assessment of 5 year HLS. **[7.23, 7.24, 8.18, 8.21]**
- 12.11. Therefore, I consider it acceptable that the evidence can post-date the base date provided that it is used to support sites identified as deliverable as of 1 April 2019.
- 12.12. The appellant argues for a 1 October 2019 base date in order to take into account the Council's June assessment and quarterly monitoring data. This would result in a necessary adjustment of the 5 year supply period to 30 September 2024. There is little in national policy or guidance that advocates such an approach and it would appear to go against efforts to create greater certainty in the planning process. I concur with the Council that such an approach would mean having to argue HLS at every appeal, rather than having

a fixed base date. Moreover, the quarterly monitoring data is not intended to be an updated assessment of supply¹²⁶. Thus, I do not consider it necessary to apply a 1 October base date. Nevertheless, if the SoS disagrees on this point, my assessment of specific sites below includes an assessment of the 5 year HLS supply position using a 1 October base date. **[7.27, 8.22]**

The proformas

- 12.13. The appellant's criticisms of the Council's use of proformas focused on whether they provided sufficient written evidence in line with the guidance in the PPG 68-007 and, in some cases, whether the reliance on information provided by bodies such as Homes England and the MKDP on sites in public ownership was appropriate. **[7.28, 7.30]**
- 12.14. Dealing with the former, the Council clarified at the Inquiry that the proformas included a covering letter explaining their purposes for assessing 5 year HLS. Representatives of each site were asked to confirm or amend the Council's trajectory for each site. Although relevant boxes were not always ticked, the proformas were signed and returned with a covering email in many cases. While a SOCG or MOU could provide more information, they offer no more of a commitment to the deliverability of homes than a proforma. Therefore, I consider that a proforma can, in principle, provide clear evidence of a site's deliverability. Additional evidence to support a proforma can also be taken into account subject to its specific content and timing. **[8.11, 8.21, 8.36]**
- 12.15. Turning to the latter, it is apparent that some publicly owned sites have not come forward as quickly as anticipated such as Tattenhoe Park. However, the evidence linking slow delivery to unreliable forecasting from the bodies responsible for managing the disposal of these sites is not conclusive. Although representatives of Homes England and MKDP form part of the group that assesses the proformas, there is little to suggest that their responses to their own proformas is misleading or inaccurate in principle. Therefore, it would not be appropriate to automatically disregard all of their sites. **[8.35]**

Past forecasts and the application of discount rates

- 12.16. The first Inspector for this appeal noted the uncertainty, slippage and failure in the Council's forecasts of housing delivery and that reasonable adjustments would clearly reduce the HLS to less than 5 years. Evidence presented to this Inquiry has noted the historic under-delivery of housing against forecasts of around 28-30%. While delivery is not the same as deliverability, it is apparent that past forecasting has not been particularly accurate. However, recent evidence in terms of housing delivery has shown that the Council met its annual delivery requirement from Plan:MK for 2018/19 and is set to do so again for 2019/20. The number of units under construction is at a high rate. **[7.31, 7.32, 8.8].**
- 12.17. The Plan:MK Inspector found the plan sound in terms of housing delivery rates and considered the higher delivery to be realistic with minimal risk of non-delivery. I accept that the Inspector examined the plan under the

¹²⁶ LPA3 paragraph 2.9

2012 NPPF definition of deliverable and it should not be assumed that because the plan was found sound that a 5 year HLS can be demonstrated now. There is a need to review sites on the basis of the 2019 NPPF definition. Indeed, the Council has removed sites in the Plan:MK supply for completion by 31 March 2024 where it no longer considers they meet the new definition. **[7.16, 8.9, 8.13]**

12.18. Nevertheless, the appellant has not applied a discount of 28-30% to their assessment of the Council's 5 year HLS as they have carried out a site by site assessment. Moreover, the appellant accepted that for the purposes of establishing whether a 5 year HLS exists, it is only necessary to apply a 5% rather than a 20% buffer in Milton Keynes due to rates of delivery. **[8.26, 8.28]**

12.19. The Council has historically applied a lapse rate to its forecasting of HLS for sites with delivery in Year 5, where a 10% discount is applied across the 5 years for those sites. Given that the Council has moved to a site by site assessment, it considers that such a discount is no longer necessary. However, for robustness and consistency with the Plan:MK trajectory, the discount has been applied to this appeal by the Council. Therefore, I have taken into account the Council's lapse rate as part of my HLS assessment. Based on recent delivery rates and Plan:MK, I see no reason to apply a greater discount than the Council's rate **[8.27, 8.29]**

Build-out rates

12.20. National reports¹²⁷ are helpful in identifying previous maximum average built-out rates over 5 years for large strategic sites like Brooklands (268 dwellings per annum). However, they can only be a guide and consideration should be given to evidence relating to specific sites as set out below. **[7.29, 8.37, 8.39]**

Prior approval sites

12.21. Prior approval sites are not mentioned in categories (a) or (b) of the NPPF definition of deliverable. However, I am persuaded by the Council's argument that where Article 3 of the GPDO grants planning permission for development in Schedule 2, that is within the definition of planning permission in the TCPA 1990. Such approvals are designed to provide a boost to new housing and are required to be implemented within 3 years. The PPG at 68-029 only refers what can count as a completion for the purposes of calculating HLS. It refers to new build, conversions and changes of use, but only in the context of where housing has been completed. Nevertheless, the PPG and NPPF do not explicitly exclude prior approval sites from housing supply. The Inspector and SoS at the Hanging Lane decision found that such sites can be taken into account as part of a 5 year HLS assessment. **[7.74, 8.30-8.34]**

12.22. Thus, I consider that prior approval sites can be regarded as having detailed planning permission and can form part of the supply of deliverable sites within category (a). The onus is on the appellant to demonstrate clear

¹²⁷ Such as CD11.1

evidence that such sites do not have a realistic prospect of being delivered within 5 years.

Consistency with previous appeal decisions in Milton Keynes

- 12.23. The Globe and the Castlethorpe Road appeal decisions dated 5 and 26 September respectively came to different conclusions on whether the Council could demonstrate a 5 year HLS. The former said it could and dismissed the appeal whereas the latter said it could not and allowed both appeals. Both had regard to the most up to date evidence including the proformas and both noted the recent improvement in housing delivery. The Castlethorpe Road decision found that reliance on past rates of delivery to be inappropriate, but nevertheless applied an optimism bias to the supply at a point midway between the appellants and the Council. The decision also considered that clear evidence for at least 2,717 houses had not been shown.
- 12.24. The Castlethorpe Road decision was challenged by the Council, but permission to apply for statutory review was refused by the High Court. Nevertheless, it would be wrong to afford Castlethorpe Road more weight than the Globe on the premise that it was more legally robust as the Globe has not been tested in the same way. Likewise, while the Castlethorpe Road Inspector explains in paragraph 65 why he has come to a different view on HLS to the Globe Inspector, this is largely on the basis of the nature and manner in which evidence was presented to him rather than any criticism of the Globe decision. **[7.33, 8.10-8.13]**
- 12.25. Therefore, it is not possible to say that one decision should be preferred over the other. There is a need for consistency in appeal decisions along with clear explanations of any divergence in views from another Inspector. This report is based on the evidence before me, and where necessary, it will explain any difference in findings to the Castlethorpe Road or Globe Inspectors.

Assessment of disputed sites

- 12.26. The following assessment is based on the disputed sites set out in the appellant's proof of evidence for HLS (APP2/3), specifically in Table 23 and Appendix 3, along with the HLS SOCG (SOCG1), specifically Table 3. The appellant's rebuttal proof updated Appendix 3 and included at Appendix 3a summarising the main parties' positions on each site (APP4/5/6). Following the roundtable session, the appellant produced an errata document (RID20/RID36) that updates Table 23 in the proof of evidence and Table 3 in the SOCG. The errata document also contains updates to Tables 21 and 22 in the appellant's proof setting out the contended land supply positions at 1 April and 1 October 2019. Appendix 6 of the Council's proof of evidence on HLS (LPA2) contains the primary source of evidence for each site.

Strategic sites - Brooklands (Site 1) [7.35-7.37, 8.40]

- 12.27. Brooklands has detailed planning permission for all of its remaining parcels. While the projected completions are high, the rate of delivery over the past 4 years has been high at an average of 247dpa. There have been 267 completions in 2019/20 up to 1 January 2020 against a projection of 182. While one parcel did not submit a proforma response, the Council's projections are based on delivery across the wider site and the phasing methodology. The

appellant's criticisms in terms of the limited number of developers, local experience, past rates of delivery and national reports do not match the current build out rates since 2015/16. Therefore, there is a realistic prospect that the projected housing will be delivered in the 5 year period with no clear evidence to the contrary. This applies to the April and October base dates.

Strategic sites – Tattenhoe Park (Site 2) [7.38-7.39, 8.41]

12.28. The projected completions on Phases 2-5 at Tattenhoe Park were considered deliverable by the Council in the June HLS assessment, based on proformas returned that month. The completions were taken into account by the Globe Inspector and rejected by the Castlethorpe Road Inspector, both based on the above proformas. The 2018 tender documents for Phases 2 and 3, which were provided to the Council in November 2019, are an indication that Homes England is actively seeking to facilitate delivery of housing (including lead-in times and build out rates). Both phases now have detailed permission via reserved matter applications granted in October and November 2019. While the Castlethorpe Road Inspector found the evidence to be lacking, the additional information provides clear evidence that there is a realistic prospect of housing delivery in the 5 year period for Phases 2 and 3. This applies to both the April and October base dates. Conversely, no additional information has been put forward for Phases 4 and 5 and so there is an absence of clear evidence of their delivery. Thus, these phases are removed from both the April and October base dates (delete 195 units from Site 2)

Strategic sites – Western Expansion Area (Site 3) [7.40-7.41, 8.42]

12.29. The Western Expansion Area in terms of disputed elements consists of Area 10 Remainder and Area 11 Remainder. Both areas are covered by outline planning permission apart from one parcel that now has reserved matters approval for 152 units. The Council highlights the rate of completions for Area 10 since delivery began in 2015/16 which are now up to 300dpa. For Area 11, completions are up to 288dpa and have exceeded projections already for 2019/20. Site wide infrastructure is in place for the plots expected to deliver in the 5 year period. The Globe decision took the Council's projections into account whereas the Castlethorpe Road decisions did not. However, it is not evident that the latter had the benefit of the proformas dated 10 July 2019 given this was the same date as the hearing. A disposal strategy from the landowners dated December 2019 has been added to the evidence for both areas which sets out further evidence of projected completions. Based on the lack of land disposals since March 2019, this has led to the Council revising down its 5 year trajectory by 306 units for Area 10 and 229 units for Area 11 as a worst case scenario. Nevertheless, apart from these reductions, I consider that there is clear evidence of a realistic prospect of housing delivery for the remaining units in the 5 year period for either April or October (delete 535 units from Site 3).

Strategic sites – Strategic Land Allocation (Site 4) [7.42-7.44, 8.43]

12.30. The Strategic Land Allocation is divided into a number of large outline sites with several developers. There are 5 parcels that only had outline permission as of 1 April 2019. No proforma was submitted for the Ripper Land parcel and the only evidence is an email from the landowner who highlights

access issues. In line with the Castlethorpe Road Inspector, there is a lack of clear evidence regarding the deliverability of this site (delete 85 units).

- 12.31. No proforma has been submitted for the Land West of Eagle Farm South parcel but this has reserved matter approval. The appellant has queried the build-out rate alongside the other two Eagle Farm parcels with reserved matter approvals, but all 3 parcels have started delivering in line with or ahead of projections. As such, there is no clear evidence to indicate that Land West of Eagle Farm South will not deliver the projected housing in the 5 year period.
- 12.32. The remaining Eagle Farm parcel for 125 units has outline permission only with no proforma returned. An email from October indicates a reserved matter application in the summer of 2020, but it provides little else in the way of clear evidence that the projected number of units will be delivered within the 5 years (delete 125 units).
- 12.33. The proforma for the remaining outline permission at Glebe Farm was submitted after the June HLS assessment but indicates a strong rate of delivery of units. Two parts of the remaining outline permission now have reserved matters approvals from September and October 2019 for a total of 366 units. This surpasses the 310 projection in the 5 year supply and with two developers operating the build-out rates appear realistic. A proforma from one of the developers in November supports these rates. Although this evidence post-dates 1 April 2019, it clearly demonstrates there is a realistic prospect of delivering the projected amount of housing within the 5 year period.
- 12.34. The Council's projection of 180 units for the Golf Course Land was based on the proforma dated May 2019. Since then, reserved matters approval was granted on 1 November 2019. This additional information provides clear evidence of deliverability within the 5 year period.
- 12.35. The proforma for Church Farm indicates a reserved matters application by late 2019. The Globe decision found this to be sufficient information whereas the Castlethorpe Road decision considered it fell short. Further information indicates that the application submission has now slipped to Easter 2020 with issues regarding road to be agreed. This continues to fall short of the clear evidence to demonstrate a realistic prospect of delivery (delete 90 units).

Outline or pending permissions as at 1 April 2019

- 12.36. The June 2019 proforma for Newton Leys (Site 5) indicates the delivery of 80 units, which has been reinforced by reserved matters approval in September 2019. The Globe decision considered the site was deliverable and I consider there is clear evidence and a realistic prospect of delivery at either base date.
- 12.37. The June 2019 proforma for Campbell Park Remainder (Site 6) indicates the delivery of 300 units in the 5 year period. The Globe and Castlethorpe Road decisions came to opposite conclusions on the deliverability of this site. There is now further information in the form of email correspondence from December 2019 that outlines progress towards starting on site in 2021. This represents clear evidence of deliverability and as such there is a realistic prospect of the projected numbers coming forward for either base date.

- 12.38. The June 2019 proforma for Wyevale Garden Centre (Site 9) noted a resolution to grant planning permission. This was granted in July 2019. This supports clear evidence of the site being deliverable, while the build-out rates of 150 and 130 units in 2021/22 and 2022/23 appear achievable given that the development relates to apartments that can be delivered in larger numbers at one time. Therefore, there is a realistic prospect of the projected numbers coming forward for either base date.
- 12.39. Planning permission for the Agora redevelopment (Site 13) has lapsed and the June 2019 proforma noted viability issues and a pending decision on whether to list the existing building. The Castlethorpe Road decision found clear evidence to be lacking. Further information from November 2019 notes that the listing request was turned down and there has been progress towards planning permission and building demolition in 2020. While viability issues remain over S106 contributions, this does not appear to be a significant constraint. Based on the above, clear evidence of deliverability has been demonstrated and as such there is a realistic prospect of the projected numbers coming forward for either base date.
- 12.40. At the inquiry, the Council accepted that Galleon Wharf (Site 14) is not deliverable. I have no reason to disagree (delete 14 units).
- 12.41. The Railcare Maintenance Depot (Site 15) has outline permission, but the June 2019 proforma provides no information on progression towards approving reserved matters. The appellant also notes that part of the site has now been developed for a supermarket. Based on the lack of clear evidence, it has not been demonstrated that a realistic prospect of delivery exists for either base date (delete 175 units).
- 12.42. Eaton Leys (Site 16) has outline permission but no proforma was submitted in June 2019. However, a reserved matter application was pending and due to be determined by January 2020. A proforma was provided by the developer in December 2019 updating projections which appear achievable for the size of development and a major housebuilder. Thus, there is clear evidence of deliverability and as such a realistic prospect of the projected numbers coming forward for either base date.
- 12.43. The June 2019 proforma for Timbold Drive (Site 26) provides limited information on the delivery of the site notwithstanding an existing outline permission. The Council notes in its proof that a new outline permission is being sought. There is a lack of clear evidence of progress towards a reserved matters approval and a realistic prospect of delivery within 5 years has not been demonstrated (delete 130 units).
- 12.44. The June 2019 proforma for Land at Walton Manor (Site 33) provides little information on delivery. The site had an application for outline permission as at 1 April 2019 which was granted in November 2019. However, there is little information on start times and build out rates. Thus, clear evidence is lacking and a realistic prospect of delivery in 5 years has not been demonstrated (delete 115 units).
- 12.45. The June 2019 proforma for Land at Towergate (Site 34) notes marketing in the summer of 2019 and a start date of January 2021. Progress has been made in terms of discharging conditions, but there is limited

information on progress towards approving reserved matters. Thus, clear evidence is lacking and a realistic prospect of delivery in 5 years has not been demonstrated (delete 150 units).

- 12.46. For High Park Drive (Site 36), no proforma was submitted in June 2019. However, a reserved matters application was submitted in November 2019 along with applications to discharge conditions. A proforma from November 2019 indicates a start date of autumn 2020. Thus, there is clear evidence of deliverability and as such a realistic prospect of the projected numbers coming forward for either base date.
- 12.47. For Land East of Tillbrook Farm (Site 40), the anticipated reserved matters application in the summer of 2019 did not materialise but a January/February 2020 application was indicated in further information. Thus, there is clear evidence of deliverability and as such a realistic prospect of the projected numbers coming forward for either base date.
- 12.48. The June 2019 proforma for Land West of Yardley Road (Site 42) indicated the submission of a reserved matters application in July. The Globe decision found the site was deliverable. The application was delayed until November 2019, but this still demonstrates progress towards securing detailed permission. Thus, there is clear evidence of deliverability and a realistic prospect of the projected numbers coming forward for either base date.

Sites with prior notification approval as at 1 April 2019

- 12.49. Based on the above reasoning, Maybrook House (Site 37), Mercury House (Site 38) and Bowback House (Site 39) can be considered as having detailed planning permission based on their prior notification approval to convert from officers to residential. No proformas have been submitted for these sites, but the assumption should be that there is a realistic prospect of delivery unless clear evidence indicates otherwise. All 3 sites had prior notification granted in 2018 and so as of 1 April 2019 there was still ample time to implement. While the sites may not be fully vacated now and being marketed for office use, there was a realistic prospect of delivery as of 1 April 2019 with no clear evidence to the contrary. Therefore, all 3 sites can be included within the 5 year supply.

Allocated sites as at 1 April 2019

- 12.50. No evidence for the South East Milton Keynes Strategic Growth Area (Site 7) was presented to the Castlethorpe Road Inspector and so it was discounted. However, the Council note that the projection is based on the Plan:MK trajectory and the SOCG to the plan examination. There is the uncertainty of whether the route of the Oxford to Cambridge Expressway will go through the site, delaying progress with delivering housing. However, the Plan:MK Inspector referred to a modest output by 2023/24. Although there have been delays to announcements on the preferred route of the Expressway, progress is being made towards a planning application for a smaller part of the site and a wider Development Framework is being prepared. Therefore, clear evidence of a realistic prospect of delivering 50 units on the site has been demonstrated.

- 12.51. Berwick Drive (Site 8), Food Centre (Site 10), Redbridge and Rowle Close (Sites 11 and 12), Land off Hampstead Gate (Site 19), Land off Harrowden (Site 20), Hendrix Drive (Site 22), Kellan Drive (Site 23), Singleton Drive (Site 24), the former Milton Keynes Rugby Club (Site 25), Land north of Vernier Crescent (Site 28), Manifold Lane (Site 29), Daubney Gate (Site 30), Springfield Boulevard (Site 31), Reserve Site Hindhead Knoll (Site 32), Reserve Site 3 (Site 35) and Tickford Fields (Site 41) are all allocated sites where the June 2019 proformas gave little information on the delivery of these sites and the Castlethorpe Road decision found clear evidence to be lacking.
- 12.52. For Site 8, Site 23 and Site 31 there is further information from the Council's property team dated November 2019 setting out a specific timetable for delivery by 2021, albeit with a revised number of dwellings. For Site 10, there is now a planning performance agreement for the site, and hybrid planning applications have been submitted following positive public consultation events for a significantly larger number of units overall. The Council's June assessment projected 298 units delivered in the 5 years, although this has been revised down to 200 units based on the further information. For Site 19, Site 29, Site 30, Site 32 and Site 41 there is further information in the form of emails setting out the timetable for an application and construction. For Site 25, land disposal has been agreed and plans prepared. Based on the above, clear evidence of deliverability has been demonstrated and as such there is a realistic prospect of the projected numbers coming forward for either base date.
- 12.53. For Sites 11 and 12, an updated proforma and letter from November 2019 confirms that the sites have passed through a neighbourhood plan examination with increased unit numbers. However, there is no clear evidence of a timetable for submitting planning applications and starting on site (delete 19 + 18 units). For Sites 20, 22, 24, 28 and 35 there is no further information provided meaning that there is still a lack of clear evidence to demonstrate a realistic prospect of delivery for either base date (delete 25 + 10 + 22 + 14 + 22 units).
- 12.54. The Lakes Estate Neighbourhood Plan site allocations (Site 17 as well as Site 18 Phelps Road and Site 27 Southern Windermere Drive) gave limited information on firm progress towards the submission of an application and the Castlethorpe Road decision found clear evidence to be lacking. Further information and timings have been submitted in November 2019 providing greater detail on progress towards submitting the application and starting on site. The development would deliver a net total of 398 dwellings allowing for the demolition of existing Council homes. Phase A will involve the construction of 110 new homes, with further new homes in Phase B only once demolition has taken place in early 2022. Therefore, there is a realistic prospect of delivering the 130 units projected by the Council over the 5 year period, with clear evidence to support this for either base date.
- 12.55. The self-build plots at Broughton Atterbury (Site 21) form part of an allocated site with the wider site subject to detailed planning permission. However, the June 2019 proforma provides little information on the delivery of this site and no further information has been provided on this matter or evidence of demand for such plots. Thus, there is a lack of clear evidence to

demonstrate a realistic prospect of delivery for either base date (delete 6 units).

New sites between 1 April and 1 October 2019

- 12.56. In the event that a 1 October 2019 base date is preferred, there are a few sites that could be included in the 5 year supply, although the appellant disputes their inclusion. Omega Mansions (Site 43) and Chancery House (Site 45) are prior notification approvals for office to residential granted in July and August 2019 respectively. There is no clear evidence to indicate these sites with detailed permission will not deliver within the 3 years of their approval. Therefore, they can be included for an October base date. Cable House (Site 44) is a duplication with Mercury House and so has not been included. The appellant has also referred to a prior notification site at Station Road Elder Gate (Site 48) although I have little information on this site including any projected numbers. As such, it makes no difference to the supply either way.
- 12.57. Land south of Cresswell Lane (Site 46) was an allocated site as of 1 April 2019 but gained detailed permission for 294 flats in July 2019. A proforma from November 2019 indicates delivery within the 5 years which is achievable for two blocks of flats. There is no clear evidence to suggest there is not a realistic prospect of delivery and so the site can be included for an October base date.
- 12.58. The Castlethorpe Road decisions (Site 47a/b) granted outline permission for 50 units on one site (a) and detailed permission for 51 units on the other site (b). For the latter, there is no clear evidence to indicate non-delivery in the next 5 years. For the former, there is no clear evidence to demonstrate progress towards reserved matters approval. Therefore, I can include Site 47(b) for an October base date but exclude Site 47(a) (delete 50 units).

Sites potentially delivering between 1 April and 30 September 2024

- 12.59. If the base date is shifted to 1 October 2019, this would necessitate moving the end date to 30 September 2024 in terms of the 5 year period. Based on the June 2019 assessment, there are 13 sites currently in Year 6 (2024/25) that are shown as starting to deliver in that year. At the Inquiry, the Council only sought to argue that 4 of them have a realistic prospect of delivery. The amount for each site would be half of that shown in Appendix 1 of the June assessment for 2024/25 given that 1 April to 30 September is 6 months.
- 12.60. The sites at the rear of Saxon Court (Site 49), the rear of Westminster House (Site 50), Site C4.2 (Site 51) and the Cavendish site (Site 52) within the Fullers Slade regeneration project are all allocations in Plan:MK. There is little evidence of progress towards applications for any of these sites. Site 49 has had a development brief prepared but there is no other information. The regeneration project has been through a referendum and a development programme agreed. While an application could be submitted in late 2020 and delivery commence in the 5 year period for Site 52, there is little evidence to support this position. Therefore, it has not been shown that there is a realistic prospect of delivery for these 4 sites and they should not form part of the 5 year supply for a 1 October 2019 base date (delete 20 + 15 + 22 + 9 units).

Conclusion on housing land supply

- 12.61. For the 1 April 2019 base date, the Council considers it has a surplus of 2,845 units with a lapse rate applied to the supply (removing 678 units) in Scenario 1 above **[8.44]**. The appellant's closing statement reports the Council's contended surplus to be 2,844 which is one unit lower **[7.19]**. The discrepancy is not clear, but I have used the lower surplus figure just in case. The above assessment deletes a number of units from specific sites coming to a total of 1,750 units deleted for a 1 April base date. This would reduce the surplus to 1,094 units and result in a supply of 11,181 units (12,931 – 1,750). Set against an agreed 5 year requirement of 10,087 units this would result in a HLS of 5.5 years. Bearing in mind that the lapse rate has only been applied to ensure robustness, I am satisfied that the Council can realistically demonstrate a 5 year HLS for this base date.
- 12.62. For a 1 October 2019 base date position, the Council's surplus based on its monitoring data and its approach to assessing deliverability is 3,859. The reduction in units set out above, including those sites purported to be in a 5 year supply between 1 October 2019 and 30 September 2024, comes to a total of 1,866 units deleted. The effect on the surplus would reduce it to 1,993 units and result in a supply of 12,083 units (13,949 – 1,866). Set against a 5 year requirement of 10,091 units, this would result in a 5 year HLS of 5.99 years for this base date.
- 12.63. I have had regard to the Council's Scenario 2 **[8.45]** which includes all of the adjustments in paragraph 4.62 of the Council's proof (LPA1) except paragraph 4.62.11 along with the removal of Site 14 at Galleon Wharf. This scenario sees an overall reduction in supply by 330 units from Scenario 1 but still provides a 5 year HLS of 6.25 years. My assessment above has already applied the adjustments to the sites in paragraphs 4.62.1 and 4.62.2 and deleted all or part of the sites in paragraphs 4.62.6, 4.62.12 and 4.6.13. It has not applied the adjustments in the remaining paragraphs, but even if it did, this would result in a minor overall addition of 95 units to the supply for the April base date. Thus, Scenario 2 does not affect my findings on HLS.
- 12.64. Scenario 3 is the same as Scenario 2 **[8.46]** but without the Council's lapse rate applied. I have decided that it would be prudent to apply the lapse rate and so this scenario also does not affect my findings on HLS.
- 12.65. In conclusion and based on the evidence before me, I find that the Council can demonstrate a 5 year supply of deliverable housing sites whichever approach is taken in terms of the base date, and even with the application of the Council's lapse rate. In the event that the SoS finds that a 5 year supply cannot be demonstrated, I deal with this scenario and its implications below.

The Location of the Development

The Development Plan – Plan:MK

- 12.66. The appellant accepts that the proposal conflicts with Policies DS1, DS2 and DS5 of Plan:MK due its location in the open countryside outside of the development boundary for Woburn Sands. While adjacent to this key settlement, the proposal does not meet any of the 13 criteria set out in Policy

DS2 and neither does it meet any of the exceptions in Policy DS5. **[7.5, 8.48, 8.50]**

- 12.67. The appellant argues that the proposal is in accordance with the approach that underpins the Plan:MK spatial strategy given that it adjoins a key settlement that Plan:MK defines as 'chosen for development'. There is general agreement between the main parties that the site is in a sustainable location with regards to its proximity to a range of services and facilities in Woburn Sands. The NPPF supports housing in such locations and where it can enhance or maintain the vitality of rural communities. However, I consider that the location and type of development does not comply with Policies DS1, DS2 and DS5 which sets out the spatial strategy for residential schemes. The presence of a 5 year HLS means the weight to any conflict with these policies is not diminished. **[7.5, 7.93, 7.94, 8.49]**
- 12.68. While Plan:MK does not set out housing requirements for the Woburn Sands neighbourhood area as advocated in NPPF paragraph 65, the Plan:MK Inspector considered that no specific allowance for additional development was necessary for this settlement. The development boundary is tightly drawn around the settlement but it has been reviewed as part of the Plan:MK examination with amendments made to accommodate recent planning approvals. This is not to say that there is a cap on development in Woburn Sands, but there is no policy requirement to deliver additional housing in this settlement. Moreover, it has not been demonstrated that Policies DS1, DS2 and DS5 are inconsistent with the NPPF in terms of their approach to the spatial strategy and the location of housing and the objective to safeguard the countryside from inappropriate development. **[7.6, 7.7, 7.92, 8.49, 8.50]**

The Development Plan - Woburn Sands Neighbourhood Plan

- 12.69. The appellant accepts that the proposal conflicts with WSNP Policy WS5 as none of the exceptional circumstances currently apply to allow for an extension of the current development boundary. The appellant stressed that WSNP Policy WS6 is parasitic on Policy WS5 and only allows for a limited amount of additional housing in the plan area and none of the listed circumstances apply. **[7.9, 7.13]**
- 12.70. The WSNP has not been reviewed within 5 years of it being made and it makes no allocations for housing. The previous Inspector's report and SoS decision only gave moderate weight to Policy WS5 as it was based on tightly drawn boundaries and the old Milton Keynes Local Plan 2001-2011. The requirement in the policy for any boundary amendment through Plan:MK to be agreed by the Town Council was not recommended by the examiner. Such a requirement is at odds with the NPPF which clarifies the hierarchy of local plans over neighbourhood plans. **[7.10-7.12]**
- 12.71. However, as noted above, the development boundary has been reviewed and updated as part of the Plan:MK process and no specific allowance for additional development was necessary. There is no inconsistency with the NPPF in terms of how Policies WS5 and WS6 seek to safeguard the countryside and direct development to specific locations. Therefore, significant weight can be afforded to both policies and any conflict with them, particularly in light of a demonstrable 5 year HLS. Neither policy should be regarded as being out of date. **[7.14, 8.51-8.53]**

Proposed new transport infrastructure

- 12.72. It is conceivable that the route of the Oxford to Cambridge Expressway could travel through or near to the appeal site based on the preferred option of Highways England and the various constraints within the Woburn Sands area. However, there has yet to be a formal announcement on the next stage of this road project or further public consultation on specific options or routes. Plan:MK addresses the Expressway in relation to the South East Milton Keynes extension in terms of the timing of any planning permission but does not preclude development in specific locations as the details and future of the project are still yet unclear. The main parties agree that the proposal does not conflict with the development plan insofar as the Expressway is concerned and so does not warrant refusal of the proposal on this matter. **[6.1, 7.95, 7.96, 9.3, 9.7, 9.10, 10.3]**
- 12.73. The East-West rail project would see greater use of the line through Woburn Sands and interested parties have expressed concerns regarding the potential increased frequency of the level crossing being closed. However, there is little evidence that the appeal proposal would hamper the delivery of the rail project or result in unacceptable traffic conditions insofar as the level crossing is concerned. Again, there is no conflict with the development plan or reason to refuse the proposal on this matter. **[9.3, 9.7, 9.8, 9.12]**

Conclusion on the location of the development

- 12.74. While there are no reasons to withhold permission having regard to routes of potential new transport infrastructure, the proposed housing would not be in an appropriate location having regard to the development plan and national policies. As noted above, it would conflict with Plan:MK Policies DS1, DS2 and DS5 and WSNP Policies WS5 and WS6.

Housing Density

- 12.75. At the time of the first SoS decision, Policy H8 of the Local Plan 2001-2011 sought a density of 35dph. The SoS found that the density of the proposed development, which was generally considered to be 16dph at the time, was a very significant departure from this policy with significant weight given to the conflict. Policy H8 has since been replaced with Policy HN1 of Plan:MK which sets no density limit but seeks a balance between making efficient use of land with respecting the surrounding character and context. **[7.99, 8.58]**
- 12.76. Paragraphs 122 and 123 of the NPPF have not changed between the 2018 version considered by the SoS and the current 2019 version. Paragraph 122 seeks efficient use of land taking into account various factors including the desirability of maintaining an area's prevailing character and setting. Paragraph 123 seeks to avoid low densities, but only in the context of an existing or anticipated shortage of land. Given my findings above, this paragraph is not applicable. Policy H8 was considered by the SoS to be consistent with the NPPF, but it is clear that he found conflict with the policy only. This is because he said that the various factors in paragraph 122 did not justify the departure from policy (DL26). **[7.98, 8.60]**

- 12.77. At the first Inquiry, the appellant demonstrated¹²⁸ how 16dph was broadly comparable to the densities of immediately adjoining residential streets. The first Inspector found the proposed density to be acceptable. At the second Inquiry, the appellant contended that the net density based on the illustrative layout would actually be 20.3dph. The parties disagreed on the extent of land within the site that would be developed for housing and directly associated uses including the access roads. Around 50% of the site would be developed for housing, but there is no agreement on the overall density. **[7.97, 8.64]**
- 12.78. The fact that there is disagreement over an illustrative layout for a proposal where all matters are reserved apart from access indicates that the final density figure cannot be established at this point. As part of any reserved matter application relating to layout, the provision and situation of buildings, routes and open spaces across the site area is to be assessed and determined. Thus, while density is not a specific reserved matter, the eventual layout could affect the density figure. If the layout was unacceptable to the Council in terms of how it related to the development and buildings and spaces beyond, it could refuse the reserved matters application. Thus, I am persuaded more by the judgment in *Inverclyde* which found density could be considered as part of a reserved matter than the judgment in *Chieveley* which focused on gross floor space. **[7.101, 7.102, 8.54, 8.55]**
- 12.79. No condition has been put forward to fix a specific density or developable area. The development is for up to 203 dwellings. Thus, it is not possible to be certain of the final density figure. There is no detailed analysis from the Council on a specific density figure or range of figures. Its planning witness stated that the development should reflect the overall average density of Woburn Sands which is 27dph. However, this is based on an unverified figure in the appeal decision for the Nampak site. The appellant's analysis indicates that the built-up area of Woburn Sands has a density of 23.7dph. Its density figures for the individual parishes are lower but less helpful as they include large area of countryside. **[7.100, 8.63, 8.65]**
- 12.80. Notwithstanding the disagreement over density figures and the scope of reserved matters, even if the original figure of 16dph is preferred, this would be in keeping with the surrounding character and context of the adjoining streets. The illustrative layout would reflect the spaciousness of these existing streets with the use of open space buffers to safeguard the living conditions of neighbouring properties and the setting of the listed farmhouse. Little evidence has been presented to suggest that a density beyond 16 or 20dph would be acceptable in terms of character and appearance. The first Inspector found that an indicative layout for 303 dwellings would not be desirable in terms of landscaping, amenity and context. Although the site's location has good access to facilities including public transport, it has not been demonstrated that higher density development would be acceptable. In the event that a 5 year HLS could not be demonstrated, there would need to be adequate justification that a higher density could work in this location. **[7.100, 8.63]**

¹²⁸ CD2.6 appendix 13

- 12.81. While the final layout and density of the development has yet to be fixed, I consider that a scheme based on the illustrative layout with a density of 16-20dph would be relatively low but would be acceptable in this instance for this location. It would balance an efficient use of land with respecting the surrounding character and setting, and so would accord with Plan:MK Policy HN1 and NPPF paragraph 122. While I have reached a different conclusion to the SoS in his first decision, this is based on the changed development plan context, the ability to finalise density at reserved matters, and having regard to the context and character of nearby residential streets. **[7.4, 7.103, 8.65]**
- 12.82. If the SoS concludes differently and finds that the proposed density would not represent an efficient use of land, then there would be conflict with Plan:MK Policy HN1 and NPPF paragraph 122. This would increase the amount of weight against the proposal.

Other Matters

Best and most versatile agricultural land

- 12.83. The loss of Grade 3a agricultural land within the site would conflict with Plan:MK Policy NE7. However, site allocations such as the South East Milton Keynes Strategic Growth Area encompass larger areas of best and most versatile agricultural land. The Council has not sought to argue that this matter on its own would justify refusing the development and so the policy conflict only carries moderate weight. A balance needs to be struck between the economic and other benefits of such land versus the benefits of the development. **[7.109, 8.66, 9.12]**

Ecology and drainage

- 12.84. The first Inspector noted that the ecological value of the site was limited due to its agricultural use with most of the existing habitats contained within the trees, hedgerows and ponds on the field margins. These habitats would be mostly retained and enhanced by the development with measures secured by condition. An updated desktop study and site assessment was undertaken in September 2019 with no major changes since the original 2016 ecology reports. **[6.1, 7.116, 9.11]**
- 12.85. The existing badger sett would be removed to allow for the new access from Newport Road. This would require a derogation licence to avoid an offence under the Conservation of Species and Habitats Regulations 2010. There is no requirement for a derogation licence to be provided prior to grant of planning permission, but the decision-maker must be assured that there would be a reasonable prospect of the licence being granted by Natural England.
- 12.86. The provision of housing is in the public interest, while there is no alternative but to move the badger sett given its location. The creation of an artificial sett as close as possible to the original location would provide temporary refuge and would have to be in use before the licence application. Other mitigation measures during construction would also seek to limit risks to badgers. These measures should maintain the species at a favourable conservation status. Based on these considerations, there is reasonable prospect of Natural England granting a licence. As a consequence, the

development would not have an unacceptable effect on ecology or protected species.

- 12.87. As noted by the first Inspector, the development offers the means to alleviate current drainage problems through additional attenuation and the use of a suitable maintenance regime. There should be sufficient space to allow for the drains set out in the hydrology assessment. The site is within Flood Zone 1 which has the lowest risk of flooding and the development would provide sufficient ponds, swales and ditches to address surface water run-off. The measures and maintenance plan can be secured by conditions and so the development would not have an unacceptable effect on drainage. **[6.1, 10.2]**

Highways and parking

- 12.88. The development would provide a new route between Newport Road and Cranfield Road to alleviate some of the problems associated with the junction next to the level crossing. The first Inspector noted that all of the junctions would achieve suitable visibility splays and that there would be no unacceptable highway safety impacts. The updated TA for the second Inquiry provides new trip generation and distribution estimates taking into account more recent data and reviews existing and proposed junction modelling. It concludes that there would be a very modest impact on all junctions and routes with no adverse effect on highway capacity or the need for any more complex highway designs such as ghost island right turn lanes. While I note the concerns raised by interested parties about traffic impacts, the evidence before me does not indicate that the development should be restricted on highways grounds. The first Inspector noted little evidence of parking stress within Woburn Sands and the intention for a Travel Plan to encourage sustainable modes of transport. I have no reason to come to a different view on parking. **[6.1, 7.107, 7.108]**

Facilities and services in Woburn Sands

- 12.89. Woburn Sands retains a number of services and facilities including schools, shops and a medical centre, with a bus service and train station. While it may have lost or reduced the amount of services and facilities in recent years, the town remains designated as a key settlement in Plan:MK. Concerns regarding capacity limits at the schools and medical centre can be addressed via financial contributions in the S106 agreement, which also provides the opportunity for additional medical provision within the site. There is little evidence before me to indicate that the development would have an unacceptable impact on services and facilities in Woburn Sands. **[6.1, 7.115, 9.2, 9.3, 9.9]**

Heritage assets

- 12.90. The Grade II listed Deethe Farmhouse has architectural and historic interest as an 18th century property with later alterations. Its significance is also informed by its setting, which today includes the industrial estate as well as the agricultural fields of the appeal site. The former, due to their modern utilitarian appearance and use contribute little to the significance of the farmhouse, whereas the latter make a positive contribution as remnants of the building's agricultural past. The building is not highly visible from either the road or the site due to planting and so the positive contribution of the appeal site is only moderate.

- 12.91. The development would change the rural setting of the farmhouse but the illustrative layout plans shows that a landscaping buffer can be provided within the site to wrap around the shared boundary. Layout and landscaping details could be addressed at reserved matters stage. For the above reasons, the development would result in less than substantial harm to the significance of the listed building. The level of harm would be low due to the existing setting and the proposed mitigation measures. Nevertheless, NPPF paragraphs 193 and 194 state that great weight should be given to the conservation of the listed building and that any harm requires clear and convincing justification. In line with NPPF paragraph 196, this harm will be weighed against the public benefits below. **[6.1, 7.105]**
- 12.92. The recently designated Grade II registered park and garden at Wavendon House forms part of the grounds to the Grade II* listed Wavendon House and extends close to the northern boundary of the site. The significance of the park and garden derives from its historic and design interest as an 18th century pleasure ground and park laid out by a significant landscape improver of the time (Richard Woods). Wavendon House itself has architectural and historic interest as a country estate home of 17th century origins largely remodelled in the 18th century. A mature belt of trees on the edge of the former golf course limit views between the park and garden and the site, while the listed house is further away to the north with additional landscape screening in place. Thus, the site only makes a minor contribution to the significance of both heritage assets as part of their wider setting. The development would provide trees and a landscape buffer along the boundary nearest to Wavendon House. Details could be addressed at the reserved matters stage. Given the existing screening and distances involved, there would be no harm caused to either heritage asset. **[7.105]**

Character and appearance of the landscape

- 12.93. The development would have a significant visual and landscape effect on the site itself given that it would change from agricultural fields to housing. However, as noted by the first Inspector and the first SoS decision, the site does not comprise a valued landscape and is contained by existing boundary vegetation which limits views from wider vantage points. Moreover, the site adjoins the edge of Woburn Sands and the development would be seen in the context of existing housing. Although some hedgerows and trees would be lost including those subject to a TPO, the intention is to retain and enhance planting. Little has changed in visual and landscape terms since the first Inquiry and decision. Therefore, I concur that the development would have a very limited effect on the character and appearance of the landscape. **[6.1, 6.3, 7.104, 7.117]**

The Planning Balance

- 12.94. A number of benefits have been put forward by the appellant. The provision of affordable housing beyond the minimum policy requirement should be strongly supported in line with Policy HN2 and so carries significant weight. The provision of market housing carries similar weight given the potential number that could be delivered and the eagerness of the appellant as a small to medium sized developer to deliver housing as swiftly as possible. The provision of medical facilities within the site is a potential social benefit but

only if it goes beyond mitigating the effect of the development which has not been proven. **[7.110-7.113, 7.115, 8.67, 8.68, 8.71]**

- 12.95. The economic benefits would include temporary construction employment, the provision of a range of homes for a cross-section of working people, secondary employment through increased spending in the local area and the payment of a new homes' bonus to the Council, some of which could be remitted to Woburn Sands Town Council. As such, reasonable weight can be afforded to these benefits. **[7.114, 8.69]**
- 12.96. In highways terms, while the new road through the site between Newport Road and Cranfield Road would offer an alternative route to the level crossing junction, the appellant's update TA notes very modest impacts on all junctions as a result of the development. The housing would reduce the extent and distance of car-borne commuting although not remove it altogether given the distance to major areas of employment and the relatively limited train and bus services. Therefore, only limited weight can be afforded any highway benefits. **[7.118, 8.70]**
- 12.97. The environmental enhancement of ecology and the provision of drainage measures to try and address existing problems would provide moderate benefits. Little weight can be afforded to the appellant's claim of a high quality living environment given the limited information at outline stage and the policy requirement that all development should be high quality. **[7.116, 8.72, 8.73]**
- 12.98. Taken a whole, the benefits range from limited to significant in magnitude. They can all be regarded as public benefits and set against the low level of harm to the significance of the listed farmhouse, they would provide clear and convincing justification for that harm. Having special regard to the desirability of preserving listed buildings and their setting in line with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the development would have an acceptable effect in terms of heritage assets. **[12.102-12.104]**
- 12.99. The development would have an acceptable effect on a range of other matters listed above. It would also be acceptable in terms of housing density. There are insufficient grounds for withholding permission based on routes of potential national infrastructure projects and the negative effect on best and most versatile agricultural land would not, in itself, be a reason for refusal. The conflict with Plan:MK Policy NE7 carries moderate weight as set out above and would be outweighed by the benefits. **[12.88-12.95]**
- 12.100. However, there would be conflict with Plan:MK Policies DS1, DS2 and DS5 and WSNP Policies WS5 and WS6 due to the location of the site in the open countryside. I have found that a 5 year HLS can be demonstrated and so there is no reason to reduce the weight to the conflict with these policies on that basis. Policies DS1, DS2 and DS5 are not inconsistent with the NPPF and so carry full weight, while significant weight can be afforded to Policies WS5 and WS6 based on their NPPF consistency. As policies most important for determining the application, none of these 5 policies are out of date. As such, the tilted balance in NPPF paragraph 11(d) is not engaged. **[7.119, 8.74-8.76, 12.79-12.84]**

- 12.101. The development's conflict with the development plan in terms of the location of the housing carries substantial weight as it would not accord with the spatial strategy set out in Plan:MK. While a number of benefits would be achieved, they would be insufficient to outweigh the conflict with the development plan. In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should not be granted.
- 12.102. Alternatively, if the SoS finds that a 5 year HLS cannot be demonstrated or that the most important policies are out of date for other reasons, then the tilted balance in NPPF paragraph 11(d) would be engaged. As there are no policies in the NPPF that provide a clear reason for refusing the development (having had regard to the effect on designated heritage assets), it would be necessary to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 12.103. Moreover, it should be noted that if the SoS finds that there is a housing land supply shortfall, then NPPF paragraph 123 would be engaged which seeks to avoid homes being built at low densities. NPPF paragraph 123(c) states that proposals should be refused where the decision maker considers that they fail to make efficient use of land taking into account the policies of the NPPF.

13. Recommendation

- 13.1 For the reasons set out above, I recommend that the appeal be dismissed.
- 13.2 Nonetheless, if the SoS is minded to disagree with my recommendation and allow the appeal, then the conditions listed in Annex 1 should be attached to any permission granted along with the obligations set out in the S106 agreement.

Tom Gilbert-Wooldridge

INSPECTOR

ANNEX 1: SUGGESTED CONDITIONS (28)

Details, phasing and lighting

- 1) No development shall commence on any phase of the development until details of the layout, scale, appearance and landscaping for that phase (hereinafter called 'the reserved matters') have been submitted to and approved in writing by the Local Planning Authority
Reason: To meet the requirements of the Town and Country Planning (Development Management Procedure) Order 2015
- 2) Application/s for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun no later than the latest of the following dates:
 - i. The expiration of three years from the date of this permission; or
 - ii. The expiration of two years from the date of the approval of the last of the reserved matters to be approved.

Reason: To meet the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Planning Act

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: PL-X-001 Rev B, PL-X-003 Rev C and PL-X-004, but only in respect of those matters not reserved for later approval.
Reason: For the avoidance of doubt and in the interests of proper planning of the development
- 4) The development hereby permitted shall not exceed 203 dwellings (Use Class C3). The use classes are those set out in the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that order with or without modification.
Reason: To ensure the development conforms to the outline planning permission
- 5) Prior to the commencement of development of any phase of the development, a phasing plan for the whole site shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the phasing plan shall include the phasing of the delivery of all roads, footways, redway and bridleway links and Framework Travel Plan measures. The development shall take place in accordance with the approved phasing plan.
Reason: In order to clarify the terms of this planning permission and ensure that the development proceeds in a planned and phased manner. This is pre-commencement condition as the phasing plan would need to be agreed before any works begin.
- 6) The access arrangements hereby permitted shall be carried out in accordance with Proposed Site Access drawings nos.WO1188-101 Rev P05 and WO1188-102 rev.P03

Reason: To provide satisfactory highway connections to the local highway network

- 7) Reserved matters applications for each phase of the development shall include details of the proposed finished floor levels of all buildings and the finished ground levels in relation to existing surrounding ground levels for that phase. Development for that phase shall be undertaken in accordance with the approved levels.

Reason: To ensure that construction is carried out suitable levels having regard to drainage, access, the appearance of the development and the amenities of neighbouring properties in accordance with Policy D5 of Plan:MK

- 8) Reserved matters applications for each phase of the development shall include details of the proposed boundary treatments for that phase. The approved boundary treatments shall be carried out in accordance with the approved details for that phase and be completed prior to the occupation of the associated dwelling or first use of such phase of the development.

Reason: To provide adequate privacy, to protect the external character and appearance of the area and to minimise the effect of development on the area in accordance with Policy D5 of Plan:MK

- 9) Reserved matters applications for each phase of the development shall include a lighting scheme for all public and private streets, footpaths and parking areas. The lighting scheme shall include details of what lights are being proposed, a lux plan showing maximum, minimum, average and uniformity levels, details of means of electricity supply to each light and how the lights will be managed and maintained in the future. If any lighting is required within the vicinity of current or built-in bat features, it shall be low level with baffles to direct the light away from the boxes and units, thus preventing severance of bat commuting and foraging routes. The approved scheme shall be implemented prior to the occupation of each associated dwelling within that phase of the development.

Reason: In the interests of safety and amenity and in order to comply with Policies D5 and NE6 of Plan:MK

- 10) Reserved matters applications for each phase of the development shall incorporate measures to minimise the risk of crime in accordance with Secured by Design principles. All dwellings shall be designed to achieve Secured by Design accreditation (as awarded by Thames Valley Police) in accordance with details to be submitted to, and approved in writing by, the Local Planning Authority.

Reason: In the interests of reducing crime and disorder in accordance with Policy EH7 of Plan:MK

- 11) Reserved matters applications for each phase of the development shall be accompanied by a Sustainability Statement for that phase including, as a minimum, details required by Policy SC1 of Plan:MK. The approved details shall be implemented for each dwelling prior to the occupation of that dwelling.

Reason: In the interests of achieving a sustainable form of construction and to ensure the development complies with Policy SC1 of Plan:MK

- 12) No development shall take place above slab level until samples of the external materials to be used in the construction for each phase of the development (if any) have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in full accordance with the approved details.

Reason: To ensure that the development does not detract from the character and appearance of the area in accordance with Policy D2 of Plan:MK

Affordable housing

- 13) Reserved matters applications for each phase of development shall include details of the location and type of affordable housing pursuant to the development phase for which approval is sought. Each phase of the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development and location of affordable housing is appropriate and in accordance with Policy HN2 of Plan:MK

Drainage

- 14) Prior to the commencement of the development hereby permitted a detailed design, and associated management and maintenance plan, for a surface and storm water drainage scheme, based on sustainable drainage principles for the site shall be submitted to and approved in writing by the Local Planning Authority. The management and maintenance plan shall include details of the way the surface and storm water drainage scheme will be implemented for each phase of development. The approved drainage scheme shall subsequently be implemented and maintained in accordance with the approved detailed design and scheme for maintenance, and in accordance with the approved phasing details and be retained thereafter.

Reason: To ensure satisfactory and sustainable surface water drainage to prevent the increased risk of contamination and flooding on or off site in accordance with Policy FR1 of Plan:MK. This is a pre-commencement condition as it is necessary to establish a drainage scheme before works begin.

- 15) Prior to the commencement of each phase of the development, a foul water strategy shall be submitted to and approved in writing by the Local Planning Authority. No dwellings in that phase shall be occupied until the works have been carried out in accordance with the approved foul water strategy for that phase.

Reason: To ensure satisfactory and sustainable foul water drainage to prevent the increased risk of contamination and flooding on or off site in accordance with Policy FR1 of Plan:MK. This is a pre-commencement condition as it is necessary to establish a drainage scheme before works begin.

Car parking, travel and access

- 16) Reserved matters applications for each phase of the development shall include a scheme to provide car parking and cycle parking and manoeuvring of vehicles within the development in accordance with the Milton Keynes Council Parking Standards SPG (2016) or any subsequent parking standards adopted at the time any reserved matters application is

submitted and in accordance with the Council's New Residential Development Design Guide (2012) or any further guidance on parking that may be adopted at the time any reserved matters application is submitted. The approved scheme shall be implemented and made available for use for each dwelling prior to the occupation of that dwelling and shall not thereafter be used for any other purpose.

Reason: To ensure adequate parking provision at all times and to enable vehicles to draw off, park, load/unload and turn clear of the highway so that the development does not prejudice the free flow of traffic or the safety on the neighbouring highway in accordance with Policies CT3 and CT10 of Plan:MK

- 17) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a Construction and Delivery Plan that shall outline, in accordance with the phasing as approved under Condition 5 the proposed access works and which shall include links to the existing highway, footpaths and cycle ways (including the specification thereof). Development shall then take place in accordance with the approved Construction and Delivery Plan. No other parts of the development shall begin until the new means of access for that phase has been provided and laid out in accordance with the Construction and Delivery Plan and constructed in accordance with Milton Keynes Council's standard specification.

Reason: In the interests of highway safety and to ensure adequate mitigation measures are in place. This is a pre-commencement condition to ensure that there is agreement on construction traffic and deliveries before works begin

- 18) Measures proposed within the approved Framework Travel Plan dated March 2016 will be implemented in a phased manner, in accordance with Condition 5. No phase of the development shall be occupied prior to the implementation of the agreed Framework Travel Plan measures relating to that phase. Those parts of the approved Framework Travel Plan that are identified therein as being capable of implementation after occupation shall be actioned and reported in accordance with the timetable contained within, with a minimum of annual reporting for the first five years.

Reason: To support sustainable transport objectives including a reduction in single occupancy car journeys and the increased use of public transport, walking and cycling in accordance with Policy CT2 of Plan:MK

- 19) No dwelling shall be occupied in any phase of the development until the estate road which provides access to the dwelling, from the existing highway, has been laid out and constructed.

Reason: To provide satisfactory highway connections to the local highway network in accordance with Policy CT2 of Plan:MK

Archaeology

- 20) Prior to the commencement of each phase of the development a programme of archaeological field evaluation comprising trial trenching shall be completed. The programme of archaeological evaluation shall be detailed in a Written Scheme of Investigation submitted to and approved by the Local Planning Authority in writing. On completion of the agreed

archaeological field evaluation for each phase a further Written Scheme of Investigation for a programme of archaeological mitigation in respect of any identified areas of significant buried archaeological remains shall be submitted to and approved by the Local Planning Authority in writing. The scheme for archaeological mitigation shall include an assessment of significance and research questions; and

- i. The programme and methodology of site investigation and recording;
- ii. The programme for post investigation assessment;
- iii. Provision to be made for analysis of the site investigation and recording;
- iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- v. Provision to be made for archive deposition of the analysis and records of the site investigation; and
- vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development in any phase shall take place other than in accordance with the Written Scheme of Investigation so approved. The development hereby permitted shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the approved Written Scheme of Investigation and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To enable expert investigation of cultural remains at this site of archaeological interest in accordance with Policy HE1 of Plan:MK

Ecology

- 21) Any protected species survey report in excess of three years old at the time of the commencement of development of each phase of the development shall be updated and submitted to and approved in writing by the Local Planning Authority prior to the commencement of development of that phase of the development. Natural England derogation licence(s) shall be obtained for any protected species likely to be harmed prior to the commencement of the development.

Reason: To safeguard protected species and biodiversity in accordance with Policy NE2 of Plan:MK

- 22) Prior to the commencement of development of each phase of the development, a Landscape and Ecology Management Plan which covers the landscape and ecological features of the development ensuring net gains for wildlife compliance with local and national policies shall be submitted to and approved in writing by the Local Planning Authority. The submitted plan shall include the creation of additional habitat areas and a scheme to incorporate additional biodiversity features such as swallow cups, bird and bat boxes, bricks or cavities into appropriate buildings. Thereafter the development shall be carried out in accordance with the approved scheme and all features and access to them shall be maintained in perpetuity.

Reason: To ensure the development incorporates adequate biodiversity enhancements in accordance with Policies NE3 and NE4 of Plan:MK

Tree protection

- 23) All existing trees and hedgerows to be retained in each phase of the development are to be protected according to the provisions of BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations' prior to the commencement of any works on each phase. All protective measures shall be in place prior to the commencement of any building operations (including any structural alterations, construction, rebuilding, demolition and site clearance, removal of any trees or hedgerows, engineering operations, groundworks, vehicle movements or any other operations normally undertaken by a person carrying on a business as a builder) in that phase.

Reason: To protect significant trees and hedgerows, safeguarding the character of the area and preserving habitats and to minimise the effect of the development on the area

Open space, play areas and landscaping

- 24) Prior to the commencement of any phase of the development, an open space specification which includes the location, details and specification for all areas of open space including the Neighbourhood Play Area shall be submitted to and approved in writing by the Local Planning Authority. Detailed proposals for play areas shall be submitted and agreed at the same time as the detailed housing layouts or otherwise demonstrate that the minimum buffer distances between residential property boundaries and the play area active zone can be achieved in compliance with the standards set out in Plan:MK Appendix C, or any subsequent standards. The open space specification shall also include the phasing for the laying out of all areas of open space including any Play Areas and the long term management and maintenance arrangements for all open space and play facilities, to cover a minimum period of ten years. The development shall be completed in accordance with the approved details.

Reason: To minimise the effect of the development on the area in accordance with Policy L4 of Plan:MK

- 25) Reserved matters applications for each phase of the development shall include a landscaping scheme with detailed drawings showing which trees and hedgerows are to be retained in that phase and which trees and hedgerows are proposed to be felled or lopped in that phase. The landscaping scheme shall also show the numbers, types and sizes of trees and shrubs to be planted in that phase including their locations in relation to associated infrastructure and a species list to include native species and species beneficial to wildlife. The planting plans shall include existing trees and/or hedgerows to be retained and/or removed within each phase accurately shown with root protection areas and based up to date tree surveys. Any trees or shrubs removed, dying, or which become severely damaged or diseased within two years of planting shall be replaced in the next planting season with trees or shrubs of such size and species to be agreed in writing by the Local Planning Authority.

Reason: To protect significant trees and hedgerows, safeguarding the character of the area and preserving habitats and to minimise the effect of the development on the area

Construction

- 26) Prior to the commencement of development of any phase of the development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include Noise Action Levels (based on a noise survey) and site procedures to be adopted during the course of construction including working hours, intended routes for construction traffic, details of vehicle wheel washing facilities, location of site compound, lighting and security and how dust and other emissions will be controlled. The development shall be carried out in accordance with the approved CEMP.

Reason: To ensure there are adequate mitigation measures in place in the interests of highway and pedestrian safety and in order to protect the amenities of existing and future residents in accordance with Policies CT2 and NE6 of Plan:MK

- 27) Prior to the commencement of development on any phase, the developer shall carry out an intrusive site investigation into the ground conditions at the site to determine the likelihood of any ground, groundwater or gas contamination of the site. The results of this survey detailing the nature and extent of any contamination, together with a strategy for any remedial action deemed necessary to bring each phase to a condition suitable for its intended use, shall be submitted to and approved in writing by the Local Planning Authority before construction works commence on that phase. Any remedial works shall be carried out on each phase in accordance with the approved strategy and validated on a phase by phase basis by submission of an appropriate verification report prior to the first occupation on that phase of the development. Should any unforeseen contamination be encountered, the Local Planning Authority shall be informed immediately. Any additional site investigation and remedial work that is required as a result of unforeseen contamination shall also be carried out to the written satisfaction of the Local Planning Authority.

Reason: To ensure the site is fit for its proposed purpose and any potential risks to human health, property and the natural and historic environment area appropriately investigated and minimised in accordance with Policy NE6 of Plan:MK

Housing mix

- 28) Any reserved matters application shall be accompanied by details outlining the proposed housing mix strategy which takes account of the latest housing need within the District. The development shall be carried out in accordance with the approved details.

Reason: To ensure that the development hereby approved reflects housing need within the Borough in accordance with Policy HN1 of Plan:MK

ANNEX 2: APPEARANCES

FOR THE APPELLANT

Peter Goatley and James Corbet Burcher of Counsel instructed by Stephen Webb of Clyde and Co LLP.

They called:

Roland Burton BSc (Hons) MRTPI	DLP (Planning) Limited
Tim Waller BA (Hons) DipTP MRTPI	Waller Planning
Julian Hudson MA (Oxon) MSc MSc MCIHT	Scott White and Hookins
Stephen Webb	Clyde and Co LLP

FOR THE LOCAL PLANNING AUTHORITY

Reuben Taylor QC and Matthew Henderson of Counsel instructed by Sharon Bridgalsingh of Milton Keynes Council.

They called:

James Williamson BA (Hons) MSs MRTPI	Milton Keynes Council
Niko Grigoropoulos BSc (Hons) MA MRTPI	Milton Keynes Council
Paul Van Geete	Milton Keynes Council
Nazneed Roy	Milton Keynes Council

INTERESTED PERSONS WHO SPOKE AT INQUIRY

Councillor Jacky Jeffries	Woburn Sands Town Council
Councillor David Hopkins	Danesborough and Walton Ward Councillor (Milton Keynes Council) and Chairman of Wavendon Parish Council
Judith Barker	Local resident
Jenny Brook	Local resident

ANNEX 3: DOCUMENTS

INQUIRY DOCUMENTS (FOR REDETERMINED APPEAL)

- RID01 Opening submissions on behalf of the appellant
- RID02 Opening statement on behalf of the Council
- RID03 High Court judgment R(oao Matthew Davison) v Elmbridge Borough Council [2019] EWHC 1409 (Admin)
- RID04 Statement by Councillor Jacky Jeffries
- RID05 Statement by Councillor David Hopkins
- RID06 Statement of Common Ground between the appellant and the Council
- RID07 Quarter 3 (1 October to 31 December 2019) monitoring data of housing starts and completions in Milton Keynes
- RID08 Babergh District Council Housing Land Supply Position Statement 2019/20 to 2023/24
- RID09 Court of Appeal judgment R (on the application of East Bergholt Parish Council) v Babergh District Council) [2019] EWCA Civ 2200
- RID10 Mid Suffolk District Council Housing Land Supply Position Statement 2019/20 to 2023/24
- RID11 Email and photograph from Stephanie Forester (local resident)
- RID12 Addendum to the Council's justification document for Section 106 contributions
- RID13 Note from the Council on the 2019 distribution of annual housing monitoring proformas
- RID14 Site visit itinerary
- RID15 Note from the Council on the Babergh and Mid Suffolk Housing Land Supply Position Statements
- RID16 Statement by Judith Barker
- RID17 Note from the appellant responding to the Council's note (RID15)
- RID18 Extract from the Encyclopedia of Planning Law and Practice 3B-2200.5 (Applications for outline planning permission)
- RID19 Note from the Council clarifying the sites removed from the 2019 five-year land supply when updated to a base date of 1 April 2019
- RID20 Errata to Roland Bolton Proof of Evidence and Statement of Common Ground on housing land supply
- RID21 Closing submissions on behalf of Milton Keynes Council
- RID22 Court of Appeal judgment City and District Council of St Albans v Hunston Properties and Secretary of State for Communities and Local Government [2013] EWCA Civ 1610

- RID23 Court of Appeal judgment R v Newbury District Council, Newbury and District Agricultural Society, Ex Parte Chieveley Parish Council [1998] EWCA Civ 1279
- RID24 Agricultural land quality maps for urban extensions to Milton Keynes compared to the appeal site
- RID25 Order from the Planning Court regarding Milton Keynes Council's claim for Planning Statutory Review of Castlethorpe Road appeal decision
- RID26 Court judgment Inverclyde District Council v Inverkip Building Company Limited
- RID27 High Court judgment Bloor Homes East Midlands Ltd v Secretary of State for Communities and Local Government [2014] EWHC 754 (Admin)
- RID28 High Court judgment R (on the application of West Lancashire Borough Council) v Secretary of State for Communities and Local Government [2017] EWHC 3451 (Admin)
- RID29 Closing submissions on behalf of the appellant
- RID30 Final draft Section 106 agreement
- RID31 Final draft Section 106 agreement (with tracked changes)
- RID32 Supplementary Planning Guidance on Planning Obligations for Education Facilities
- RID33 Clean and tracked changes version of appellant's closing submissions reflecting amendments made at the Inquiry
- RID34 Clean and tracked changes version of the Council's closing submissions reflecting amendments made at the Inquiry
- RID35 Addendum to Statement of Common Ground regarding Area Tree Preservation Order
- RID36 Amended version of RID20
- RID37 Completed and executed S106 agreement

PROOFS OF EVIDENCE (FOR REDETERMINED APPEAL)

Appellant:

- APP1 Summary Proof of Roland Bolton (Housing Land Supply)
- APP2 Proof of Roland Bolton
- APP3 Appendices to Roland Bolton's Proof
- APP4 Rebuttal Proof of Roland Bolton
- APP5 Updated Appendix 3 of Roland Bolton's Proof
- APP6 Rebuttal Appendix 3a of Roland Bolton's Proof
- APP7 Summary Proof of Tim Waller (Planning)
- APP8 Proof of Tim Waller
- APP9 Appendices to Tim Waller's Proof

APP10	Rebuttal Proof of Tim Waller
APP11	Errata to Roland Bolton's Proof
APP12	Errata to Tim Waller's Proof (Appendix 5)

Local Planning Authority:

LPA1	Proof of James Williamson (Housing Land Supply)
LPA2	Appendices to James Williamson's Proof
LPA3	Rebuttal Proof of James Williamson
LPA4	Proof of Niko Grigoropoulos

STATEMENTS OF COMMON GROUND (FOR REDETERMINED APPEAL):

SOCG1	Statement of Common Ground on Housing Land Supply
RID06	Statement of Common Ground (overarching)
RID35	Addendum to Statement of Common Ground (TPO)

OTHER DOCUMENTS

TPO1	Area Tree Preservation Order dated 8 January 2020 and illustrative drawing of other TPOs
REP1	Bundle of representations in respect of the redetermined appeal

CORE DOCUMENTS (FOR REDETERMINED INQUIRY)

Core Doc Ref	Name	Drawing No. (or) Reference	Date
CD1 - Application Documents			
CD1.1	Application forms and certificates		Submitted 11/03/16
CD1.2	Application forms and certificates		Submitted 20/07/16
CD1.3	Site Location Plan	Drawing PL-X-001/B	Submitted 09/06/16
CD1.4	Parameters Plan	Drawing PL-X-003/C	Submitted 04/08/16
CD1.5	Illustrative Layout	Drawing PL-X-004/C	Submitted 17/10/16

CD1.6	Illustrative Layout (Transport)	Drawing PL-X-005/B	Submitted 17/10/16
CD1.7	Illustrative Layout (Landscape)	Drawing PL-X-006/B	Submitted 17/10/16
CD1.8	Illustrative Layout (Character Areas)	Drawing PL-X-007/B	Submitted 17/10/16
CD1.9	Illustrative Layout (Affordable Housing)	Drawing PL-X-008/B	Submitted 17/10/16
CD1.10	Design and Access Statement, Rev. A		Submitted 04/08/16
CD1.11	Supporting Planning Statement		Submitted 11/03/16
CD1.12	Transport Assessment, Revision C		Submitted 08/07/16
CD1.13	Use of TEMPRO to Forecast Traffic Impact in 2021, Addendum to Transport Assessment		Submitted 14/11/16
CD1.14	Residential Travel Plan		Submitted 11/03/16
CD1.15	Highway Access Drawings	WO1188-101 P05 and WO1188-102 P03	Submitted 05/10/16
CD1.16	Arboricultural Schedule		Submitted 11/03/16
CD1.17	Tree Survey	Drawings SJA115.01.0 – SJA115.01.06.0	Submitted 11/03/16
CD1.18	Baseline Ecological Evaluation and Impact Assessment		Submitted 11/03/16
CD1.19	Protected Species Report		Submitted 27/07/16
CD1.20	Flood Risk Assessment (incorporating Drainage Strategy)		Submitted 11/03/16
CD1.21	Further Details on Surface Water Drainage		Submitted 08/06/16
CD1.22	Geo-Environment Audit		Submitted 11/03/16

CD1.23	Landscape Character Areas	Drawing SJA115.10.0	Submitted 11/03/16
CD1.24	Landscape Masterplan	Drawing SJA115.11.0	Submitted 11/03/16
CD1.25	Landscape and Visual Impact Appraisal		Submitted 04/08/16
CD1.26	Environmental Noise Survey		Submitted 11/03/16
CD1.27	Supplementary Noise Impact Report: SoundPLAN		Submitted 11/03/16
CD1.28	Statement of Community Involvement		Submitted 11/03/16
CD1.29	Sustainability Statement		Submitted 11/03/16
CD1.30	Delivery Programme		Submitted 01/12/16
CD2 - Appellant Documents			
CD2.1	Housing Density	Drawing 213.3/101	Submitted 10/02/17
CD2.2	Appellants Statement of Case (V1)		Submitted 10/02/17
CD2.3	Appellants Statement of Case (V2)		Submitted 12/09/19
CD2.4	S106 Agreement		17/08/2017
CD2.5	Unilateral Undertaking		17/08/2017
CD2.6	Tim Waller, Planning Proof of Evidence		13/06/2017
CD2.7	Roland Bolton, Housing Land Supply Proof of Evidence		13/06/2017
CD2.8	Roland Bolton, Housing Land Supply Proof of Evidence Appendices		13/06/2017
CD2.9	Mary Fisher, Landscape Proof of Evidence		13/06/2017

CD2.10	Mary Fisher, Landscape Proof of Evidence Appendices		13/06/2017
CD2.11	Katy Jordan, Wavendon Properties Proof of Evidence		13/06/2017
CD2.12	Tim Waller Rebuttal to Planning Proof of Evidence		06/07/2019
CD2.13	Roland Bolton Rebuttal Housing Land Supply Proof of Evidence		06/07/2019
CD2.14	Peter Goatley Closing Submissions		19/07/2019
CD3 - Council Documents			
CD3.1	Pre-Application Advice Letter		18/01/2016
CD3.2	Committee Report		08/09/2016
CD3.3	Minutes of Committee Meeting		
CD3.4	Decision Notice		05/12/2016
CD3.5	Note from Council's Senior Engineer, 'Highway Observations for 16/00672/FUL		28/11/2016
CD3.6	MKC Housing Land Supply Calculation and Trajectory April 2017 -2022	www.milton-keynes.gov.uk/planning-and-building/planning-policy/five-year-housing-land-supply-annual-monitoring-report	
CD3.7	Countryside Officer Reps	<u>20160423</u>	
CD3.8	Conservation Officer Reps	<u>20160425</u>	
CD3.9	Passenger Transport Reps	<u>20160527</u>	
CD3.10	Countryside Officer Reps	<u>20160623</u>	
CD3.11	Travel Plans	<u>20160628</u>	
CD3.12	Natural England Reps	<u>20160812</u>	
CD3.13	Ecology Reps	<u>20160817</u>	

CD3.14	Urban Design Reps	<u>20160817</u>	
CD3.15	Countryside Officer Reps	<u>20160823</u>	
CD3.16	Network Rail Reps	<u>20161018</u>	
CD3.17	Highways Observations Final	<u>20161128</u>	
CD3.18	Appeal Reps from MKC Website	<u>20170515</u>	
CD3.19	[Blank Record]	-	
CD3.20	Trees	-	
CD3.21	Dev Plans	-	
CD3.22	Landscape Architecture	-	
CD3.23	Wavendon PC		
CD3.24	WS Town Council		
CD3.25	WS Town Council Appendix		
CD3.26	Jon Goodall Planning Proof of Evidence		13/06/2017
CD3.27	Jon Goodall Planning Proof of Evidence Appendices		13/06/2017
CD3.28	Jon Goodall Housing Land Supply Proof of Evidence		13/06/2017
CD3.29	Jon Goodall Housing Land Supply Proof of Evidence Appendices		13/06/2017
CD3.30	Tim Straker QC Closing Submissions		19/07/2019
CD3.31	MKC housing statistics 2019 Q2 Extract		September 2019
CD3.32	MKC June HLSP 2019		June 2019
CD3.33	Appendix 1 - Housing Trajectory 2019 - 2024		June 2019
CD3.34	MKC Assessment of Five Year Land Supply 2016 - 2021		June 2016

CD3.35	MKC Five Year Housing Land Supply Position, 2018		June 2018
CD3.36	MKC Five Year Housing Land Supply 2011-2016		November 2010
CD3.37	MKC Interim Assessment of five year land supply, 2015		November 2015
CD3.38	MKC Housing Land Supply Position 2017/18		June 2017
CD3.39	Council's Addendum Statement of Case		12 September 2019
CD3.40	Council's Addendum Statement of Case Appendices		12 September 2019
CD3.41	MKBC 2019 Annual Housing Monitoring Completed Proformas		June 2019
CD4 - National Policy			
CD4.1	National Planning Policy Framework		March 2012
CD4.2	National Planning Practice Guidance	(Electronic Only)	
CD4.3	Ministerial Statement of Greg Clark, then SSCLG		June 2010
CD4.4	White Paper 'Fixing Our Broken Housing Market', UK Government		February 2017
CD4.5	National Planning Policy Framework		July 2018
CD4.6	National Planning Policy Framework		February 2019
CD4.7	Independent Review of Build Out, Rt Hon Sir Oliver Letwin MP		October 2018
CD4.8	Independent Review of Build Out Rates Annexes		June 2018
CD4.9	Independent Review of Build Out Rates Draft Analysis		June 2018

CD4.10	Housing Delivery Test Measurement Rule Book		July 2018
CD5 - Local Policy			
CD5.1	Milton Keynes Local Plan 2001-2011		
CD5.2	Milton Keynes Core Strategy		
CD5.3	Woburn Sands Neighbourhood Plan		July 2014
CD5.4	Strategic Land Allocation Development Framework SPD		November 2013
CD5.5	Parking Standards SPD		
CD5.6	Milton Keynes Sustainable Construction Design Guide SPD		
CD5.7	Milton Keynes Affordable Housing SPD 2013		
CD5.8	Planning Obligations for Educational Facilities		
CD5.9	Planning Obligations for Leisure, Recreation and Sports Facilities SPG		
CD5.10	MKC Supplementary Planning Document Social Infrastructure Planning Obligations		
CD5.11	New Residential Development Design Guide SPD		
CD5.12	Milton Keynes Council Urban Capacity Study		February 2017
CD5.13	Milton Keynes Residential Characterisation Study: An Evidence Base For Plan:MK		March 2017
CD5.14	Landscape Sensitivity Study to Residential Development in the Borough of Milton Keynes and Adjoining Areas		December 2016

CD5.15	Milton Keynes Strategic Housing Land Availability Assessment 2012		December 2012
CD5.16	Plan: MK Topic Paper- Issues Consultation Rural Issues		September 2014
CD5.17	Woburn Sands Neighbourhood Plan - A Report to Milton Keynes Council of the Examination into the Woburn Sands Neighbourhood Plan		March 2014
CD5.18	Development Plan Policies Map Extract - Development Boundaries for Policies CS1 and H7		
CD5.19	Development Plan Policies Map Extract - Policy S10		
CD5.20	Milton Keynes School Place Planning Forward View 2017-18		
CD5.21	Newport Pagnell Neighbourhood Plan - Referendum version		
CD5.22	Milton Keynes Core Strategy Sustainability Appraisal Final Report 2010		February 2010
CD5.23	Milton Keynes Site Allocations Plan Proposed Submission Draft October 2016		October 2016
CD5.24	Plan:MK The Way Forward Development Strategy Topic Paper (2014)		
CD5.25	Milton Keynes Strategic Housing Market Assessment 2016-2031 Report of Findings Feb 2017, ORS		February 2017
CD5.26	Core Strategy Housing Technical Paper		March 2011

CD5.27	Strategic Land Allocation Development Framework SPD Adoption Statement November 2013		
CD5.28	Milton Keynes Drainage Strategy Development and Flood Risk SPG		May 2004
CD5.29	Milton Keynes Core Strategy Inspector's Report		May 2013
CD5.30	Plan:MK Draft Consultation (Reg18)		March 2017
CD5.31	Plan:MK		March 2019
CD5.32	Plan:MK Inspector's Report		February 2019
CD5.33	Plan:MK Inspector's Report Appendices		February 2019
CD5.34	Milton Keynes Council Response to Inspectors Questions for Examination Hearings - Stage 1, Matter 3		July 2018
CD5.35	Milton Keynes overall 5YLSP at April 2018		
CD5.36	Milton Keynes Council Assessment of Five Year Land Supply: 2011-2016		November 2010
CD5.37	Milton Keynes Site Allocations Plan		July 2018
CD5.38	Milton Keynes Boundary Settlement Review		October 2018
CD5.39	Sustainability Appraisal Report (to Plan:MK)		November 2017
CD5.40	Sustainability Appraisal Map		November 2017
CD5.41	MK Local Development Scheme (LDS)		September 2018
CD6 - Appeal Decisions			
CD6.1	Land North of Dark Lane, Alrewas, Burton Upon Trent, Staffordshire	PINS Ref: 2225799	13/02/2017

CD6.2	Brook Farm, 94 High Street, Wrestlingworth, Bedfordshire, SG19 2EJ	PINS Ref: 3150607	31/08/2016
CD6.3	Land South of Nanpantan Road, Loughborough, Leicestershire	PINS Ref: 3028159	16/01/2017
CD6.4	Land North of Lenham Road, Headcorn, Kent, TN27 9TU	PINS Ref: 3151144	09/12/2016
CD6.5	Land East of Seagrave Road, Sileby, Leicestershire	PINS Ref: 3152082	27/03/2017
CD6.6	Land at Wain Close, Newport Road, Woburn Sands, Milton Keynes	PINS Ref: 2224004	01/10/2015
CD6.7	Land at Burford Road, Witney, Oxford	PINS Ref: 3005737	24/08/2016
CD6.8	Land East of Wolvey Road, Three Pots, Burbage, Leicestershire	PINS Ref: 2202261	03/01/2014
CD6.9	Land at Long Street Road, Hanslope	PINS Ref: 3177851	05/03/2018
CD6.10	Land at Linford Lakes, off Wolverton Road, Milton Keynes, Bucks	PINS Ref: 3175391	27/03/2018
CD6.11	Land at Moat Farm, Chicheley Road, North Crawley	PINS Ref: 3186814	30/04/2018
CD6.12	Land off Olney Road, Lavendon	PINS Ref: 3182048	04/05/2018
CD6.13	Longdene House, Hedgehog Lane, Haslemere	PINS Ref: 3165974	10/01/2019
CD6.14	Darnhall School Lane Appeal - Decision Letter	PINS Ref: 2212671	16/04/2019
CD6.15	Darnhall School Lane Appeal - Inspectors report	PINS Ref: 2212671	16/04/2019
CD6.16	Land on East Side of Green Road, Woolpit, Suffolk	PINS Ref: 3194926	28/09/2019

CD6.17	The Globe, 50 Hartwell Road, Hanslope	PINS Ref: 3220584	05/09/2019
CD6.18	Land off Castlethorpe Road and Malt Mill Farm Hanslope	PINS Ref: 3214365	26/09/2019
CD6.19	Land at Church Farm, Wavendon	PINs Ref 3134194	12/08/2019
CD6.20	Land at Site North of Former North Worcestershire Golf Club, Hanging Lane, Birmingham	PINs Ref: 3192918	06/12/2018
CD6.21	Land to the south of Bromley Road, Ardleigh, Colchester CO7 7SE	PINs Ref: 3185776	13/09/2019
CD6.22	Land Off Colchester Road, Bures Hamlet, Essex	PINs Ref: 3207509	27/03/2019
CD6.23	Land Off Stone Path Drive, Hatfield Peverel, Essex	PINs Ref: 3162004	08/07/2019
CD6.24	Land to the South of Cox Green Road, Rudgwick, Surrey	PINs Ref: 3227970	16/09/2019
CD6.25	Land North of Leighton Road	PINs Ref: 3203307	24/01/2019
CD6.26	Land at Well Meadow, Well Street, Malpas, Cheshire, SY14 8DE	PINs Ref: 2214400	07/01/2015
CD7 - Case Law			
CD7.1	St Modwen Developments V SSCLG & East Riding of Yorkshire Council	[2016] EVVHC 968 (admin)	28/04/2016
CD7.2	Suffolk Coastal DC v Hopkins Homes & SSCLG and Richborough Estates V Cheshire East BC & SSCLG	[2016] EWCA Civ 168	17/03/2016
CD7.3	Crane v Secretary of State for Communities and Local Government	[2015] EWHC 425 (admin)	23/02/2015
CD7.4	Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and	[2017] UKSC 37	17/03/2016

	another (Respondents) Richborough Estates Partnership LLP and Another (Respondents) v Cheshire East Borough Council (Appellant)		
CD7.5	Barker Mill Estates v SSCLG & Test Valley BC	[2016] EWHC 3028 (Admin)	26/11/2016
CD7.6	St Modwen Developments Ltd v Secretary of State for Communities and Local Government and another	[2017] EWCACiv 1643	
CD7.7	Wokingham Borough Council v Secretary of State for Communities and Local Government and another	[2017] EWHC1863	
CD7.8	Barwood Strategic Land v East Staffordshire BC	[2017] EWCACiv893	30/06/2017
CD7.9	Monkhill Ltd v SSHCLG	[2019] EWHC1993	24/07/2019
CD8 - Related Applications			
CD8.1	11/00936/OUT - Committee Report		
CD8.2	11/00936/OUT -Decision Notice		
CD8.3	11/00936/OUT -Proposed Site Layout Plan		
CD8.4	11/00936/OUT - SITE/LOCATION PLANS		
CD8.5	12-01502-OUT, Officer Report		
CD8.6	12-01502-OUT, Decision Notice		
CD8.7	12-01502-OUT, Location Plan		
CD8.8	12-01502-OUT, Resolved Site Layout		
CD9 - Additional Documents from First Inquiry			

CD9.1	MK Housing Stats - Starts 2016/2017		
CD9.2	MK Housing Stats - Comps 2016/2017		
CD9.3	MK Housing Stats Appx 1a Completions 1981-2017		
CD9.4	MK Housing Stats Appx Starts, Under Cons and Completions by Tenure		
CD9.5	MK Housing Stats Appx 1g Starts Inside and Outside MK Dev Area		
CD9.6	Total Starts by Grid Square		
CD9.6a	Starts by Grid Square (200+)		
CD9.7	Total Completions by Grid Square		
CD9.7a	Housing Completions by Grid Square		
CD9.8	Summary Note of MK Housing Statistics		
CD9.9	Summary of RB PoE delivery rates		
CD9.10	Counsel Opinion on 5YHLS		
CD9.11	Council's Instructions to Counsel & appendices on 5YHLS		
CD9.12	Council's Statement of Case		
CD10 - Documents Between First and Second Inquiries			
CD10.1	Milton Keynes Borough Council request to Secretary of State to recover appeal		24/08/2017
CD10.2	Letter from PINS rejecting call-in request		30/08/2017
CD10.3	Letter from Ian Stewart MP to Secretary of State		12/09/2017

	requesting appeal is called in		
CD10.4	Letter from Clyde & Co to the Secretary of State regarding potential call-in decision		12/10/2017
CD10.5	Letter from PINS confirming appeal called in		31/10/2017
CD10.6	Letter from Minister of State for Housing and Planning to Ian Stewart MP confirming call-in		31/10/2017
CD10.7	Letter Clyde & Co to Minister of State for Housing and Planning regarding call-in		08/11/2017
CD10.8	Letter from Minister of State for Housing and Planning to Clyde & Co regarding call-in		20/12/2017
CD10.9	PINS letter and appeal timetable		02/02/2018
CD10.10	Letter Waller Planning to Secretary of State regarding recent appeal decisions		06/04/2018
CD10.11	PINS Letter re variation of appeal timetable		01/05/2018
CD10.12	Letter from Ministry for Housing, Communities and Local Government to Milton Keynes BC regarding recent appeal decisions		08/05/2018
CD10.13	Briefing Note on recent appeal decisions by Milton Keynes BC sent to Secretary of State		22/05/2018
CD10.14	PINS Letter re variation of appeal timetable		23/05/2018
CD10.15	Letter Waller Planning to Secretary of State		29/05/2018

	regarding recent appeal decisions		
CD10.16	Letter Clyde & Co to Secretary of State		23/07/2018
CD10.17	Letter from Secretary of state re. new NPPF & Site Allocations Plan		26/07/2018
CD10.18	Councillor Hopkins response to Secretary of State		01/08/2019
CD10.19	Clyde & Co response to Secretary of State		06/08/2018
CD10.20	Woburn Sands & District Society response to Secretary of State		09/08/2018
CD10.21	Other responses to the Secretary of State		07/08/2018
CD10.22	Woburn Sands Town Council response to Secretary of State		14/08/2018
CD10.23	Clyde & Co response to Secretary of State		15/08/2018
CD10.24	Local resident response to Secretary of State		05/08/2018
CD10.25	Local resident response to Secretary of State		
CD10.26	Local resident response to Secretary of State		16/08/2018
CD10.27	Local resident response to Secretary of State		17/08/2018
CD10.28	Milton Keynes BC e-mail and enclosure re. emerging Plan:MK		05/09/2018
CD10.29	Secretary of State's letter re. housing land supply, emerging Plan:MK and NPPF density policies and enclosures		27/09/2018
CD10.30	Waller Planning response to Secretary of State		05/10/2018

CD10.31	SPRU response to Secretary of State		05/10/2018
CD10.32	Correspondence between Waller Planning and MHCLG		15/10/2018
CD10.33	Decision by the Secretary of State (now quashed), incorporating the Inspector's recommendations		05/12/2018
CD10.34	Judgment by the High Court in relation to the Secretary of State's decision		14/06/2019
CD10.35	MHCLG letter re. need for further inquiry		09/07/2019
CD10.36	Clyde & Co response to MHCLG		18/07/2019
CD10.37	Milton Keynes BC response to MHCLG		30/07/2019
CD10.38	Wavendon Parish Council response to MHCLG		24/07/2019
CD10.39	Woburn Sands Town Council response to MHCLG		16/07/2019
CD10.40	Cllr Hopkins response to MHCLG		11/07/2019
CD10.41	Local resident response to MHCLG		19/07/2019
CD10.42	MHCLG letter re. second inquiry		16/08/2019
CD10.43	PINS letter re. second inquiry		22/08/2019
CD10.44	Inspector's Note of the Pre-Inquiry Meeting		
CD10.45	Email correspondence - Council were going to introduce new evidence to seek to justify 33 of the sites within their June 2019 trajectory		12/12/2019

CD11 - External Reports			
CD11.1	"Start to Finish How Quickly do Large-Scale Housing Sites Deliver?", Nathaniel Lichfield and Partners		November 2016
CD11.2	HBF Survey - Chairman's Update		
CD11.3	Home Builders Federation Planning Policy Conference presentation by John Stewart		2016
CD11.4	Housing Delivery on Strategic Sites, Colin Buchanan		2005
CD11.5	Urban Extensions Assessment of delivery rates, Savills		2013
CD11.6	University of Glasgow - (CLG housing markets and Planning Analysis Expert Panel) Factors affecting build out rates		February 2008
CD11.7	Sutton Coldfield Green Belt Sites Phase 2 Report of Study, PBA		June 2014
CD11.8	Hourigan Connolly - An interim report into the delivery of Urban Extensions 2013		
CD11.9	Ruth Stainer DCLG Planning Update		
CD12 - Niko Grigoropoulos Proof additional documents			
CD12.1	Historic England Designation Report, Wavendon House Landscape		1 November 2019
CD12.2	Final SAP Issues and Options Consultation Document		September 2014

CD12.3	Council's note submitted at the Pre-inquiry meeting re reasons for refusal		01/11/2019
CD12.4	Woburn Sands neighbourhood Plan Map		July 2014
CD12.5	MK Settlement Boundary Study		November 2017
CD12.6	Plan:MK Proposals map Sheet 4 extract		March 2019

PLANS

- Plans A
1. Site Location Plan PL-X-001 rev. B
 2. Proposed site access drawing no.WO1188-101 rev.PO5
 3. Proposed site access drawing no.WO1188-1021 rev.PO3
 4. Site Location Plan PL-X-001 rev.B (A1)
- Plan B
- Illustrative layout PL-X-004 rev.C
- Plan C
- Parameters Plan PL-X-003 rev.C

INQUIRY DOCUMENTS (FROM FIRST INQUIRY)

- ID01
- Town and Country Planning (Development Management Procedure) (England) Order 2015, extract
- ID02
- Statement of Common Ground
- ID03
- Opening Statement – Peter Goatley
- ID04
- Opening Statement – Tim Straker
- ID05a
- Housing figures, updated
- ID05b
- Summary; housing monitoring
- ID06
- Updated implications of using Core Strategy trajectory
- ID07
- Written objections from Steph Foster
- ID08
- Draft conditions 1
- ID09
- Draft Section 106 Agreement 1
- ID10
- Draft Section 106 Obligation 1
- ID11
- Development Brief for Walton Manor, Walton
- ID12
- Interventions by Milton Keynes Council to 'boost the delivery of housing'.
- ID13
- Minister opens the dual carriageways of the A421, helping to develop 2,900 new homes, October 2015
- ID14
- Funded road schemes
- ID15
- Eastern Expansion Area Delivery Pack
- ID16
- Strategic Land Allocation Delivery Pack
- ID17
- Programme of development on appeal site
- ID18
- Draft Section 106 Agreement 2

ID19	Draft Section 106 Obligation 2
ID20	Draft conditions 2
ID21	Closing submissions – Tim Straker
ID22	Closing submissions – Peter Goatley
ID23	Signed Section 106 Agreement 3
ID24	Signed Section 106 Obligation 3
ID25	Suggested conditions 3
ID26	Letter dated 30 August 2017 refusing to recover the appeal for decision by the Secretary of State
ID27	Letter dated 31 October 2017 recovering the appeal for decision by the Secretary of State

DOCUMENTS (FROM FIRST INQUIRY)

Document 1	List of persons present at the Inquiry
Document 2	Conclusion and proof – Roland Bolton
Document 3	Appendices 1-35, folder 1 - Roland Bolton
Document 4	Appendices 36-62, folder 2 - Roland Bolton
Document 5	Supplementary proof and appendices 1-4 - Roland Bolton
Document 6	Proof and appendix – Katy Jordan
Document 7	Summary proof – Mary Fisher
Document 8	Proof – Mary Fisher
Document 9	Appendices A-D – Mary Fisher
Document 10	Summary proof – Tim Waller
Document 11	Proof and appendices 1-13 - Tim Waller
Document 12	Supplementary proof and appendices 1-6 - Tim Waller
Document 13	Summary and planning proof - Jon Goodall
Document 14	Appendices 1-18 to planning proof - Jon Goodall
Document 15	Summary and housing land availability proof - Jon Goodall
Document 16	Appendices 1-20 to housing land availability proof - Jon Goodall
Document 17	Statement - Cllr David Hopkins
Document 18	Objection letters on behalf of Wavendon Residential Properties Limited and Merton College Oxford - Ian McGrane <ul style="list-style-type: none">A. Letter of objection from Integrated Transport LimitedB. Letter of objection from Heather Pugh, Partner, David Lock Associates
Document 19	Statement - Cllr Jackie Jeffreys
Document 20	Statement - Chris Jenner <ul style="list-style-type: none">A. Technical Objection Report
Document 21	Statement - Alistair Ewing
Document 22	Statement - Judith Barker
Document 23	Bundle of representations in respect of the appeal
Document 24	Inspector's index to representations
Document 25	Index to Core Documents



Ministry of Housing, Communities & Local Government

www.gov.uk/mhclg

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

Appendix HLS6 - Market Square, Woking Appeal Decision



Appeal Decision

Site visit made on 8 February 2022

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022

Appeal Ref: APP/A3655/W/21/3279153

Hazels, Pyle Hill, Sutton Green, Woking GU22 0SR

- 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 Mr D Carr against the decision of Woking Borough Council.
 - The application Ref PLAN/2021/0416, dated 13 April 2021, was refused by notice dated 8 June 2021.
 - The development proposed is the demolition of the existing house and garage and erection of replacement dwelling and detached garage.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing house and garage and erection of replacement dwelling and detached garage at Hazels, Pyle Hill, Sutton Green, Woking GU22 0SR in accordance with the terms of the application, Ref PLAN/2021/0416, dated 13 April 2021, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies.
 - The effect on the openness of the Green Belt.
 - The effect of the proposal on the character and appearance of the area.
 - The effect of the proposal on the living conditions of the occupants of Cedar House having regard to outlook and light, and;
 - If found to be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land

- permanently open as the essential characteristics of Green Belts are their openness and their permanence.
4. The construction of new buildings within the Green Belt is inappropriate with the exception of the types of development listed in paragraph 149 of the Framework. Criterion d) of Paragraph 149 allows for the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. Policy CS6 of the Woking Core Strategy, October 2012 (CS) and policy DM13 of the Development Management Policies Development Plan Document, October 2016 (DMP) both seek to prevent harmful development in the Green Belt. They generally resist development for new buildings in the Green Belt save for the development that accords with the exceptions in the Framework.
 5. Policy DM13 of the DMP expands upon the criteria in the Framework and includes specific reference to replacement buildings. It supports the replacement of buildings within the Green Belt where the proposed new building: (i) is in the same use as the building it is replacing; (ii) is not materially larger than the building it is replacing; and (iii) is sited on or close to the position of the building it is replacing, except where an alternative siting within the curtilage demonstrably improves the openness of the Green Belt. The Council does not dispute that criteria (i) and (iii) would be met but considers that the proposal would be materially larger than the existing single storey dwelling.
 6. The explanatory text¹ to policy DM13 states that when assessing this aspect, the Council will compare the size of the existing building with that proposed, taking account of siting, floorspace, bulk and height. As a general rule, a replacement building that is no more than 20-40% larger than the one it replaces will not usually be considered to be disproportionate, although this approach may not be appropriate for every site.
 7. The appellant acknowledges² that the proposed replacement dwelling would have a larger footprint, floor area and maximum height than the existing dwelling. Furthermore, the volume would increase from approximately 464m³ to 1063m³ and so would more than double in size. This considerably exceeds the indicative range given for policy DM13. Consequently, the replacement dwelling would, by any reasonable size analysis, be materially larger than the existing dwelling.
 8. My attention is drawn to various other replacement dwellings and extensions³ that have been permitted in the vicinity which the appellant asserts amount to increases in size in excess of 40%. However, I am not provided with all the circumstances that led to those decisions and based on the information before me, the majority preceded the adoption of the DMP which sets out how the Council will make assessments of replacement buildings in the Green Belt. Therefore, whilst they carry limited weight, they do not persuade me that the specific dwelling proposed in this case would not be materially larger than the dwelling to be replaced.

¹ Paragraph 5.43

² Figure 2, Appellant's Appeal Statement

³ Figure 1, Appellant's Appeal Statement

9. Accordingly, I find that the proposed replacement dwelling would not fall within any of the exceptions listed in paragraph 149 of the Framework. It follows, that the proposal constitutes inappropriate development in the Green Belt.

Openness

10. The existing dwelling is a single storey structure set within a generous plot. It is flanked by two storey residential development set within a wider row of development broadly following a building line facing Pyle Hill. By comparison to the existing dwelling, the proposed dwelling would have a more compact footprint width. However, it would notably increase in depth, as would the volume and height of built form. The increase in size would be apparent from Pyle Hill.
11. Therefore, the proposal would have an adverse spatial and visual impact on the openness of the Green Belt. Nevertheless, the extent of this harm would be limited given the relatively modest scale of the proposal and the containment provided by the pattern of residential development in the vicinity.

Character and appearance

12. The residential development at Pyle Hill is characterised by large detached, mostly two storey dwellings set within generous landscaped grounds. I observed that there were architectural differences in the form and materials. As such, coherence is principally derived from the verdant surroundings, broadly similar scale, spacing and their ordered relationship to the road. When viewed from Pyle Hill, this gives an impression of a sequence of impressive houses, each with an individual identity.
13. The existing wooden clad dwelling at the appeal site reflects some of these characteristics in terms of its position within the plot and verdant grounds. However, it is single storey, which combined with its simple form gives it a somewhat plain and ordinary appearance by comparison to its grander surroundings. Consequently, in this context it appears overwhelmed in the street scene. Overall, its unassuming appearance has a neutral impact on the character and appearance of the area.
14. The proposed two storey replacement dwelling would reflect an unashamedly contemporary design approach different to most of the more conventional building types seen in the road. Nevertheless, it would respect the underlying important characteristics identified as it would be of a broadly similar scale to nearby residential development. This is illustrated by comparing the proposed footprint⁴ of the dwelling with the dwellings that flank the site. In addition, the proposed street scene⁵ shows that the height of the dwelling would be beneath the roof ridge heights of the dwellings either side.
15. Moreover, the layout of the dwelling within its plot would broadly follow the established building line. This would maintain a similar set back from the road and ensure that the generous areas of garden were retained. It would also allow for balanced spacing between the upper floor of the proposed dwelling and those either side.

⁴ Proposed Site Plan, Drawing 1909/ST.10 Rev A

⁵ Front (north) elevation street scene, Drawing 1909 PL06.3 Rev F

16. Within these parameters, given the spacious context, there is some room for individuality when it comes to the appearance and form of dwellings. The proposed dwelling would have strong clean lines that would be visually attractive and distinctive. Consequently, it would add interest to, and have a greater presence in the street scene. As illustrated in the photo montage⁶ provided, the proposed use of different generally muted materials as well as fenestration features would distinguish separate components of the building. This would prevent the massing of the building from appearing overly bulky or unduly prominent in the street.
17. On this basis, the design would make a positive contribution to enriching the site, the street and the local area. It also seeks to incorporate Passive House principles⁷. These are design aspects encouraged by the urban design principles contained in the Woking Design Supplementary Planning Document, February 2015. Furthermore, in line with paragraph 130 c) of the Framework, it would ensure that the development was reasonably sympathetic to the local character of the surrounding built environment whilst not preventing innovation or change.
18. The Council consider that the flat roof and materials proposed would have an urban character unsuited to its context. However, other than the generous plots and established planting, I observed little in the varied form, proportions, scale and materials of nearby dwellings to suggest they are intrinsically semi-rural in character. Furthermore, like the existing dwelling, the proposal would use timber cladding and for the reasons already outlined, the proposal would conserve the fundamental qualities of the area.
19. Accordingly, I find that the proposal would make a positive contribution to the character and appearance of the area. It follows that I find no conflict with policy CS21 of the CS, which amongst other matters, requires developments that are attractive with their own distinct identity, that respect and make a positive contribution to the street scene and the character of the area in which they are situated, paying due regard to the scale, height, proportions, building lines, layout, materials and other characteristics of adjoining buildings and land. Neither would the proposal conflict with policy CS24 of the CS which primarily requires development to provide a positive benefit in terms of landscape and townscape character, and local distinctiveness.

Living conditions

20. Policy CS21 of the CS states amongst other things that development should achieve a satisfactory relationship to adjoining properties avoiding significant harmful impact in terms of loss of privacy, daylight or sunlight, or an overbearing effect due to bulk, proximity or outlook. The Council are concerned that the proposed replacement dwelling would have a harmful impact upon ground floor west facing windows in the side elevation of Cedar House by reason of outlook and loss of daylight.
21. Planning permission⁸ has been granted for works at Cedar House which suggests that the internal layout will go from including a single aspect study served by a window in the side elevation, to a larger games room with two

⁶ Figure 3, Appellant's Appeal Statement

⁷ Page 4, Design and Access Statement prepared by Kate Stoddart

⁸ Reference PLAN/2020/0450

windows in the side elevation and one in the front. However, evidence also points to subsequent amendments to the approved scheme. Although the Council points out there is no guarantee that the permission will be carried out, the representation received from the occupants of Cedar House state that the games room is under construction but will be served by two side windows and no front window. At my site visit I was able to visit Cedar House and observed that construction was underway. Two side windows for the games room are in situ, at present both have obscure glazing. Therefore, I have based my assessment on the games room having two side windows but have not assumed that the glazing will remain obscured.

22. Given the proximity of the windows to the boundary with the appeal site, the outlook from plain glazed ground floor windows would primarily be of the boundary fence. Furthermore, the existing side elevation of Hazels is approximately 1.85m⁹ from the boundary and so would be seen beyond the boundary fence. Accordingly, the outlook and light levels to the ground floor side windows of Cedar House in question would already be compromised to an extent. If the obscure glazing employed in the windows is retained this would further affect the outlook.
23. The proposal would not notably alter the relationship of the windows to the boundary fence or levels of the site. Although it would have a greater depth, the proposal would shift the dwelling further away from the boundary as illustrated on the proposed ground floor plan¹⁰, thereby increasing the gap between the buildings. Moreover, the part of the replacement dwelling nearest to the boundary would be single storey with the first floor component set further into the site some distance from the side boundary.
24. Taking these factors together, the proposal would not significantly alter the quality of the outlook or light levels for the ground floor windows on the side elevation of Cedar House. Therefore, any effect on the overall living conditions of the occupiers would be marginal rather than resulting in significant loss of daylight or harm to outlook. On that basis, it would meet the satisfactory relationship threshold in policy CS21 of the CS.
25. I have had regard to the Council's Outlook, Amenity, Privacy and Daylight, Supplementary Planning Document, July 2008 (SPD), and in particular paragraph 6.9 which states that when considering development proposals, it is important not to prejudice future daylight requirements by building too close to the boundary. For the reasons outlined, I am satisfied that the proposal would avoid doing so.
26. The guidance goes on to outline both a 43 and 25 degree test to which both parties refer. They disagree as to which is most relevant to the scheme before me. The SPD refers to both tests as a suitable means to check whether development would site buildings sufficiently well back from any rear boundary to allow future development of adjacent land to receive adequate access to daylight and retain sufficient space for daylighting its own accommodation which faces the boundary, should the adjoining land become developed¹¹. This scenario in the SPD does not closely correlate with the circumstances before me as it does not concern a rear boundary. Additionally, the illustrative

⁹ Paragraph 5.18, Appellant's Appeal Statement

¹⁰ Drawing number 1909 PL05.1 Rev L

¹¹ Paragraph 6.10

diagram referencing imaginary future mirror development in the SPD covers the situation where there has previously been no development on the adjacent land, which is also not the case. Therefore, these tests in the SPD carry little weight when assessing the proposal against the threshold set by policy CS21, and would not lead me to find otherwise.

27. Accordingly, I find that the proposal would achieve a satisfactory relationship with Cedar House by avoiding significant harmful impacts in terms of daylight or sunlight, or by having an overbearing effect on outlook. Consequently, I find no conflict with policy CS21 of the CS in this regard.

Other considerations

28. Prior approvals¹² exist for an additional storey and a single storey rear extension to be added to the dwelling under permitted development rights. In addition, a certificate of proposed lawful development has been granted for a side/rear extension, front porch and rear dormer roof extension. Whilst not all of the developments permitted could be carried out concurrently, the appellant has submitted illustrative plans as part of their appeal submission to show how these proposals could be combined. These show a two-storey dwelling with extensive single storey rear and side extensions. The appellants refer to this as a realistic fall-back position and explicitly state that the appellant would build it if the appeal failed¹³.
29. The fall-back position would provide for a detached four bedroom dwelling with an open plan living and kitchen area. The sequence of recent planning and prior approval applications signal that the appellant intends to increase and improve the existing accommodation at the site. Despite the Council's misgivings, although not the appellant's preferred approach, I accept that there is a realistic possibility of the permitted development being implemented in the absence of any other scheme. Therefore, the fallback position is a material consideration.
30. The appeal proposal would result in several advantages over the fall-back scheme. Firstly, the comparative measurements provided show that the fallback scheme would be greater in height, depth and volume. In addition, it would have a considerably larger footprint encompassing greater plot coverage meaning that built form would be more widely dispersed across the plot. The greater size of the fallback position is not disputed by the Council. In turn, this would have a more harmful spatial impact upon the openness of the Green Belt. The greater height and less compact form of the structure would result in a more obvious visual harm to openness.
31. However, this advantage would be undermined if the proposed replacement dwelling were in turn extended by virtue of permitted development rights normally afforded to dwellinghouses. Therefore, the clear improvement over the fall-back position in relation to the Green Belt is predicated on the proposed replacement having the normal rights to enlarge dwellinghouses restricted.
32. Furthermore, the design of the fall-back position is accurately described by the Council¹⁴ as piecemeal and contrived in appearance, but to a large extent, this reflects the constraints imposed by the permitted development rights. It would

¹² References PLAN/2020/0949 dated 8.12.20 & PLAN/2020/0323 dated 12.5.20

¹³ Paragraph 3.20, Appellant's Appeal Statement

¹⁴ Page 6, Council's Delegation Report

result in a dwelling with a disjointed and awkward appearance possessing little identity. By comparison, the scheme before me would be a coherent and considered design response to the context. It would represent a significant aesthetic improvement over the fall-back position. In addition, the functionality of the layout and the environmental performance of the appeal proposal would be likely to be superior.

33. Taking these factors together, I find that the fall back position would be considerably more harmful than the appeal proposal. Therefore, it attracts significant weight in favour of the development before me.

Other matters

34. Representations have been received both objecting and in favour of the proposal. Most of the matters raised have been covered when dealing with the main issues. However, the occupiers living either side of the appeal site raise concerns regarding a loss of their privacy. This was considered in the Council's Delegation report, with the Council concluding that there would be no material harm in this respect. Little substantive evidence has been submitted that leads me to any different view. Moreover, at my site visit I was able to observe the appeal site from the residential properties either side. Given the proposed separation distances, orientation of windows and balconies and proposed obscure glazing in certain windows, I am satisfied that the privacy of neighbouring residents would not be unacceptably harmed.

Green Belt balance

35. Paragraph 148 of the Framework advises that substantial weight should be given to any harm to the Green Belt. Moreover, very special circumstances to allow inappropriate development will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. In this case, the proposal amounts to inappropriate development, and limited harm would be caused to the openness of the Green Belt. These factors attract substantial weight.
36. Nevertheless, the appellant has an alternative fallback position which is considerably more harmful to the openness of the Green Belt than the appeal proposal. Furthermore, unlike the scheme before me, the fallback position would not contribute positively to the character and appearance of the area.
37. The Council points out that permitted development is a common occurrence. Although rarity may be a relevant factor, I am not aware that other considerations must be the opposite of commonplace in order to be special. Rather it is a qualitative judgement that is required. In this case, it is the resultant impact upon the openness of the Green Belt that would otherwise be likely to arise that is determinative.
38. Accordingly, I find that the other considerations clearly outweigh the harm that I have identified. Looking at the case as a whole, I consider that very special circumstances exist which justify the development.
39. On that basis, the proposed development would accord with policy CS6 of the CS and policy DM13 of the DMP, whose principal objective is to protect the Green Belt from inappropriate development, save in the case where very special circumstances are shown.

Conditions

40. The Council suggested 11 conditions which I have considered against the Framework and Planning Practice Guidance (PPG). It is the Government's intention that planning conditions should be kept to a minimum and that pre-commencement conditions should be avoided unless there is clear justification. In addition to the standard time period for the commencement of development, it is necessary in the interests of certainty to list the approved plans.
41. Given the weight given to the fallback position as an alternative to the appeal proposal, it is necessary and reasonable to ensure that the proposal remains preferable to the fall-back scheme. Hence, future reliance on permitted development rights to extend the development further should be prevented. Therefore, in order to protect the openness of the Green Belt, I am satisfied that there are exceptional circumstances to limit the permitted development rights for the proposed dwelling that would otherwise permit a notable enlargement of the dwelling or outbuildings. However, I am not persuaded that this needs to extend to the removal of the classes of permitted development that would allow for a hard surface or a small porch.
42. The Council suggest a pre-commencement condition to agree materials. However, the high threshold described in the PPG to justify such conditions has not been met. Moreover, the materials are indicated on the plans submitted and the plan-list condition requires the development to proceed in accordance with those. The area is not otherwise so sensitive that further details are required to make the proposal acceptable in planning terms.
43. The Council has also suggested a condition to require the removal of the existing garage in the interests of the openness of the Green Belt. However, the proposed garage would be constructed largely on the footprint of the existing structure¹⁵. Hence, logic dictates that it could not coexist with the proposed replacement garage. Therefore, I am not convinced this condition would be necessary.
44. To minimise the impact on protected bats and established trees at the appeal site the proposal should proceed in accordance with the recommendations made in the ecology and arboricultural reports provided. In addition, the bat report provided suggests enhancement measures to improve the habitat for bats, birds and invertebrates. These measures are conditioned as paragraph 180 of the Framework states that opportunities to enhance biodiversity in and around developments should be integrated as part of their design. A further specific condition relating to the timing of works and nesting birds is not necessary as this is covered by other legislation.
45. Policy CS22 of the CS and paragraph 112 e) of the Framework indicate that development should be designed to enable charging of plug-in and other ultra-low emission vehicles. Accordingly, it is reasonable to require provision to be made for this before the dwelling is occupied. However, it would be disproportionate to require specific details to be agreed with the Council or long-term control over this aspect of the development.
46. The Council has also suggested conditions to require additional technical requirements relating to emissions and water usage. The PPG states that the

¹⁵ Drawing number 1909/PL01.2 Rev H

Government's approach to setting such requirements is to give local planning authorities the option to set additional technical requirements exceeding the minimum standards required by Building Regulations in respect of access and water. However, this must be based on evidence and justified in policies in the development plan. Based on the evidence before me, it is not clearly shown that the requirements are based on the specific requirements of a development plan policy. Therefore, I have not imposed the conditions.

47. In addition, it is reasonable in the interests of maintaining privacy between neighbouring residential occupiers that the first floor secondary bedroom windows, bathroom and en-suite windows shown as obscure glazed with no openings below 1.7m from floor level on drawing 1909/PL05.2 Rev K are implemented and retained as such.

Conclusion

48. For the reasons given above I conclude that the appeal should be allowed.

Helen O'Connor

Inspector

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Site Plan, drawing number 1909/ST.01 Rev A; Proposed Site Plan, drawing number 1909/ST.10 Rev A; Proposed Topographic Site Plan, drawing number 1909/PL01.2 Rev H; Proposed Ground Floor Plan, drawing number 1909/PL05.1 Rev L; Proposed First Floor Plan, drawing number 1909/PL05.2 Rev K; Proposed Roof Plan, drawing number 1909/PL05.3 Rev F; Proposed Elevations, drawing number 1909/PL06.1 Rev L; Proposed Elevations, drawing number 1909/PL06.2 Rev K; Proposed Context and Street Elevations, drawing number 1909/PL06.3 Rev F; Proposed Context Rear Elevation, drawing number 1909/PL06.4 Rev D; Proposed Garage, drawing number 1909/PL06.5 Rev A; Proposed Sections X & Y, drawing number 1909/PL07.1 Rev C; Proposed Sections Z & A, drawing number 1909/PL07.2 Rev C and Proposed Section B & C, drawing number 1909/PL07.3 Rev D.
- 3) Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A, AA, B, and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no extension(s), additions(s) or the provision of any other building(s) within the curtilage other than that expressly authorised by this permission shall be constructed without planning permission being first obtained from the local planning authority.
- 4) The dwelling hereby permitted shall not be occupied until the first floor windows labelled as obscure glazed on drawing number 1909 PL05.2 Rev K have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.
- 5) The development shall proceed in accordance with Section 10 of the Arboricultural Survey Implications Assessment and Arboricultural Method Statement reference RMT413 dated 1 April 2020 prepared by RMT Tree Consultancy Ltd.
- 6) The development shall proceed in accordance with the General Mitigation measures in Section 6 and Enhancement Recommendations in Section 7 of the Phase 2, Bat Emergence/Re-entry Report prepared by Darwin Ecology, dated July 2020.
- 7) The dwelling hereby permitted shall not be occupied until an electric vehicle charging point has been provided within the site.

Appendix HLS7 - Planning Permissions for new dwellings granted 01_04_22 - 27_04_23

Appendix HLS7 – Planning Permissions for new dwellings granted since 1st April 2022

Site	Planning Permission (ref / granted)	Reserved Matters (ref / granted)	Approved Dwellings	Commentary
Planning Permissions Granted 1st April 2022 – 31st March 2023				
271 Cell Barnes Lane St Albans	5/2021/3109 Granted 05/04/2022	N/A	1	
14 Park Avenue, St Albans	5/2021/2993 Granted 08/04/2022	N/A	0 (net)	
1 Hall Place Gardens St Albans	5/2022/0351	N/A	1	
Batford Farm Common Lane Batford Hertfordshire Harpenden	5/2021/3482 Granted 11/04/2022	N/A	3	
36 Porters Hill Harpenden	5/2022/0470 Granted 13/04/2022	N/A	1	
26 Park Avenue North Harpenden	5/2022/0379 Granted 12/04/2022	N/A	0 (net)	
6 Highfield Road Sandridge	5/2021/3326 Granted 08/04/2022	N/A	2 (net)	
Garages Rear Of 34 To 40 College Road St Albans	5/2021/3061 Granted 28/04/2022	N/A	2	

Appendix HLS7 continued

Site	Planning Permission (ref / granted)	Reserved Matters (ref / granted)	Approved Dwellings	Commentary
Land rear of Alban House St Peters Street St Albans	5/2022/0173 Granted 22/04/2022	N/A	3	
5 Wood End Road Harpenden	5/2022/0238 Granted 22/04/2022	N/A	0 (net)	
Broadway Chambers St Peters Street St Albans	5/2022/0527 (office to residential prior approval) Granted 22/04/2022	N/A	4	
5 The Meads Bricket Wood	5/2021/3565 Granted 28/04/2022	N/A	1 (net)	
Wheathampstead House Codicote Road Wheathampstead	5/2022/0506 Granted 22/04/2022	N/A	-1	
222 London Road St Albans	5/2021/1972 Granted 29/04/2022	N/A	32	Site also identified as a delivery from an allocated site.
31 Homewood Road St Albans	5/2022/0483 Granted 10/05/2022	N/A	0 (net)	
116 Cambridge Road St Albans	5/2022/0786 Granted 18/05/2022	N/A	1	
22 Roundfield Avenue Harpenden	5/2022/0497 Granted 20/05/2022	N/A	1	
Former Baptist Chapel St Albans Road Sandridge	5/2022/0667 Granted 25/05/2022	N/A	1	
31 Park Mount Harpenden	5/2022/0866	N/A	0 (net)	

Appendix HLS7 continued

Site	Planning Permission (ref / granted)	Reserved Matters (ref / granted)	Approved Dwellings	Commentary
	01/06/2022			
Verulam Industrial Estate London Road St Albans	5/2021/2417 Granted 07/06/2022	??	62	Full planning permission. However, a NMA application to amend the approved flood plans and dwelling mix was refused in November 2022. No subsequent application has been submitted since.
1 Mount Pleasant St Albans	5/2021/3465 Granted 15/06/2022	N/A	0 (net)	
Old Apiary Site Hatching Green Harpenden	5/2021/3503 Granted 20/06/2022	None	5	Planning permission ref. 5/2022/1814 has superseded this
Land off Orchard Drive Park Street St Albans	5/2021/2730 Granted 21/06/2022	5/2022/2747 Under consideration	30	RM application being determined
143 Watford Road Chiswell Green St Albans	5/2022/0884 Granted 21/06/2022	N/A	2	
108 Ragged Hall Lane Chiswell Green St Albans	5/2022/1049 Granted 21/06/2022	N/A	0 (net)	
Mitchell Hall 85 Verulam Road St Albans	5/2021/3438 Granted 17/06/2022	N/A	7	
86 Wheathampstead Road Harpenden	5/2022/0723 Granted 27/06/2022	N/A	1 (net)	

Appendix HLS7 continued

Site	Planning Permission (ref / granted)	Reserved Matters (ref / granted)	Approved Dwellings	Commentary
271 High Street London Colney	5/2021/1933 Granted 24/06/2022	N/A	10	
Land Rear Of 97 To 105 The Hill Wheathampstead	5/2022/1026 Granted 30/06/2022	N/A	3	Replaces planning permission ref. 5/2021/3032 – dated 18/02/2022 -or three dwellings.
117 Hatfield Road St Albans	5/2022/0091 Granted 05/07/2022	N/A	7 (net)	
37 Burston Drive Park Street St Albans	5/2022/1247 Granted 06/07/22	N/A	1 (net)	
Land at junction of Dunstable Road Luton Lane Redbourn	5/2022/1309 Granted 01/07/2022	N/A	1	
Adjacent To 15 Cape Road St Albans	5/2021/2195 Granted 14/07/2022	??	37	Conditions being discharged
8 Victoria Road Harpenden	5/2022/1257 Granted 08/07/2022	N/A	2	
18 High Street Harpenden	5/2022/1323 (Office to residential prior approval) Granted 14/07/2022	N/A	1	
Land adjacent (South) Winslo House 200 Radlett Road Frogmore St Albans	5/2021/0346 Granted 15/07/2022	None	8	Appeal allowed for the 9 dwellings accounted for within the supply outlined by the 2022 AMR

Appendix HLS7 continued

Site	Planning Permission (ref / granted)	Reserved Matters (ref / granted)	Approved Dwellings	Commentary
Land adjacent (South) Winslo House 200 Radlett Road Frogmore St Albans	5/2021/0402 Granted 15/07/2022	None	7	Appeal allowed for the 9 dwellings accounted for within the supply outlined by the 2022 AMR (same site as the above)
2 Market Place & 16 - 18 High Street St Albans	5/2020/3200 Granted 15/07/2022	N/A	2	
110 Mount Pleasant Lane Bricket Wood	5/2022/0302 Granted 20/07/2022	N/A	0 (net)	
Seven Oaks Cottage 88 Roestock Lane Colney Heath	5/2022/0664 Granted 29/07/2022	N/A	1	
3 Hillside Road Harpenden	5/2022/1208 Granted 03/08/2022	N/A	1 (net)	
25 Grove Avenue Harpenden	5/2022/0661 Granted 09/08/2022	N/A	0 (net)	
3 Short Lane Bricket Wood	5/2022/1105 Granted 05/08/2022	N/A	1 (net)	
15 Jameson Road Harpenden	5/2021/3462 Granted 17/08/2022	N/A	1 (net)	
White Walls Annables Lane Kinsbourne Green Harpenden	5/2022/1630 (Agriculture to residential prior approval) Granted 17/08/2022	N/A	5	

Appendix HLS7 continued

Site	Planning Permission (ref / granted)	Reserved Matters (ref / granted)	Approved Dwellings	Commentary
13 Holywell Hill St Albans	5/2022/1150 (Office to residential prior approval) Granted 12/08/2022	N/A	3	
6 Watford Road St Albans	5/2022/1547 (Granted 17/08/2022)	N/A	0 (net)	
33 Rothamsted Avenue Harpenden	5/2022/1531 Granted 19/08/2022	N/A	0 (net)	
3 Hamilton Road St Albans	5/2021/2909 Granted 01/09/2022	N/A	1	
Barley Mow Stables Barley Mow Lane St Albans	5/2022/1534 Granted 13/09/2022	N/A	5	
16 Park Avenue South Harpenden	5/2022/1482 Granted 15/09/2022	N/A	0 (net)	
Long Acre Holly Lane Harpenden	5/2022/1798 Granted 14/09/2022	N/A	0 (net)	
Rear Of 3 And 5 Approach Road And Accessed Via Orient Close St Albans	5/2022/1815 Granted 26/09/2022 (Replaces planning permission ref. 5/2021/3093 dated 30/12/2021)	N/A	1	
82 Oaklands Lane Smallford St Albans	5/2022/1574 Granted 12/10/2022	N/A	3 (net)	
68 Pageant Road St Albans	5/2022/1782	N/A	1	

Appendix HLS7 continued

Site	Planning Permission (ref / granted)	Reserved Matters (ref / granted)	Approved Dwellings	Commentary
	Granted 01/11/2022			
6 Pigeonwick Harpenden	5/2022/1069 Granted 04/11/2022	N/A	0 (net)	
Plot 18 Land at Harperbury Hospital Harper Lane Shenley	5/2021/1035 Granted 09/11/2022	N/A	2	
Woodring Aubrey Lane Redbourn	5/2022/1391 Granted 08/11/2022	N/A	0 (net)	
91 - 93 Victoria Street St Albans	5/2022/2731 Granted 04/11/2022	N/A	14	Conditions being discharged
46 West Riding Bricket Wood	5/2022/1778 Granted 08/11/2022	N/A	1 (net)	
37 Burston Drive Park Street St Albans	5/2022/1762 Granted 14/11/2022	N/A	1 (net)	Amendment to planning permission ref. 5/2022/1247, dated 06/07/2022
69 Sandridge Road St Albans	5/2022/1904 Granted 18/11/2022	N/A	1	
25 Warwick Road St Albans	5/2021/3615 Granted 21/11/2022	N/A	2 (net)	
6 Salisbury Avenue Harpenden	5/2022/1231 Granted 24/11/2022	N/A	0 (net)	

Appendix HLS7 continued

Site	Planning Permission (ref / granted)	Reserved Matters (ref / granted)	Approved Dwellings	Commentary
23 Mount Pleasant St Albans Hertfordshire	5/2022/1982 Granted 18/11/2022	N/A	0 (net)	(1 dwelling at this site already in April 2022 committed supply)
16 Townsend Lane Harpenden	5/2022/2062 Granted 29/11/2022	N/A	0 (net)	274
43 Park Avenue North Harpenden	5/2022/1109 Granted 01/12/2022	N/A	0 (net)	
Land Rear of 199 and 201 Hatfield Road St Albans	5/2022/2082 Granted 02/12/2022	N/A	1	
Orchard Farm Sheepcote Lane Wheathampstead	5/2022/1206 Granted 02/12/2022	N/A	1	
Wexhams Lye Lane St Albans	5/2022/0859 Granted 07/12/2022	N/A	1	
4 Oakfield Road Harpenden	5/2022/1347 Granted 09/12/2022	N/A	0 (net)	
Old Apiary Site Hatching Green Harpenden	5/2022/1814 Granted 14/12/2022	N/A	5	Supersedes planning permission ref. 5/2021/3503, Granted 20/06/2022
116 Cambridge Road St Albans	5/2022/2079 Granted 22/12/2022	N/A	1	Supersedes planning permission ref. 5/2022/0786
59 Coldharbour Lane Harpenden	5/2022/1303	N/A	1	

Appendix HLS7 continued

Site	Planning Permission (ref / granted)	Reserved Matters (ref / granted)	Approved Dwellings	Commentary
	Granted 16/12/2022			
Little Acre Sheepcote Lane Wheathampstead	5/2022/2381 Granted 16/12/2022	N/A	0 (net)	
The Cherry Trees Indian Restaurant 261 Lower Luton Road Wheathampstead	5/2022/2336 Granted 22/12/2022 (Outline permission)	N/A	2	
89 Fishpool Street St Albans	5/2022/2285 Granted 22/12/2022	N/A	1	
26 High Ash Road Wheathampstead	5/2022/2303 Granted 23/12/2022	N/A	1 (net)	
37 Ridgewood Drive Harpenden	5/2022/2332 Granted 19/01/2023	N/A	0 (net)	
Rear of the property at Harvest House 37 London Road St Albans	5/2022/2756 Granted 19/01/2023	N/A	1	
3 Netherway St Albans	5/2022/2502 Granted 18/01/2023	N/A	0 (net)	
42 & 42A High Street Redbourn	5/2022/2844 Granted 24/01/2023	N/A	1	
3 Wildwood Avenue Bricket Wood	5/2022/2427 Granted 20/01/2023 (Permission in principle)	N/A	2	

Appendix HLS7 continued

Site	Planning Permission (ref / granted)	Reserved Matters (ref / granted)	Approved Dwellings	Commentary
29 Woodstock Road North St Albans	5/2022/2477 Granted 01/02/2023	N/A	1 (net)	
15 Castle Rise Wheathampstead	5/2022/2428 Granted 20/02/2023	N/A	0 (net)	
50 Midway St Albans	5/2022/2379 Granted 27/01/2023	N/A	0 (net)	
26 Lyndhurst Drive Harpenden	5/2022/1989 Granted 10/02/2023	N/A	1 (net)	
42A West Common Harpenden	5/2022/2338 Granted 10/02/2023	N/A	0 (net)	
14 Park Avenue South Harpenden	5/2022/2666 Granted 10/02/2023	N/A	0 (net)	
38 Abbots Avenue West St Albans	5/2022/0157 Granted 10/02/2023	N/A	1	
27 Wilshere Avenue St Albans	5/2022/2226 Granted 21/02/2023	N/A	1	
Land R/O 18-22 Bucknalls Drive Bricket Wood	5/2022/1683 Granted 01/03/2023	N/A	2	
49 Midway St Albans	5/2022/2401 Granted 01/03/2023	N/A	0 (net)	

Appendix HLS7 continued

Site	Planning Permission (ref / granted)	Reserved Matters (ref / granted)	Approved Dwellings	Commentary
Holly Lodge 10 Park Avenue South Harpenden	5/2022/2559 Granted 07/03/2023	N/A	1 (net)	
197a Marshalswick Lane St Albans	5/2022/1386 Granted 07/03/2023	N/A	0 (net)	
12 Tithe Barn Close St Albans	5/2022/2145 Granted 03/03/2023	N/A	0 (net)	
20 Cunningham Hill Road St Albans	5/2022/2281 Granted 22/03/2023	N/A	1	
Noke Lane Business Centre Noke Lane St Albans	5/2022/0337 Granted 23/03/2023	N/A	46	
69a St Peters Street St Albans	5/2021/3386 Granted 24/03/2023	N/A	14	
Sub Total			368	Delivery from Sites of 1-4 dwellings = 73 (5% = 3.65)
Appeal Decisions (01/04/22 – 31/03/23)				
76-80 Oakwood Road, Bricket Wood, St Albans	APP/B1930/W/21/3282256, 5/2021/0280 Allowed 25/04/2022	N/A	6	
Land rear of Hawthorns, Roestock Lane, Colney Heath	APP/B1930/W/21/3275907, 5/2020/2986 Allowed 05/04/2022	N/A	1	
56A, Marshalswick Lane, St Albans	APP/B1930/W/21/3271494, 5/2020/1530 Allowed 07/04/2022	N/A	1	

Appendix HLS7 continued

Site	Planning Permission (ref / granted)	Reserved Matters (ref / granted)	Approved Dwellings	Commentary
37 Napsbury Lane, St Albans	APP/B1930/W/21/3282627, 5/2021/1480 Allowed 13/05/2022	N/A	-1	
Land rear of Ardens Rise, House Lane, St Albans	APP/B1930/W/20/3259165, 5/2019/2463 Allowed 17/10/2022	N/A	5	
Land rear of 15,17 and 19 Tuffnells Way, Harpenden	APP/B1930/W/22/3296096, 5/2021/3107 Allowed 27/10/2022	N/A	3	
Bowersbury Farm, Bower Heath, Harpenden	APP/B1930/W/22/3304637, 5/2021/2244 Allowed 13/01/2023	N/A	1	
Land adjacent to The Mill House, Coursers Road, Colney Heath	APP/B1930/W/21/3283105, 5/2020/1124 Allowed 03/02/2023	N/A	8	
82 Oaklands Lane, Smallford, St. Albans	APP/B1930/W/22/3300239, 5/2021/3502 Allowed 10/03/2023	N/A	4 (net)	
Sub Total			28	Delivery from Sites of 1-4 dwellings = 10 (5% = 0.5)
Total New Permissions Sub Total			396	Delivery Sites of 1-4 dwellings = 83 (5% = 4.15)
Post 1st April 2023				
115 London Road St Albans	5/2022/2988 Granted 05/04/23	N/A	6	
4 George Street St Albans	5/2022/2965 Granted 06/04/23	N/A	1	

Appendix HLS7 continued

Site	Planning Permission (ref / granted)	Reserved Matters (ref / granted)	Approved Dwellings	Commentary
Clarence House 134 Hatfield Road St Albans	5/2023/0348 (Prior approval) Granted 12/04/23	N/A	23	
Land Rear Of 9 And 11 College Place St Albans	5/2023/0023 Granted 13/04/23	N/A	2	
241 Colney Heath Lane St Albans	5/2022/2894 Granted 19/04/23	N/A	0 (net)	
69 Necton Road Wheathampstead	5/2022/2498 Granted 20/04/23	N/A	1	
Woodview Lodge, Lye Lane, Bricket Wood, St Albans	APP/B1930/W/21/3276551 5/2020/1121 Allowed 06/04/23	N/A	4	
Total Approvals 1st April 2023 – 27th April 2023			37	Delivery from Sites of 1-4 dwellings = 8 (5% = 0.4)
Total Approvals 1st April 2022 – 27th April 2023			433	Delivery from Sites of 1-4 dwellings = 91 (5% = 4.55)

Appendix HLS8 - 2023_24 - 2027_28 Planning Permissions included within the AMR 2022

Appendix HLS8 – Planning Permissions included within the AMR 2022

Site	Planning Permission (ref/granted)	Reserved Matters (ref/granted)	Council's Estimated Delivery 2023/24-2027/28	Commentary
Planning Permissions identified in the Council's AMR 2022				
Oaklands College, Smallford Campus, Hatfield Road, St Albans	5/2013/2589 Granted 13/11/2017		92	
Land at Three Cherry Tree Lane (Spencer's Park Phase 2), near Hemel Hempstead	5/2016/2845 Granted 30/04/2019		55	
Land to rear of 112-156B Harpenden Road, St Albans	5/2021/0423 Granted 12/01/2022		55	
Land to rear of Burston Garden Centre, North Orbital Road, Chiswell Green	5/2020/3022 Granted 31/01/2022		124	Whilst not yet commenced, this site benefits from full planning permission and conditions are being discharged.
The Old Electricity Works, Campfield Road, St Albans	5/2019/3164 Granted 22/06/2021		107	Whilst not yet commenced, this site benefits from full planning permission and conditions are being discharged.
Civic Centre Opportunity Site (South), Victoria Street, St Albans	5/2020/1773 Granted 28/01/2021		73	

Appendix HLS8 continued

Site	Planning Permission (ref/granted)	Reserved Matters (ref/granted)	Council's Estimated Delivery 2023/24-2027/28	Commentary
	5/2017/1060 Granted 30/04/2018			
Ziggurat House (Car Park), Grosvenor Road, St Albans	5/2017/1149 Granted 19/09/2018		54	
Roundhouse Farm, Bullens Green Lane, Colney Heath	5/2020/1992 Granted 14/06/2021		20	See main report
270 -274 London Road, St Albans	5/2014/2136 Granted 24/05/2016 5/2012/0987 Granted 30/05/2013		46	
Former London Colney Recreation Centre, Alexandra Road, London Colney	5/2019/1799 Granted 12/05/2020	5/2021/0611 Granted 31/08/2021	45	
Ridgeview Lodge, Barnet Road, London Colney	5/2020/1910 Granted 07/02/2022		44	
22 -24 Grove Road (Pan Autos), Harpenden	5/2018/2000 Granted 04/09/2019	5/2022/2084 Granted December 2022	15	Reserved matters approval and conditions are being discharged
Noke Lane Business Centre, Noke Lane, St Albans	5/2021/0724 Granted 21/10/2021 5/2020/0606		36	A subsequent planning permission (ref. 5/2022/0337) has been

Appendix HLS8 continued

Site	Planning Permission (ref/granted)	Reserved Matters (ref/granted)	Council's Estimated Delivery 2023/24-2027/28	Commentary
	Granted 27/11/2020			approved for 46 dwellings on this site.
Chelford House, Coldharbour Lane, Harpenden	5/2019/1642 Granted 10/03/2020		35	
Land Between The River Lea & Palmerston Drive, Wheathampstead	5/2018/1260 Granted 24/04/2019		13	
Radio Casa, Oaklands Lane, Smallford	5/2018/2806 Granted 08/03/2021 5/2015/3428 Granted 28/04/2017 5/2017/0634 Granted 18/08/2017	5/2019/3240 Granted 01/05/2020 5/2019/0955 Granted 28/02/2020	5	
York House, Guildford Road & 130 Ashley Road, St Albans	5/2021/1435 Granted 16/11/2021 5/2018/1867 Granted 01/10/2018		25	
Former Westfield Allotment Site, Beeching Close, Harpenden	5/2018/0474 Granted 30/10/2018	5/2019/1845 Granted 08/11/2019	9	
67 St Peters Street, St Albans	5/2020/2978		20	

Appendix HLS8 continued

Site	Planning Permission (ref/granted)	Reserved Matters (ref/granted)	Council's Estimated Delivery 2023/24-2027/28	Commentary
	Granted 16/12/2021			
61 -65 St Peters Street, St Albans	5/2020/2142 Granted 15/10/2021 5/2019/3099 Granted 15/06/2021		18	
Land Between Hopkins Crescent And The Former Baptist Chapel, St Albans Road, Sandridge	5/2020/0919 Granted 20/04/2021	5/2021/2091 Granted 10/11/2021	14	
Units 6 And 7 Batford Mill, Lower Luton Road, Harpenden	5/2019/2656 Granted 15/09/2021		14	
The King Offa PH and Norman Close, Wallingford Walk, St Albans	5/2021/1674 Granted 17/02/2022		14	
The Hedges, Woolam Crescent, St Albans	5/2020/2451 Granted 22/09/2021		12	
Highfield Oval, Ambrose Lane, Harpenden	5/2012/1238 Granted 06/01/2014		11	
Land Rear of 103 -105 St Peters Street, St Albans	5/2021/3277 Granted 08/03/2022		9	
Land adjacent (south) Winslo House, Radlett Road, St Albans	APP/B1930/W/3267870 5/2020/1667		9	

Appendix HLS8 continued

Site	Planning Permission (ref/granted)	Reserved Matters (ref/granted)	Council's Estimated Delivery 2023/24-2027/28	Commentary
	Allowed 11/06/2021			
21 Salisbury Avenue, Harpenden	5/2021/2895 Granted 19/01/2022		9	
Victoria, Alexandra, Littleport and Collingham House, Southdown Road, Harpenden	5/2020/2762 Granted 23/02/2021		8	
223 Hatfield Road, St Albans	5/2021/2120 Granted 28/10/2021 5/2019/2748 Granted 03/01/2020		8	
13+15 Penn Road & R/O Bluebell Close, How Wood	5/2009/1647 Granted 16/10/2009 5/2007/1019 Granted 29/02/2008		1	
1 The Mansion and 3 St Peters Street, St Albans	5/2020/2463 Granted 04/03/2021 5/2019/2525 Granted 03/12/2019		6	

Appendix HLS8 continued

Site	Planning Permission (ref/granted)	Reserved Matters (ref/granted)	Council's Estimated Delivery 2023/24-2027/28	Commentary
Mandeville Health Centre, Mandeville Drive, St Albans	5/2021/0840 Granted 18/06/2021 5/2019/3185 Granted 14/02/2020		5	
Ivens Orchids, St Albans Road, Sandridge	5/2021/1359 Granted 12/11/2021 5/2021/0042 Granted 23/04/2021 5/2017/2981 Granted 13/02/2018		5	
16 & 16a High Street, Harpenden	5/2021/2515 Granted 19/01/2022		5	
9, 11 And Land To Rear Of 7 Crossfields, St Albans	5/2016/2754 Granted 08/08/2017		4	
Ayres End House, Ayres End Lane, Harpenden	5/2021/1594 Granted 30/07/2021 5/2018/1689		0 (net)	

Appendix HLS8 continued

Site	Planning Permission (ref/granted)	Reserved Matters (ref/granted)	Council's Estimated Delivery 2023/24-2027/28	Commentary
	Granted 22/08/2018			
7, 9 and land to the rear of 5 West Way, Harpenden	5/2019/2737 Granted 28/02/2020		4	
Rear Of 258 Hatfield Road, St Albans	5/2021/0083 Granted 22/04/2021 5/2018/1544 Granted 25/09/2018		4	
Land South Of Minister Court, Frogmore	5/2020/2505 Granted 22/01/2021 5/2018/1945 Granted 26/07/2019		4	
83 & 85 Kings Road, London Colney	5/2020/0238 Granted 24/03/2020		4	
107 Camp Road, St Albans	5/2020/0139 Granted 07/04/2020		4	
Land at Lady Bray Farm and Lady Bray Farm, Kennel Lane, Kinsbourne Green	5/2021/2514 Granted 12/11/2021 5/2021/2119		4	

Appendix HLS8 continued

Site	Planning Permission (ref/granted)	Reserved Matters (ref/granted)	Council's Estimated Delivery 2023/24-2027/28	Commentary
	Granted 12/11/2021 5/2020/0772 Granted 22/06/2020 5/2019/1426 Granted 05/08/2019			
Batford Farm, Common Lane, Batford, Harpenden	5/2020/3142 Granted 15/02/2021 5/2020/3143 Granted 15/02/2021		4	
226a and 226b London Road, St Albans	5/2021/1268 Granted 06/07/2021		2 (net)	
Land At The Stables, Nicholls Farm, Livery Yard, Lybury Lane Redbourn, Redbourn	5/2021/1824 Granted 23/08/2021 5/2021/1826 Granted 16/09/2021		4	

Appendix HLS8 continued

Site	Planning Permission (ref/granted)	Reserved Matters (ref/granted)	Council's Estimated Delivery 2023/24-2027/28	Commentary
Gorhambury, St Albans	5/2020/0420 Granted 28/08/2020 5/2014/1450 Granted 09/07/2015		3	
The Elms, 24 Hall Place Gardens, St Albans	5/2021/1974 Granted 28/09/2021 5/2018/0629 Granted 17/05/2018		3	
399 & 399a Hatfield Road, St Albans	5/2019/1622 Granted 12/11/2019		3	
5 Mount Pleasant Lane, Bricket Wood	5/2020/1624 Granted 03/12/2020		3	
4a -8 Piggottshill Lane, Harpenden	5/2020/0463 Granted 20/05/2020		3	
Garage Rear Of 77 -79 Station Road, Smallford	5/2020/1923 Granted 16/12/2020		3	
Land rear of 8 -10 Prospect Road, St Albans	5/2021/0415 Granted 01/12/2021		3	

Appendix HLS8 continued

Site	Planning Permission (ref/granted)	Reserved Matters (ref/granted)	Council's Estimated Delivery 2023/24-2027/28	Commentary
	5/2019/2786 Granted 01/06/2020			
49 Hatfield Road, St Albans	5/2020/3062 Granted 09/04/2021 5/2020/1391 Granted 09/09/2020		2 (net)	
Houndswood Stables, Houndswood Farm, Harper Lane, Shenley	5/2020/1259 Granted 11/11/2020		3	
Land Rear of 50 - 54 Francis Avenue, St Albans	5/2021/2861 Granted 12/01/2022 5/2020/3009 Granted 26/03/2021		3	
182 -186 Folly Lane, St Albans	5/2021/0075 Granted 02/06/2021 5/2018/2734 Granted 10/07/2019		0 (net)	

Appendix HLS8 continued

Site	Planning Permission (ref/granted)	Reserved Matters (ref/granted)	Council's Estimated Delivery 2023/24-2027/28	Commentary
Warwick House, 21 -23 London Road, St Albans	5/2020/0835 Granted 07/06/2021		3	
227 & 227a Hatfield Road, St Albans	5/2019/0249 Granted 08/05/2019 5/2019/3080 Granted 14/02/2020		3	
50-52 Mayflower Road, How Wood, St Albans	5/2021/3381 Granted 27/01/2022		1 (net)	
Land Rear Of 97 to 105 The Hill, Wheathampstead	5/2021/3032 Granted 18/02/2022		3	Replaced by 5/2022/1026 Granted 30/06/2022
71 Townsend Lane, Harpenden	5/2021/3212 Granted 26/01/2022 5/2019/2749 Granted 02/01/2020 5/2018/0542 Granted 01/06/2018		1	
20a Holywell Hill, St Albans	5/2020/1093 Granted 31/07/2020		2	

Appendix HLS8 continued

Site	Planning Permission (ref/granted)	Reserved Matters (ref/granted)	Council's Estimated Delivery 2023/24-2027/28	Commentary
	5/2017/0938 Granted 02/06/2017			
Sopwell Mill Farm, 61 Cottonmill Lane, St Albans	5/2018/0865 Granted 12/10/2018		2	
Land adj 14 Summerfield Close, London Colney	5/2021/1735 Granted 19/08/2021 5/2017/3659 Granted 01/05/2018		2	
Land R/O 18 -22 Bucknalls Drive, Bricket Wood	5/2019/0477 Granted 23/05/2019		2	
Aldwickbury School, Wheathampstead Road, Harpenden	5/2018/1413 Granted 15/02/2019		2	
29 Collyer Road, London Colney	5/2020/1906 Granted 08/12/2020		2	
90 & 90a Grange Street, St Albans	5/2016/3281 Granted 09/03/2017		2	
12 Admirals Walk, St Albans	5/2020/1850 Granted 02/12/2020		2	
The Cherry Trees Indian Restaurant, 261 Lower Luton Road, Wheathampstead	5/2020/2216		1 (net)	

Appendix HLS8 continued

Site	Planning Permission (ref/granted)	Reserved Matters (ref/granted)	Council's Estimated Delivery 2023/24-2027/28	Commentary
	Granted 26/01/2021			
Pinecrest, Sauncey Avenue, Harpenden	5/2021/0499 Granted 19/05/2021		2	
14 Frogmore, St Albans	5/2021/0737 Granted 11/05/2021		2	
Land Adj 1 Railway Cottages, Station Road, Bricket Wood	5/2020/1207 Granted 01/07/2021 5/2021/0937 Granted 08/06/2021		2	
The Grove, Livery Stables, The Grove, Pipers Lane, Harpenden	5/2021/0337 Granted 15/07/2021		2	
7 Manor Road, St Albans	5/2021/0315 Granted 23/04/2021 5/2020/0421 Granted 14/05/2020		2	
Land Rear of 131 Mount Pleasant Lane, Bricket Wood	5/2021/3214 Granted 14/01/2022		2	
86 Wheathampstead Road, Harpenden	5/2021/2332 Granted 19/01/2022		1 (net)	

Appendix HLS8 continued

Site	Planning Permission (ref/granted)	Reserved Matters (ref/granted)	Council's Estimated Delivery 2023/24-2027/28	Commentary
	5/2020/0200 Granted 08/06/2020			
38 Burston Drive, St Albans	5/2021/2853 Granted 17/12/2021		1 (net)	
24 St Annes Road, London Colney	5/2021/1523 Granted 19/08/2021		1 (net)	
53 White Horse Lane, London Colney	5/2022/0095 Granted 04/03/2022		1 (net)	
12 Hemel Hempstead Road, Redbourn	5/2021/1918 Granted 10/11/2021 5/2021/1917 Granted 03/11/2021		2	
2a Crown Street, Redbourn	5/2021/3139 Granted 17/12/2021		2	
17 Woodstock Road North, St Albans	5/2020/1299 Granted 11/10/2021		1 (net)	
17 Hazelmere Road, St Albans	5/2021/0286 Granted 12/01/2022		1 (net)	
118 -120 Victoria Street, St Albans	5/2021/2135		2	

Appendix HLS8 continued

Site	Planning Permission (ref/granted)	Reserved Matters (ref/granted)	Council's Estimated Delivery 2023/24-2027/28	Commentary
	Granted 28/09/2021			
364 Hatfield Road, St Albans	5/2021/2725 Granted 12/01/2022		1 (net)	
1 Sandridgebury Lane, St Albans	5/2021/3614 Granted 31/03/2022		1 (net)	
Land Between 106 And 116 Tollgate Road, Colney Heath	5/2021/2163 Granted 23/09/2021 5/2021/0758 Granted 16/06/2021		2	
65 The Hill, Wheathampstead	5/2021/0835 Granted 14/06/2021 5/2017/3601 Granted 24/04/2018		1	
1 And 2 Bride Hall Cottages, Bride Hall Lane, Welwyn	5/2020/0256 Granted 09/04/2020		1	
81 Sopwell Lane, St Albans	5/2019/1032 Granted 02/07/2019		1	
14 Browning Road, Harpenden	5/2021/1953		0 (net)	

Appendix HLS8 continued

Site	Planning Permission (ref/granted)	Reserved Matters (ref/granted)	Council's Estimated Delivery 2023/24-2027/28	Commentary
	Granted 09/09/2021 5/2018/2237 Granted 25/10/2018			
23 Mount Pleasant, St Albans	5/2019/0440 Granted 04/10/2019 5/2017/1520 Granted 13/09/2017		1	
Land Rear Of 3 And 5 Approach Road, Orient Close, St Albans	5/2021/3093 Granted 30/12/2021 5/2017/1669 Granted 25/08/2017		1	
17 New House Park, St Albans	5/2021/1398 Granted 07/07/2021 5/2018/3013 Granted 08/01/2019		0 (net)	
Land Adjoining 11 Green Lane, St Albans	5/2021/0082 Granted 12/05/2021		1	

Appendix HLS8 continued

Site	Planning Permission (ref/granted)	Reserved Matters (ref/granted)	Council's Estimated Delivery 2023/24-2027/28	Commentary
	5/2018/0399 Granted 23/04/2018			
Dutch Barn, Harpendenbury Farm, Harpendenbury, Redbourn	5/2021/2400 Granted 20/10/2021 5/2020/1734 Granted 30/10/2020 5/2018/0455 Granted 23/04/2018		1	
12 The Warren, Harpenden	5/2019/0093 Granted 11/04/2019		1	
43 Park Avenue North, Harpenden	5/2020/1524 Granted 25/11/2020 5/2019/0887 Granted 19/11/2019		1	
50 Roundwood Park, Harpenden	5/2019/2168 Granted 19/11/2019		1	
Land Adjacent to 110a Park Street Lane, How Wood	5/2021/0026		1	

Appendix HLS8 continued

Site	Planning Permission (ref/granted)	Reserved Matters (ref/granted)	Council's Estimated Delivery 2023/24-2027/28	Commentary
	Granted 11/03/2021 5/2020/1699 Granted 23/09/2020 5/2019/1428 Granted 30/07/2019			
14 Perham Way, London Colney	5/2021/1894 Granted 22/09/2021 5/2021/0759 Granted 21/05/2021 5/2019/1687 Granted 23/10/2019		1	
The Old Lodge, Drop Lane, Bricket Wood	5/2021/1610 Granted 26/07/2021 5/2019/1904 Granted 22/10/2019		1	
25 Homewood Road, St Albans	5/2020/1217 Granted 26/08/2020		1	

Appendix HLS8 continued

Site	Planning Permission (ref/granted)	Reserved Matters (ref/granted)	Council's Estimated Delivery 2023/24-2027/28	Commentary
	5/2019/0894 Granted 18/09/2019			
Land Adjacent 1a, Barry Close, Chiswell Green	5/2021/0776 Granted 10/05/2021 5/2020/2068 Granted 06/11/2020		1	
6 Penny Croft, Harpenden	5/2020/0414 Granted 08/06/2020		1	
2 Broadstone Road, Harpenden	5/2021/1759 Granted 21/10/2021 5/2020/0828 Granted 07/10/2020		1	
6 Stewart Road, Harpenden	5/2020/1858 Granted 10/11/2020		1	
4 St Marys Close, Redbourn	5/2020/0347 Granted 21/04/2020		1	
56 Oaklands Lane, Smallford	5/2021/3223 Granted 31/03/2022		1	

Appendix HLS8 continued

Site	Planning Permission (ref/granted)	Reserved Matters (ref/granted)	Council's Estimated Delivery 2023/24-2027/28	Commentary
	5/2020/1494 Granted 13/10/2020			
46 Marshals Drive, St Albans	5/2020/0411 Granted 27/05/2020		1	
Ellen House, 63 London Road, St Albans	5/2020/2384 Granted 25/01/2021 5/2020/1192 Granted 12/08/2020		1	
Canley, The Common, Kinsbourne Green	5/2021/3329 Granted 28/01/2022 5/2020/1663 Granted 01/10/2020 5/2020/1019 Granted 01/07/2020		0 (net)	
Meadow Cottage, Kennel Lane, Kinsbourne Green	5/2020/1351 Granted 21/10/2020		1	

Appendix HLS8 continued

Site	Planning Permission (ref/granted)	Reserved Matters (ref/granted)	Council's Estimated Delivery 2023/24-2027/28	Commentary
80 Oakwood Road, Bricket Wood	5/2020/2720 Granted 11/02/2021		0 (net)	
2 Browning Road, Harpenden	5/2020/2232 Granted 29/01/2021		1	
39 Tuffnells Way, Harpenden	5/2020/3121 Granted 25/03/2021		1	
217 Camp Road, St Albans	5/2021/1233 Granted 21/06/2021 5/2020/2659 Granted 29/01/2021		0 (net)	
105 Victoria Street, St Albans	5/2021/0245 Granted 25/03/2021		1	
62 Spencer Street, St Albans	5/2021/2923 Granted 02/12/2021 5/2021/1064 Granted 30/06/2021 5/2021/0854 Granted 18/05/2021		1	
1 Greyfriars Lane, Harpenden	5/2021/1155		0 (net)	

Appendix HLS8 continued

Site	Planning Permission (ref/granted)	Reserved Matters (ref/granted)	Council's Estimated Delivery 2023/24-2027/28	Commentary
	Granted 24/06/2021 5/2019/0045 Granted 20/11/2019			
The Kestrels Care Home, 2 -4 The Kestrels, Bucknalls Drive, Bricket Wood	5/2020/2781 Granted 11/03/2021		1	
316 Hatfield Road, St Albans	5/2021/2920 Granted 15/12/2021 5/2020/1328 Granted 07/06/2021		1	
Kestrels, Spring Road, Harpenden	5/2021/3418 Granted 11/03/2022		0 (net)	
86 Mount Pleasant Lane, Bricket Wood	5/2021/2743 Granted 24/11/2021 5/2021/1800 Granted 10/09/2021		0 (net)	
95 Stanley Avenue, Chiswell Green	5/2021/3178 Granted 14/01/2022		0 (net)	

Appendix HLS8 continued

Site	Planning Permission (ref/granted)	Reserved Matters (ref/granted)	Council's Estimated Delivery 2023/24-2027/28	Commentary
5 Pondwick Road, Harpenden	5/2021/0189 Granted 06/05/2021		0 (net)	
22 Sun Lane, Harpenden	5/2021/0296 Granted 02/12/2021		1	
First Floor Offices, 9 -10 Harding Parade, Station Road, Harpenden	5/2021/0693 Granted 30/04/2021		1	
11a Croftwell, Harpenden	5/2021/1748 Granted 13/08/2021		0 (net)	
19a Park Avenue South, Harpenden	5/2021/2704 Granted 10/02/2022		0 (net)	
23 & 25 Moreton End Lane, Harpenden	5/2021/2742 Granted 19/01/2022		1	
45 Park Avenue North, Harpenden	5/2021/2921 Granted 02/02/2022		0 (net)	
12 Pondwick Road, Harpenden	5/2021/2944 Granted 28/01/2022		0 (net)	
42 Park Avenue North, Harpenden	5/2021/3260 Granted 18/01/2022		0 (net)	
90 Station Road, Harpenden	5/2021/3375 Granted 11/02/2022		0 (net)	
Land Rear Of 1 -5 Common Lane, Batford, Harpenden	5/2021/3433		1	

Appendix HLS8 continued

Site	Planning Permission (ref/granted)	Reserved Matters (ref/granted)	Council's Estimated Delivery 2023/24-2027/28	Commentary
	Granted 02/02/2022			
18 Prospect Lane, Harpenden	5/2021/3511 Granted 01/02/2022		0 (net)	
2 The Mall, How Wood	5/2021/3491 Granted 11/02/2022		1	
London Colney Islamic Centre, 174 High Street, London Colney	5/2020/0947 Granted 28/09/2021		0 (net)	
43 White Horse Lane, London Colney	5/2021/2928 Granted 24/02/2022		1	
169 Watling Street, Park Street	5/2021/2036 Granted 27/08/2021		1	
71 and 73 Hemel Hempstead Road, Redbourn	5/2021/2876 Granted 21/01/2022		1 (net)	
15 Highfield Road, Sandridge	5/2021/3603 Granted 24/03/2022		0 (net)	
Land Rear Of 213 The Ridgeway, St Albans	5/2021/3537 Granted 28/02/2022 5/2019/3260 Granted 28/04/2021		1	

Appendix HLS8 continued

Site	Planning Permission (ref/granted)	Reserved Matters (ref/granted)	Council's Estimated Delivery 2023/24-2027/28	Commentary
209 Camp Road, St Albans	5/2021/0172 Granted 13/08/2021		1	
26 Flavian Close, St Albans	5/2021/1327 Granted 06/08/2021		0 (net)	
26 Beaumont Avenue, St Albans	5/2021/1654 Granted 30/07/2021		0 (net)	
48a Alma Road, St Albans	5/2021/2954 Granted 18/01/2022 5/2021/1752 Granted 08/07/2021		-1 (net)	
2 Dorcas Court, Old London Road, St Albans	5/2021/1956 Granted 27/08/2021		1	
134 St Albans Road, Sandridge	5/2021/2414 Granted 14/10/2021		-3 (net)	
6 Foxcroft, St Albans	5/2021/2674 Granted 02/02/2022		1	
Land Rear Of 11 College Place, St Albans	5/2021/2695 Granted 23/11/2021		1	
27a Townsend Drive, St Albans	5/2021/3190		0 (net)	

Appendix HLS8 continued

Site	Planning Permission (ref/granted)	Reserved Matters (ref/granted)	Council's Estimated Delivery 2023/24-2027/28	Commentary
	Granted 10/03/2022			
The Oak House, 14 Starlight Way, St Albans	5/2022/0109 Granted 04/03/2022		1	
2a Royal Road, St Albans	5/2022/0265 Granted 30/03/2022		1	
Northern End Of Mill Walk, Wheathampstead	5/2020/0138 Granted 21/05/2021		1	
Black Barn, Childwickbury, St Albans	5/2020/1408 Granted 07/05/2021		1	
Long Acre, Holly Lane, Harpenden	5/2021/1279		0 (net)	
New Lodge, Drop Lane, Bricket Wood	5/2021/1401 Granted 07/07/2021		0 (net)	
Hornbeam Wood, Common Lane, Batford	5/2021/2355 Granted December 2021		1	An appeal against the inclusion of Condition 7 was dismissed in December 2022, but the planning permission remains extant.
Woodring, Aubrey Lane, St Albans	5/2021/2510 Granted 03/11/2021		0 (net)	
Raisins Cottage, Mackerye End, Harpenden	5/2021/3155 Granted 21/01/2022		1	

Appendix HLS8 continued

Site	Planning Permission (ref/granted)	Reserved Matters (ref/granted)	Council's Estimated Delivery 2023/24-2027/28	Commentary
242 Radlett Road, Frogmore	5/2021/3470 Granted 31/01/2022		0 (net)	
5 Meads Lane, Wheathampstead	5/2021/3607 Granted 24/03/2022		1	
108 Harper Lane, Radlett	5/2022/0039 Granted 24/03/2022		0 (net)	
Aberfoyle House, Stapley Road, St Albans	5/2021/3159 Granted 09/02/2022 5/2021/0178 Granted 07/04/2021		1	
Total			1,190	Figure 21 of the 2022 AMR then deducts 7 dwellings as a 5% reduction for small sites with planning permission not yet started for the period 2023/24-2027/28 to reach a figure of 1,183.

Appendix HLS9 - Three Cherry Tree Lane Planning Permission

TOWN AND COUNTRY PLANNING ACT 1990

AGENT

Helena Deaville
Amec Foster Wheeler
Gables House Kenilworth Road
Leamington Spa
Warwickshire
CV32 6JX

APPLICANT

Homes And Communities Agency The Crown
Estate
C/o Agent

PLANNING PERMISSION

Outline planning application to include up to 600 dwellings (C3), land for primary school (D1), land for local centre uses (A1, A3, A4, A5, D1, D2), land for up to 7,500 square metres of employment uses (B1, B2, B8), landscaping, open space and play areas, associated infrastructure, drainage and ancillary works, new roundabout access off Three Cherry Trees Lane, new priority junction off Three Cherry Trees Lane, new vehicular access to Spencer's Park Phase 1 and an emergency access to the employment land off Cherry Tree Lane. Detailed approval is sought for access arrangements only, with all other matters reserved (Cross boundary application falling within Dacorum Borough Council and St Albans City and District Council administrative areas)

Land at Three Cherry Trees Lane and Cherry Tree Lane Hemel Hempstead Hertfordshire

In the pursuance of their powers under the above-mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby **permit** the development proposed by you in your application dated 15/09/2016 and received with sufficient particulars on 10/10/2016 and shown on the plan(s) listed below subject to the following conditions and reasons:-

Condition

1. Approval of the details of the layout, scale, design and external appearance of the buildings, and the landscaping of the site (hereinafter called ""the reserved matters"") shall be obtained from the local planning authority in writing for each phase of the development before any development within the relevant phase is commenced. The reserved matters shall accord with the following parameter plans: TP001, TP002, TP003, TP004, 131121A/A/12, 131121A/A/13 and 131121A/A/14.

Reason

1. To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

Condition

2. Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

Reason

2. To comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

Condition

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of the approval of the last of the reserved matters to be approved whichever is the later.

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Reason

3. To prevent the accumulation of planning permission; to enable the Council to review the suitability of the development in the light of altered circumstances and to comply with the provisions of Section 92 (2) of the Town and Country Planning Act 1990.

Condition

4. No development shall take place until a phasing/sequence plan of the development has been submitted to and approved in writing by the Local Planning Authority. This shall include a plan that identifies the boundaries of every phase of development and their sequence of implementation. The development shall be carried out in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason

4. To ensure the satisfactory provision of supporting infrastructure ahead of each phase of development and in the interest of the free and safe flow of vehicles on the local highway network during the construction phase of development.

Condition

5. Prior to the commencement of the development, or any phase(s) of the development (pursuant to Condition 4) details of the materials to be used in the construction of the external surfaces of the development of specified phase(s) of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development or the specified phase(s) of the development (whichever is the sooner) shall be carried out in accordance with the approved details. Please do not send materials to the council offices. Materials should be kept on site and arrangements made with the planning officer for inspection.

Reason

5. To ensure a high quality design and satisfactory appearance to the development as a whole in accordance with Policy 69 and 70 of the St Albans District Local Plan Review 1994.

Condition

6. Prior to the commencement of development, or any phase(s) of the development (pursuant to the Individual Phasing Plan agreed under the Section 106 Agreement or as agreed by the Local Planning Authority), details of the finished floor levels of all of the buildings within the development or specified phase(s) of the development hereby permitted in relation to existing ground levels shall be submitted to and approved in writing by the local planning authority. The Development or the specified phase(s) of the development (whichever is the sooner) shall be carried out in accordance with the approved details.

Reason

6. To ensure that construction is carried out at a suitable level having regard to drainage, access, the appearance of the development, the amenities of neighbouring occupiers and existing trees, hedgerows and other landscaping, in compliance with Policies 69, 70 and 84A of the St. Albans District Local Plan Review 1994.

Condition

7. The details to be submitted for the approval of the local planning authority in accordance with Condition (1) above shall include:

- (a) hard surfacing materials;
- (b) car parking layouts;
- (c) other vehicles and pedestrian access and circulation areas;
- (d) means of enclosure;
- (e) retained historic landscape features and proposals for restoration where relevant;
- (f) existing trees and hedgerows to be retained;

- (g) soft landscape works which shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants (to include structurally diverse habitat and local species of provenance), noting species, plant sizes and proposed numbers/densities where appropriate. Details shall include replacement hedgerow planting;
- (h) tree/hedgerow removal;
- (i) tree planting, including species, planting location, timing of planting, specification and maintenance. Details shall include details of the community orchard;
- (j) tree protection measures;
- (k) measures for biodiversity enhancement;
- (l) programme of management for the soft planting;
- (m) proposed finished levels or contours;
- (o) external lighting;
- (p) secure cycle storage facilities for those dwellings without garages;
- (q) refuse facilities;
- (r) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs etc.);
- (s) proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines) including heating strips, indicating lines, manholes, supports etc.

The approved hard and soft landscape works shall be carried out prior to the first occupation of any part of the development hereby permitted. The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.

Reason

7. To ensure a satisfactory appearance to the development and landscape treatment of the site. To safeguard the visual character of the immediate area in accordance with Policies 69, 70, 74 and 106 of the St Albans District Local Plan Review 1994.

Condition

8. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

Reason

8. To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area. To comply Policies 69, 70, 74 and 106 of the St. Albans Local Plan Review 1994.

Condition

9. If within a period of five years from the date of the planting of any tree that tree, or any tree planted in replacement for it, is removed, uprooted or destroyed or dies (or becomes, in the opinion of the local planning authority, seriously damaged or defective), another tree of the same species and size as that originally planted shall be planted at the same place in the next planting season, unless the local planning authority gives its written consent to any variation.

Reason

9. To ensure a satisfactory appearance to the development and to safeguard the visual character of the immediate area in accordance of Policy 74 of the St Albans District Local Plan Review 1994.

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Condition

10. Prior to the commencement of the development or any phase(s) of the development (pursuant to Condition 4) details of earth works proposed as part of the development or any specified phase(s) of the development shall be submitted to and approved in writing by the Local Planning Authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing relationship of proposed mounding to existing vegetation and surrounding landform. Development or the specified phase(s) of the development (whichever is the sooner) shall be carried out in accordance with the approved details.

Reason

10. To ensure satisfactory landscape treatment of the site in the interests of visual amenity in accordance with Policy 74 of the St Albans District Local Plan Review 1994.

Condition

11. A landscape and ecological management plan (LEMP) shall be submitted to, and approved in writing by, the local planning authority prior to the occupation of development. The content of the LEMP shall include the following.

- (a) Description and evaluation of features to be managed.
- (b) Ecological trends and constraints on site that might influence management.
- (c) Aims and objectives of management.
- (d) Appropriate management options for achieving aims and objectives.
- (e) Prescriptions for management actions.
- (f) Prescription of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- (g) Details of the body or organisation responsible for implementation of the plan.
- (h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason

11. To ensure habitat enhancement within the landscape of the development. To comply with Policies 74 and 106 of the St. Albans District Local Plan Review 1994.

Condition

12. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- (a) Risk assessment of potentially damaging construction activities.
- (b) Identification of ""biodiversity protection zones"".
- (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- (d) Measures to protect badgers from being trapped in open excavations and/or pipe culverts.
- (e) The location and timings of sensitive works to avoid harm to biodiversity features.
- (f) The times during which construction when specialist ecologists need to be present on site to oversee works.
- (g) Responsible persons and lines of communication.

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(h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

(i) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason

12. To avoid or mitigate the effects of the construction of the development on ecological receptors to accord with Policies 74 and 106 of the St. Albans District Local Plan Review 1994.

Condition

13. Prior to commencement of development, or any phase(s) of development (pursuant to Condition 4) which include the formal multi-use games areas (MUGA) hereby permitted, details of the location, design and layout of the MUGA's to be constructed as part of the development or specified phase(s) of development hereby permitted, including surfacing, fencing and line markings shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. Details shall also be provided of the mechanism(s) by which the long-term management and maintenance of the MUGA's shall be secured by the developer with the management body(ies) responsible for their delivery. The formal MUGA's shall not be constructed other than substantially in accordance with the approved details.

Reason

13. To ensure the development is fit for purpose and sustainable. To comply with Policies 75 and 91 of the St Albans District Local Plan Review 1994.

Condition

14. No development approved by this planning permission shall take place until a detailed surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment carried out by Wardell Armstrong reference ST14699/07 dated August 2016.

The surface water drainage scheme should include:

(a) Limiting the surface water run-off generated by the 1 in 100 year + climate change critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site;

(b) Providing attenuation to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + 40% climate change event;

(c) Implementing the appropriate drainage strategy based on attenuation and discharge, using appropriate SuDS measures;

(d) Details of how the scheme shall be maintained and managed after completion;

(e) Detailed engineered drawings of the proposed SuDS measures.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

14. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding to the proposed development and future users. To comply with Policies 84 and 84A of the St. Albans District and Local Plan Review 1994.

Condition

15. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, prior to commencement of development, which may be given for those parts of the site where it has been demonstrated that

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there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason

15. To ensure that adequate protection of human health is maintained and the quality of groundwater is protected in line with Policy 84 of the St Albans District Local Plan Review 1994, The Thames River Basin Management Plan, Planning Practice Guidance and the National Planning Policy Framework.

Condition

16. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason

16. To ensure that adequate protection of human health is maintained and the quality of groundwater is protected in line with Policies 84 and 84A of the St Albans District Local Plan Review 1994, The Thames River Basin Management Plan, Planning Practice Guidance and the National Planning Policy Framework.

Condition

17. If, during development, contamination not previously identified is found to be present at the site then no further development shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

Reason

17. To ensure that the issue of contamination is adequately addressed and to ensure a satisfactory development. To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policies 84 and 84A of the St. Albans District Local Plan Review 1994.

Condition

18. Prior to the commencement of the development, or any phase(s) of the development (pursuant to Condition 4) hereby permitted full details in the form of scaled plans and written specifications for the development or specified phase(s) of development shall be submitted to and approved in writing by the Local Planning Authority to illustrate the following:

- i. Roads, footways, foul and on-site water drainage.
- ii. Existing and proposed access arrangements including visibility splays.
- iii. Parking provision in accordance with adopted standard.
- iv. Cycle parking provision in accordance with adopted standard.
- v. Servicing areas, loading areas and turning areas for all vehicles.

Thereafter, the development, or the specified phase(s) of the development (whichever is the sooner) shall only be carried out in accordance with the approved details.

Reason

18. In the interests of maintaining highway efficiency and safety and the character and appearance of the development. To comply with Policies 34, 69 and 70 of the St. Albans District Local Plan Review 1994.

Condition

19. Construction of the development, or any phase(s) of the development (pursuant to Condition 4) hereby approved shall not commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Thereafter, the construction of the development, or the specified phase(s) of the development (whichever is the sooner) shall only be carried out in accordance with the approved Plan. The Construction Traffic Management Plan shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Traffic management requirements;
- c. Construction and storage compounds (including areas designated for car parking);
- d. Siting and details of wheel washing facilities;
- e. Frequency and method of cleaning of site entrances, site tracks and the adjacent public highway;
- f. Provision of sufficient on-site parking prior to commencement of construction activities;
- g. Post construction restoration/reinstatement of the working areas and temporary access to the public highway.

In order to protect highway safety and the amenity of other users of the public highway and rights of way. To comply with Policies 34, 69 and 70 of the St. Albans District Local Plan Review 1994.

Condition

20. At least three months prior to first occupation of the development hereby permitted, a revised Travel Plan shall be prepared in accordance with Hertfordshire's Travel Plan Guidance (or any subsequent amendment) and submitted to, and approved in writing by the Local Planning Authority. The following matters shall be addressed within the revised Travel Plan:

- a. Details of Travel Plan Co-Ordinator including date of their appointment, contact details, and a second contact person in case of personnel changes.
- b. Identification of key individuals/external partners whose buy in/engagement with the Travel Plan is required for its success e.g. bus operators, local authorities, cycling groups/equipment/training providers.
- c. The Employment travel plan should include provision of showers/lockers/changing facilities for cyclists and other workplace appropriate schemes such as Bicycle User Group, emergency ride home, flexible working.
- d. A combination of multi-modal counts and questionnaire surveys shall be conducted in order to obtain a statistically accurate way of measuring trips generated over a certain time period reasons for transport mode choice.
- e. The Local Planning Authority shall be notified at least three months prior of the commencement of construction.
- f. Annual monitoring to take place and submit data every year to the local planning authority. Review reports to be submitted in years 1, 3 and 5.
- g. Identification of additional measures necessary in order to meet targets after years 3 and 5.
- h. As part of future submission, two appendices are required to be sent separately:
 - i. Travel plan summary proforma
 - ii. Walking and cycling in Maylands note

The development shall be carried out in accordance with the approved Travel Plan.

Reason

20. To promote sustainable transport measures to the development. In the interest of highways and pedestrian safety; the free and safe flow of traffic on the adjoining highway; and the character and appearance of the development. To comply with Policies 34, 69 and 70 of the St. Albans District Local Plan Review 1994.

Condition

21. Prior to commencement of the development, or any phase(s) of the development (pursuant to Condition 4), swept path assessments for the development or specified phase(s) of development shall be submitted to and approved in writing by the Local Planning Authority and shall include the following:

- a) Large car accessing car parking spaces to demonstrate that they can be safely entered and departed from. This should be demonstrated for the car parking spaces that are in corners and for one midway in a row. This will be necessary for any public, school, residential or employment car parks;
- b) Swept path assessment for a fire tender manoeuvring within the site to demonstrate that a fire tender can safely manoeuvre within to access all units;
- c) Swept path assessment for a public transport bus to demonstrate that, should a bus route be diverted through the site, the internal network can accommodate a bus;
- d) Swept path assessment for a refuse vehicle to demonstrate that refuse collection and servicing can take place within the development site;
- e) Swept path assessments for servicing and delivery vehicles for the school and commercial land uses to demonstrate that servicing and deliveries can be accommodated within the development site and within the respective land use sites.

Thereafter, the development, or the specified phase(s) of the development (whichever is the sooner) shall only be carried out in accordance with the approved details.

Reason

21. In order to protect highway safety and the amenity of other users of the public highway and rights of way. To comply with Policies 34, 69 and 70 of the St. Albans District Local Plan Review 1994.

Condition

22. Prior to the commencement of development, an Archaeological Written Scheme of Investigation shall be submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions; and:

1. A programme and methodology of site investigation and recording
2. A programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

The development shall be carried out in accordance with the approved details.

Reason

22. To ensure that the impact of the proposed development on the historic environment is mitigated in line with the National Planning Policy Framework (NPPF). To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. To comply with Policy 111 of the St. Albans District Local Plan Review 1994.

Condition

23. i) Demolition/development shall take place in accordance with the Written Scheme of Investigation approved under condition 22.

ii) The development shall not be occupied until the site investigation and post investigation archaeological assessment has been completed in accordance with the programme set out in the

Written Scheme of Investigation approved under condition 22 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason

23. To ensure that the impact of the proposed development on the historic environment should be mitigated in line with the National Planning Policy Framework (NPPF). To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development. To comply with Policy 111 of the St. Albans District Local Plan Review 1994.

Condition

24. Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B, C, D and E and Part 2, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), there shall be no enlargement or extension of the dwellings hereby permitted, including any additions or alterations to the roof, and no building, enclosure or means of enclosure shall be constructed within the application site without prior written permission of the Local Planning Authority.

Reason

24. To allow the Local Planning Authority to retain control of the development in the interests of: the character and appearance of the dwellings and the development as a whole, the visual and residential amenities of future and neighbouring occupiers, to safeguard existing and proposed landscaping, to ensure the retention of adequate private amenity space and to comply with Policies 69 and 70 of the St. Albans District Local Plan Review 1994.

Condition

25. The development hereby permitted shall be carried out in accordance with approved plans: TP001; TP002; 131121A/A/12; 131121A/A/13; 131121A/A/14.

Reason

25. For the avoidance of doubt and in the interests of proper planning.

Justification for the grant of planning permission

The proposed development for up to 600 dwellings, land for a primary school, land for local centre uses, employment space, landscaping, open space and play areas, associated infrastructure and drainage/ancillary works is considered acceptable. The proposed comprehensive development of this site for a mixture of uses is considered acceptable in principle. The proposed size, scale, layout and design of the development as shown on the illustrative masterplan and general parameters set out in the Design & Access Statement will create a well planned, high quality development in keeping with the character and appearance of the site and surrounding area. The proposed development would provide appropriate levels of open space and landscaping that will contribute to the visual amenities of the new residential and commercial areas. The proposed development would not have an adverse impact on the amenities of existing or future neighbouring occupiers. The proposed car parking provision is acceptable and the access arrangements will not be prejudicial to the free and safe flow of traffic on the adjoining highway. The proposed development would not prejudice significant above or below ground heritage assets, nor have an adverse impact upon the landscape and biodiversity value of the site and surrounding area. The proposal is therefore in accordance with Policy 1 (Metropolitan Green Belt); Policy 2 (Settlement Strategy); Policy 4 (New Housing Development in Towns); Policy 7A (Affordable Housing in Towns and Specified Settlements); Policy 19 (Overall Employment Strategy), Policy 23 (Business Use Development); Policy 26 (Land for Employment Development at North East Hemel Hempstead); Policy 34 (Highways Considerations in Development Control), Policy 35 (Highways Improvements in Association with Development; Policy 37 (Commercial Servicing); Policy 39 (Car Parking, General Requirements), Policy 40 (Residential Development Parking Standards), Policy 44 (Business Use, Industrial and Storage and Distribution Parking Standards); Policy 47 (Food

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and Drink Establishments Parking Standards); Policy 51 (Shopping and Services Uses, Overall Strategy); Policy 57 (Service Uses); Policy 65 (Education Facilities); Policy 65A (Day Nurseries and Creches); Policy 69 (General Design and Layout), Policy 70 (Design and Layout of New Housing), Policy 74 (Landscaping and Tree Preservation), Policy 75 (Green Space Within Settlements); Policy 84 (Flooding and River Catchment Management), Policy 84A (Drainage Infrastructure); Policy 93 (New Areas of Public Open Space); Policy 97 (Existing Footpaths, Bridleways and Cycleways); Policy 102 (Loss of Agricultural Land); Policy 104 (Landscape Conservation); Policy 106 (Nature Conservation), Policy 111 (Archaeological Sites Where Planning Permissions may be Subject to a Recording Condition) and Policy 143B (Implementation) of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework 2019.

Signed



Tracy Harvey
Head of Planning & Building Control

Dated 30/04/2019

INFORMATIVES:

The Local Planning Authority has been positive and proactive in its consideration of this planning application. The applicant and the Local Planning Authority engaged in pre-application discussions resulting in a form of development that improves the economic, social and environmental conditions of the District.

This determination was based on the following drawings and information: TP001; TP002; TP003 (DBC); TP004 (SADC); 131121A/A/12 Rev A; 131121A/A/13 Rev A; 131121A/A/14 Rev A; Illustrative Masterplan SK005 003; Application Form; Covering Letter dated 15/09/2016; Design and Access Statement (Scott Brownrigg, 14/09/2016); Transport Assessment (Vectos, September 2016) and Appendices A to AE; Framework Travel Plan (Vectos, September 2016); Non-Technical Summary (Wardell Armstrong, July 2016); Planning Statement, (Amec Foster Wheeler, September 2016); Statement of Community Involvement (Quatro, July 2016); Response to Hertfordshire County Council Comments ref: N15/131121A (Vectos, March 2017) and Appendices A to L; Response to Highways England Comments ref: N16/131121A (Vectos March 2017) and Appendices A to D; Tree Survey Sheet 1 ST14699-017; Tree Survey Sheet 2 ST14699-017; Tree Survey Sheet 3 ST14699-017;

ENVIRONMENTAL STATEMENT: VOLUME 1 MAIN TEXT: (Wardell Armstrong, July 2016) Chapter 5 Consultation; Chapter 6 Air Quality; Chapter 7 Archaeology and Cultural Heritage; Chapter 8 Ecology and Wildlife; Chapter 9 Ground Conditions and Contaminated Land; Chapter 10 Landscape and Visual; Chapter 11 Noise and Vibration; Chapter 12 Social Economic, Community and Health; Chapter 13 Soils and Agriculture; Chapter 14 Traffic and Transport; Chapter 15 Summary of Residual and Cumulative Effects including the following drawings and figures: 16475_001: Location Plan; 16475_002: Illustrative Masterplan; 16475_003: Highways Principles; 16475_004: Development Parcel & Density; 16475_005: Building Height Plan; 16475_006: Drainage Strategy; 16475_007: Open Space Strategy; 16475_008: Plan Strategy; 16475_009: Fire & Cycle Access; 16475_010: HSE Zones; 16475_011: Phasing; Figure 6.1 Existing & Proposed Environmentally Sensitive Receptors; Figure 7.1 Heritage Assets; Figure 7.2 Tithe Map 1843; Figure 7.3 Ordnance Survey (OS) Map 1877; Figure 8.1 Ecological Constraints; Figure 9.1 Ground Conditions; Figure 10.1 Site and Surroundings; Figure 10.2 Landscape Context; Figure 10.3 Visual Context; Figure 10.4 Opportunities and Constraints; Figure 10.5 Illustrative Landscape and Green

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Infrastructure Masterplan; Figure 11.1 Noise Monitoring Locations; Figure 13.1 Agricultural Land Classification; Appendix 1 Glossary; Appendix 2 Legislation, Policy & Guidance; Appendix 3 Methodologies; Appendix 4 Supporting Data; Appendix 4/2.1 Dacorum Borough Council Screening Opinion; Appendix 4/2.2 St Albans City & District Council Scoping Opinion; Appendix 4/2.3 Dacorum Borough Council and St Albans City & District Council Air Quality Scoping Responses; Appendix 4/2.4 Hertfordshire County Council Ecological Scoping Response; Appendix 4/2.5 Dacorum Borough Council and St Albans City & District Council Landscape Scoping Responses; Appendix 4/2.6 Dacorum Borough Council and St Albans City & District Council Noise Response; Appendix 4/2.7 Dacorum Borough Council Soils & ALC Scoping Response; Appendix 4/2.8 Dacorum Borough Council Other Committed Development(s); Appendix 4/3.1 Development Class Types; Appendix 4/5.1 Pre-Application Meeting Dates; Appendix 4/6.1 Background Pollutant Concentrations; Appendix 4/6.2 Traffic Data Used in Air Quality Assessment; Appendix 4/6.3 2015 Wind Rose for Luton Airport Meteorological Recording Station; Appendix 4/6.4 Model Verification Procedure; Appendix 4/6.5 Predicted Baseline Pollutant Concentrations at Existing Sensitive Receptors; Appendix 4/6.6 Predicted Pollutant Concentrations for Impact Assessment; Appendix 4/6.7 Details of Assessment of Cumulative Effects; Appendix 4/7.1 Heritage Assets; Appendix 4/10.1 Landscape Photosheets; Appendix 4/10.2 Landscape Effects Table; Appendix 4/10.3 Visual Effects Table; Appendix 4/10.4 Natural Landscape Character; Appendix 4/10.5 District Landscape Character; Appendix 4/10.6 Schedule of Typical Tree & Plant Species; Appendix 4/11.1 Noise Monitoring Results; Appendix 4/11.2 Existing Sensitive Receptors - Noise; Appendix 4/13.1 Soil Profile & ALC Description(s); Appendix 4/13.2 Soil Texture Laboratory Results; Appendix 4/13.3 Droughtiness Calculations; Appendix 4/13.4 Site Photographs; Appendix 4/14.1 Traffic Data; Appendix 5 References;

ENVIRONMENTAL STATEMENT ADDENDUM: Chapter 6 Air Quality (Wardell Armstrong, March 2017); Chapter 8 Ecology and Wildlife (Wardell Armstrong, February 2017) including drawings 16475 GA-001 Rev 3 Illustrative Masterplan; 01771.00006.29.006.2 Hedgerow Provision; 01771.00006.29.005.6 Illustrative Landscape & Green Infrastructure Masterplan;

ENVIRONMENTAL STATEMENT: VOLUME 2 TECHNICAL APPENDICES: Arboricultural Constraints Survey (Wardell Armstrong, May 2016); Archaeological Evaluation Report (Wardell Armstrong, June 2016); Badger Survey Report (CONFIDENTIAL) (Wardell Armstrong, July 2016); Bat Survey Report (Wardell Armstrong, April 2016); Breeding Bird Survey Report (CONFIDENTIAL) (Wardell Armstrong, July 2016); Dormouse Survey Report (Wardell Armstrong, June 2016); Flood Risk Assessment and Drainage Strategy (Wardell Armstrong, August 2016) and Appendices A to H; Geophysical Survey Report (Wardell Armstrong, November 2015); Great Crested Newt (GCN) Survey Report (Wardell Armstrong, July 2016); Hedgerow Survey Report (Wardell Armstrong, July 2016); Outline Waste Management Statement (Amec Foster Wheeler, June 2016); Preliminary Ecological Appraisal (PEA) Report (Wardell Armstrong, July 2016); Preliminary Ground Conditions Assessment Report (Wardell Armstrong, July 2016); Reptile Survey Report (Wardell Armstrong, July 2016); Request for Environmental Impact Scoping Opinion: Spencer's Park Phase 2, Wardell Armstrong, January 2016); Transport Assessment Non-Technical Executive Summary (Vectos, September 2016); Utilities Statement (Wardell Armstrong, July 2016); Wintering Bird Survey Report (Wardell Armstrong, July 2016).

The NPPF states that all site investigation information must be prepared by a competent person. This is defined in the framework as 'A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.'

Contaminated Land Planning Guidance can be obtained from Regulatory Services or via the Council's website www.stalbans.gov.uk

For the information of the applicants, all developments granted planning permission after 1st October 2016 have to comply with building Regulation 'Approved Document Q: Security' to 'Prevent Unauthorised Access'. This applies to any "dwelling and any part of a building from which access can be gained to a flat within the building". Performance requirements apply to easily accessible doors and windows that provide access in any of the following circumstances:

- a. Into a dwelling from outside
- b. Into parts of a building containing flats from outside
- c. Into a flat from the common parts of the building

Achieving the Secured by Design (SBD) award meets the requirements of Approved Document Q (ADQ), and there is no charge for applying for the Secured by Design award. Further details are available from Hertfordshire Police Crime Prevention Design Advisors at 01707-355226. I would ask the above information is passed on to the applicant by way of informative.

There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted for extensions to existing buildings. The applicant is advised to visit www.thameswater.co.uk/buildover.

Under the Control of Pollution Act 1974, the applicant is advised that no demolition or construction works relating to this site and development should be carried out on any Sunday or Bank Holiday, nor before 07.30 hours or after 18.00 hours on any days, nor on any Saturday before 08.00 hours or after 13.00 hours.

The applicant is advised that during the construction of the development hereby granted, that all materials should be stored within the application site. In the event of it not being possible to store materials on site; and materials are to be stored outside the site and on highway land the applicant will need to obtain the requisite approval of the Highway Authority. A licence is required to store materials on the Highway under the Highways Act 1980 Section 171 to Hertfordshire Highways. You must first obtain a licence from Hertfordshire County Council before depositing building materials on any part of the highway which includes all verges, footways and carriageways. Hertfordshire County Council may prosecute you if you fail to obtain a licence or breach a condition of a granted licence for which the maximum fine on conviction is £10 for each day the contravention continued. Hertfordshire County Council may also take legal action to recover any costs incurred including the costs of removing and disposing of unauthorised building materials deposited on the highway. To apply for a Licence please contact Highways, PO Box 153, Stevenage, Herts SG1 2GH or cschighways@hertfordshire.gov.uk

The applicant is requested to ensure no damage is caused to the footpath and highway verge during the course of the development. Any damage should be repaired to the satisfaction of Hertfordshire Highways.

If a proposed development is to be delivered in phases, a commitment should be made for a site-wide SuDS scheme to be delivered with the first phase of development, designed to be capable of accommodating the runoff from each of the subsequent phases. If this is not possible, the runoff from each separate phase must be controlled independently; this should include a clear description of the phasing, supported by relevant drawings and how the surface water flows and volumes will be managed during all the different phases. Whichever approach is taken, the control of surface water runoff during construction

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should also be considered. For further guidance on HCC's policies on SuDS, HCC Developers Guide and Checklist and links to national policy and industry best practice guidance please refer to our surface water drainage webpage.

This permission has been issued following completion of a legal agreement under S106 of the Town and Country Planning Act 1990 (as amended). Details of the agreement are kept on a publicly accessible register by the Local Planning Authority.

Appeals to the Secretary of State

This is a decision to **grant** planning permission for a **Full planning permission**.

If you are aggrieved by the decision of your Local Planning Authority to grant permission for the proposed development subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990 within 6 months of the date of this notice.

However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

NB – the LPA determination period is usually 8 weeks (13 weeks for major developments and 28 days for non-material amendment applications). If you have agreed a longer period with the LPA, the time limit runs from that date.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square Temple Quay Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs

The Secretary of State may allow a longer period for the giving of notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development, or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under a development order.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.

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Appendix HLS10 - 112-156B Harpenden Road Planning Permission

TOWN AND COUNTRY PLANNING ACT 1990

AGENT

DLA Town Planning Ltd
5 The Gavel Centre Porters Wood
St Albans
Hertfordshire
AL3 6PQ

APPLICANT

Hunston Properties and the Trustees of the
Sewell Trust
C/o Agent

PLANNING PERMISSION

ADDITIONAL INFORMATION - Outline application (access sought) - Residential development of up to 150 dwellings together with all associated works (resubmission following invalid application 5/2020/3096)

Land to Rear of 112-156b Harpenden Road St Albans Hertfordshire

In the pursuance of their powers under the above-mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby **permit** the development proposed by you in your application dated 07/12/2020 and received with sufficient particulars on 11/02/2021 and shown on the plan(s) listed below subject to the following conditions and reasons:-

Condition

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called, the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

Reason

1. Matters not particularised in the application are reserved for subsequent approval by the local planning authority. To comply with Section 92(1) of the Town and Country Planning Act 1990.

Condition

2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of two years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

2. To comply with the requirements of Section 92 of the Town and Country Planning Act 1990.

Condition

3. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan Reference 1956/P/101; Site Access Reference 19197/004 rev A.

Reason

3. To ensure that the development is carried out in accordance with the approved plans and details

Condition

4. The reserved matters submitted pursuant to conditions 1 and 2 shall be carried out in accordance with the following plans: Parameter Plan 01: extent of Development; parameter plan 02: Road Structure; Parameter Plan 03: Building Heights

Reason

4. For the avoidance of doubt and in the interests of proper planning

Condition

5. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason

5. To comply with the requirements of Section 92 (2) of the Town and Country Planning Act 1990

Condition

6. Full details of both soft and hard landscape works should be submitted as part of application(s) for reserved matters approval as required by Condition 1. The landscaping details to be submitted shall include:

- a) existing and proposed finished levels and contours
- b) trees and hedgerow to be retained;
- c) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing;
- d) hard surfacing;
- e) means of enclosure and boundary treatments; and
- f) Structures (such as furniture, play equipment, refuse or other storage units, signs, lighting)

Reason

6. To ensure satisfactory landscape treatment of the site in the interests of visual amenity in accordance with Policies 70 and 74 of the St. Albans District Local Plan Review 1994 and; the National Planning Policy Framework

Condition

7. A landscape and ecological management plan (LEMP) should be submitted as part of application(s) for reserved matters approval as required by Condition 1 and include:

- a) A description of the objectives;
- b) Habitat/feature creation measures proposed, including a methodology translocation of habitats, such as the existing topsoil, grassland and timeframes for completion
- c) Maintenance of habitat/feature creation measures in the long term and those responsible for delivery;
- d) Lighting strategy (aim to ensure that illumination of the existing hedgerows does not exceed 0.5 lux); and
- e) A monitoring programme and the measures required to adapt the LEMP should objectives fail to be met.

The LEMP should cover all landscape areas within the site, other than small privately owned domestic gardens.

Reason

7. To maximise the on site mitigation for biodiversity impact, in line with the requirements of the NPPF.

Condition

8. No development shall commence unless a method statement has been submitted to and approved in writing by the Local Planning Authority to cover the protection of trees during demolition and construction phases based on guidelines set out in BS5837. Thereafter the development shall be carried out in accordance with these approved details

Reason

8. To protect existing trees during the construction works in order to ensure that the character and amenity of the area are not impaired. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.

Condition

9. No trees shall be damaged or destroyed, or uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority until at least 5 years following the contractual practical completion of the permitted development. Any trees removed without such consent or dying or being severely damaged or becoming seriously diseased before the end of that period shall be replaced by trees of such size and species as may be agreed with the Local Planning Authority.

Reason

9. To ensure satisfactory landscape treatment of the site in the interests of visual amenity. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.

Condition

10. All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site. This shall be to the satisfaction of the Local Planning Authority in accordance with relevant British Standards BS 5837 (2005). Any parts of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed with the Authority.

Reason

10. To ensure the continuity of amenity afforded by existing hedges or hedgerows. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.

Condition

11. No development shall commence until full details (in the form of scaled plans and / or written specifications) have been submitted to and approved in writing by the Local Planning Authority to illustrate the following on-site arrangements: i) roads, footways; ii) cycleways; iii) foul and surface water drainage; iv) visibility splays; v) access arrangements; vi) parking provision in accordance with adopted standard; vii) loading areas; viii) turning areas. The proposed development shall be carried out in accordance with the approved details.

Reason

11. To ensure suitable, safe and satisfactory planning and development of the site in accordance with Policies 34, 69 and 70 of the St Albans Local Plan and Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition

12. No development shall commence until full details have been submitted to and approved in writing by the Local Planning Authority in relation to the proposed arrangements for future management and maintenance of the proposed streets within the development. (The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under Section 38 of the Highways Act 1980 or a Private Management and Maintenance Company has been established).

Reason

12. To ensure satisfactory development and to ensure estate roads are managed and maintained thereafter to a suitable and safe standard in accordance with Policies 34, 69 and 70 of the St Albans Local Plan and Policies 5 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition

13. Prior to the first occupation of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan drawing number (Drawing No. 19197/004 Rev A). Prior to the first use of the development hereby permitted arrangement shall be made for surface water to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

Reason

13. To ensure satisfactory access into the site and avoid the carriage of extraneous material or surface water onto the highway in accordance with Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition

14. (Part A) Notwithstanding the details indicated on the submitted drawings no on-site works above slab level shall commence until a detailed scheme for the offsite highway improvement works as indicated on drawings numbered (19197/002/001 Rev D, 002/02 Rev C, 002/03 Rev F, 002/04 Rev C, 002/05 Rev C, 002/06 Rev G) have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, this shall include all offsite works, including but not limited to, the site access works, highway, footway, cycleway and bus stop enhancements.

(Part B) Prior to the first occupation of the development hereby permitted the offsite highway improvement works referred to in Part A of this condition shall be completed in accordance with the approved details.

Reason

14. To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 34 of the St Albans Local Plan review 1994, Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018) and the relevant provisions of the NPPF.

Condition

15. No works shall commence until a detailed scheme is submitted to the LPA that shows the bus stop enhancements, including shelters, kassel kerbing and real time information bus displays must be provided for the NB and SB bus stops opposite the petrol filling station on Harpenden Road. The approved scheme shall be fully implemented prior to first occupation.

Reason

15. To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 34 of the St Albans Local Plan 1994, Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018) and the relevant provisions of the NPPF.

Condition

16. The new access to serve the development shall not be constructed until the new turning head to serve No 126A to 132 Harpenden Road as shown in principle on Drawing No. 19197/002/01 REV D has been constructed. The turning space shall permit the entry and exit of both domestic and service motor vehicles in forward gear and shall be retained thereafter.

Reason

16. To ensure that the proposal does not result in a detrimental impact on the safe and efficient operation of the highway, in accordance with Policy 34 of the St Albans Local Plan and Policy 5 of Hertfordshire's Local Transport Plan.

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Condition

17. Prior to the commencement of the hereby approved application, a detailed scheme that safeguards a minimum 4m width area on the east of the site boundary and internal active travel route that leading to the area must be submitted to the LPA for approval. The approved scheme shall then be fully implemented prior to first occupation.

Reason

17. To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policy 34 of the St Albans Local Plan, Policies 5, 7, 8, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018) and the relevant provisions of the NPPF.

Condition

18. No works shall commence until detailed design drawings are submitted to the LPA that show the provision of the two active travel accesses, being:

(1) North West of the Site to Harpenden Road:

This access point will provide a direct link from the site to the bus stops on Harpenden Road near the Petrol Filling Station

(2) South East of the site & footway on Sandridgebury Lane.

Prior to first occupation of the development hereby permitted, the accesses stated above must be completed in accordance with the approved design details.

Reason

18. To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 7, 8, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018) and the relevant provisions of the NPPF.

Condition

19. No works shall commence until a detailed design drawing is submitted that shows the provision of 'Keep Clear' highway markings provided at the Beech Road / Seymour Road junction. All existing 'Keep Clear' markings on Harpenden Road between the Ancient Briton Signal and the proposed access junction must be reinstated as part of the offsite work / S278 process. Prior to first occupation of the site, the approved scheme shall be fully implemented.

Reason

19. To ensure that the proposal does not result in a detrimental impact on the safe and efficient operation of the highway, in accordance with Policy 34 of the St Albans Local Plan Review 1994 Policy 5 of Hertfordshire's Local Transport Plan.

Condition

20. Prior to the occupation of the development hereby permitted, each residential dwelling shall incorporate an Electric Vehicle ready (active) domestic charging point which shall thereafter be provided and permanently retained.

Reason

20. To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018) and the relevant provisions of the NPPF.

Condition

21. Prior to the first occupation of the development hereby permitted a scheme for the parking of cycles including details of the design, level and siting of the proposed parking shall be submitted to and approved in writing by the Local Planning Authority. The scheme must be designed in line with the

cycle parking standards contained in the DfT's Cycle Infrastructure Design LTN1/20. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.

Reason

21. To ensure the provision of adequate cycle parking that meets the needs of occupiers of the proposed development and in the interests of encouraging the use of sustainable modes of transport in accordance with Policies 1, 5 and 8 of Hertfordshire's Local Transport Plan (adopted 2018) and the relevant provisions of the NPPF.

Condition

22. No development shall commence until a Construction Management Plan (or Construction Method Statement) has been submitted to and approved in writing by the Local Planning Authority.

Thereafter the construction of the development shall only be carried out in accordance with the approved Plan. The Construction Management Plan / Statement shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

Reason

22. In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policies 34 and 70 of the St Albans Local Plan and Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition

23. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall incorporate all of the relevant recommendations in Section 4 of the Turnstone Ecological Appraisal dated November 2020.

Reason

23. To comply with the requirements of Policy 106 of the St Albans Local Plan Review 1994 and the NPPF 2021.

Condition

24. No development-related works shall take place within the site until a written scheme of archaeological work (WSI) has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include on-site work, and off-site work such as the analysis, publication, and archiving of the results, together with a timetable for completion of each element. A public engagement strategy should also be produced. All works shall be carried out and completed in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority. This must be carried out by a professional archaeological/building recording consultant or organisation in accordance with the agreed written scheme of investigation.

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Reason

24. To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with Policy 111 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework. To ensure the appropriate identification, recording and publication of archaeological and historic remains affected by the development.

Condition

25. Following the completion of the fieldwork and the post-excavation assessment in Condition 24, appropriate resources will be agreed with the LPA for the post-excavation project generated by the archaeological WSI in Condition 24. This will include all necessary works up to and including an appropriate publication and archiving and will include an agreed timetable and location for that publication.

Reason

25. To ensure adequate opportunity is provided for archaeological research on this historically important site. To comply with the National Planning Policy Framework. To ensure the appropriate publication of archaeological and historic remains affected by the development.

Condition

26. A desktop study and site walkover shall be carried out by a competent person to identify and evaluate all potential sources and impacts of land and/or groundwater contamination relevant to the site. The desktop study shall comply with BS10175:2011+A2:2017 Investigation of potentially contaminated sites - Code of practice. Copies of the desktop study shall be submitted to the LPA without delay upon completion.

Reason

26. To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994 and the NPPF.

Condition

27. Prior to the commencement of any works other than those required to comply with this condition, a site investigation shall be carried out by a competent person to fully and effectively characterise the nature and extent of any land and/or groundwater contamination and provide information for a detailed assessment of the risk to all receptors that may be affected. The site investigation shall comply with BS10175:2011+A2:2017 Investigation of potentially contaminated sites - Code of practice. Copies of the interpretative report shall be submitted to the LPA without delay upon completion. The site investigation shall not be commenced until:

- (i) a desktop study has been completed satisfying the requirements of condition 26 above;
- (ii) The requirements of the LPA for site investigations have been fully established; and
- (iii) The extent and methodology have been agreed in writing with the LPA.

Copies of the interpretative report on the completed site investigation shall be submitted to the LPA without delay on completion.

Reason

27. To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

Condition

28. The results of the site investigation and the detailed risk assessment referred to in Condition 27, shall be used to prepare an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. It shall also include a verification plan. The options appraisal and remediation strategy shall be agreed in writing with the LPA prior to commencement and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person prior to the commencement of any other works.

Reason

28. To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

Condition

29. A verification report demonstrating completion of the works set out in the remediation strategy in Condition 28 and the effectiveness of the remediation shall be submitted in writing and approved by the LPA prior to the occupation of any buildings. The report shall include results of validation sampling and monitoring carried out in accordance with an approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason

29. To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

Condition

30. Prior to the commencement of the construction works hereby permitted, reclamation of the site shall be carried out in accordance with the options appraisal and remediation strategy approved by the LPA. Any amendments to these proposals relevant to the risks associated with the contamination shall be submitted to the Planning Authority for prior approval in writing.

On completion of the works of reclamation, the developer shall provide a validation report which confirms that the works have been completed in accordance with the approved documents and plans.

Reason

30. To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

Condition

31. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken and where necessary a remediation scheme must be prepared, subject to the approval of the Local Planning Authority. Following the completion of any measures identified in the approved remediation scheme a validation report must be prepared, which is subject to the approval in writing of the Local Planning Authority prior to the occupation of any buildings.

Reason

31. To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

Condition

32. The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment produced by EAS, Job No. 2878 Revision B, dated 09.11.2020 and the following mitigation measures detailed within the FRA.

1. Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 3.43 l/s during the 1 in 100 year event plus 40% of climate change event.
2. Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a total storage volume in attenuation pond.
3. Discharge of surface water from the private drainage network into the existing Thames Water Surface Water Sewer.

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

Reason

32. To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site. To reduce the risk of flooding to the proposed development and future occupants, to comply with the NPPF 2021.

Condition

33. No development approved by this planning permission shall take place until a detailed surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The surface water drainage system will be based on the submitted Flood Risk Assessment produced by EAS, Job No. 2878 Revision B, dated 09.11.2020.

The surface water drainage scheme should include;

1. Detailed, updated post-development calculations/modelling in relation to surface water for all rainfall events up to and including the 1 in 100 year return period, this must also include a +40% allowance for climate change.
2. A detailed drainage plan including the location and provided volume of all SuDS features, pipe runs and discharge points. If areas are to be designated for informal flooding these should also be shown on a detailed site plan.
3. The overland flow route through the site should be managed to ensure that it does not cause flood risk to the proposed development.
4. Exceedance flow paths for surface water for events greater than the 1 in 100 year including climate change allowance.
5. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs. This should include details regarding the connection into the existing ordinary watercourse.
6. Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

33. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To reduce the risk of flooding to the proposed development and future users. To comply with the NPPF.

Condition

34. Prior to works commencing on site, details of how the development will incorporate a mix of rainwater and greywater harvesting, and water efficient fixtures, fittings and landscaping to achieve compliance with the target of 110/litres/person/day must be submitted to the Local Planning Authority for approval. The development will be constructed in accordance with the approved details and maintained in perpetuity.

Reason

34. To improve that the additional dwellings do not adversely affect the ability to supply water to the area as a whole, and ensure the meet the definition of sustainable development with regard to the efficient use of water, as required by the National Planning Policy Framework.

Condition

35. A noise assessment should be carried out in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound to establish whether the car wash process or any mechanical extract plant (e.g. refrigeration/air conditioning plant/etc) at the adjacent petrol station, are likely to give rise to excessive noise at the proposed new dwellings. The rating level of any noise from the plant/machinery/equipment from the adjacent petrol station shall not exceed the background sound level at the nearest proposed dwellings. Where additional measures are required to ensure noise from the petrol station does not exceed the background noise level, then a noise mitigation scheme shall be submitted to and approved in writing and implemented prior to the occupation of any of the units.

Reason

35. To protect the amenities of adjoining development. To comply with Policy 70 of the St. Albans District Local Plan Review 1994

Condition

36. Before the use commences a noise assessment should be carried out in accordance with BS8233: 2014 Guidance on sound insulation and noise reduction for buildings to establish the potential impact of noise from road traffic, railways, commercial activity, on the proposed development.

Where identified to be necessary, a scheme for noise mitigation including sound insulation measures to be incorporated into the design of the proposed development so that the indoor ambient noise criteria described in BS8233:2014 are achieved within all habitable rooms, shall be submitted to and approved in writing, and implemented prior to the occupation of any of the units.

In general, for steady external noise sources, it is desirable that the internal ambient noise level does not exceed the guideline values in the table below:

Internal ambient noise levels for dwellings

Activity	Location	0700 to 2300	2300 to 0700
Resting	Living room	35 dB Laeq, 16 hour	
Dining	Dining room/area	40 dB Laeq, 16 hour	
Sleeping (daytime resting)	Bedroom	35 dB Laeq, 16 hour	30 dB Laeq, 8 hour

The levels shown in the above table are based on the existing guidelines issued by the World Health Organisation.

The LA_{max,f} for night time noise in bedrooms should be below 45dBA; this is not included in the 2014 standard but note 4 allows an LA_{max,f} to be set. 45dBA and over is recognised by the World Health Organisation to be noise that is likely to cause disturbance to sleep.

Reason

36. To protect the amenities of adjoining development. To comply with Policy 70 of the St. Albans District Local Plan Review 1994.

Condition

37. Open space shall be provided on site in accordance with the requirements of Policy 70 of the St Albans Local Plan Review 1994. No development shall commence unless details of all play spaces in that phase are submitted to and approved in writing by the Local Planning Authority. The approved play space scheme shall be completed prior to occupation of 50% of the dwellings hereby permitted and thereafter the approved details shall be retained.

Such scheme shall indicate but not be limited to:

- (a) Details of types of equipment to be installed.
- (b) Surfaces including details of materials and finishes.
- (c) The location of any proposed signage linked to the play areas

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Reason

37. To comply with the requirements of Policy 70 of the St Albans Local Plan Review 1994.

Condition

38. The site is considered at high risk for dust and a Dust Management Plan should be submitted as part of the Construction management Plan required by condition 22. The plan must incorporate specific mitigation measures based on the site-specific risks as per the IAQM guidance (outlined from page 40 in the submitted Hawkins Air Quality Report Nov 2019).

Reason

38. To ensure the impacts during the construction phase are appropriately mitigated, to safeguard local air quality and residential amenity, to comply with the relevant provisions of the NPPF.

Condition

39. Unless it can be demonstrated to the satisfaction of the Local Planning Authority that there is no requirement for fire hydrants to serve the development hereby permitted, no above ground works shall take place until a scheme for the provision of fire hydrants has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings hereby permitted shall be occupied until the approved scheme has been fully provided at the site.

Reason

39. To ensure appropriate on site infrastructure is provided in accordance with Policy 143B of the St Albans Local Plan Review 1994 and the NPPF.

Justification for the grant of planning permission

The site is situated in the Metropolitan Green Belt (Local Plan Review Policy 1). The proposed development comprises inappropriate development, for which permission can only be granted in very special circumstances, these being if the harm to the green belt and any other harm is clearly outweighed by other considerations (paragraph 148 NPPF 2021). In this case, the harm relates to harm to the green belt, limited harm to character and appearance, and some harm to amenity during construction. There is limited conflict with the most important policies of the development plan (St Albans Local Plan Review 1994). The benefits include the provision of housing, self build housing and affordable housing, and the commitment to 10% biodiversity net gain. These other considerations are considered to clearly outweigh the harm to the Green Belt in this particular case. There are no technical objections to the application. The access is considered safe and appropriate. The impacts of the development can be appropriately mitigated by way of planning conditions and obligations in a s106 Agreement.

Signed



Tracy Harvey
Head of Planning & Building Control
St Albans City & District Council

Dated 12/01/2022

INFORMATIVES:

This decision was based on the following drawings and information:

Document/plan	Date submitted	
Site location plan	10/02/21	
Indicative layout	10/02/21	
Parameter plan - Access routes	02/06/21	
Parameter plan - Development zones/open space	02/06/21	02/06/21
Parameter plan - Building heights	02/06/21	
Planning Statement	18/12/21	
Planning Statement addendum	02/06/21	
Section 106 draft Heads of Terms	02/06/21	
Access plan - 19197-004A	02/06/21	
Transport Assessment	18/12/21	
Framework Travel Plan	18/12/21	
Stage One Road Safety Audit	02/06/21	
Designer's Response to Stage One Road Safety Audit		02/06/21
Highways and Transport Addendum	29/06/21	
Highways and Transport Addendum II	29/06/21	
Noise report	18/12/21	
Flood Risk Assessment	18/12/21	
Utilities Assessment	18/12/21	
Arboricultural report and Tree Protection Plan		18/12/21
Air Quality Assessment	18/12/21	
Ecological Appraisal	18/12/21	
Biodiversity metric letter and calculations	02/06/21	
Landscape and Visual Impact Assessment and Landscape Masterplan		02/06/21

Hours of Demolition/Construction Works: No demolition or construction works relating to this permission should be carried out on any Sunday or Bank Holiday nor before 07.30 hours or after 18.00 hours on any days nor on any Saturday before 08.00 hours or after 13.00 hours.

Under the Control of Pollution Act 1974, the applicant is advised that no demolition or construction works relating to this site and development should be carried out on any Sunday or Bank Holiday, nor before 07.30 hours or after 18.00 hours on any days, nor on any Saturday before 08.00 hours or after 13.00 hours

The development hereby permitted creates one or more, new or replacement properties (residential or commercial) which will require a postal address. You must apply to St Albans City and District Council's Street Naming and Numbering Officer before any street name or property name/number is used. For further information, please see www.stalbans.gov.uk/planning/streetnamingandnumbering.aspx

Bonfires: Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of following the proper duty of care and should not be burnt on the site. All such refuse should be disposed of by suitable alternative methods. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.

Contaminated Land: Please be aware that full contaminated land conditions (attached) are being recommended at this stage because no information relating to potential contamination has been submitted to date. In this case it is possible that once the first condition, relating to the Desktop study, has been completed we will more than likely be able to recommend discharge of all remaining conditions. Unless of course it is found that it is likely or possible that significant contamination exists on the site. Contaminated Land. Where a site is affected

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by contamination, responsibility for securing a safe development rests with the developer and/or landowner.

Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence.

Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence.

Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

Estate road adoption (section 38): The applicant is advised that if it is the intention to request that Hertfordshire County Council as Highway Authority adopt any of the highways included as part of this application as maintainable at the public expense then details of the specification, layout and alignment, width and levels of the said highways, together with all the necessary highway and drainage arrangements, including run off calculations must be submitted to the Highway Authority. No development shall commence until the details have been approved in writing and an Agreement made under Section 38 of the Highways Act 1980 is in place. The applicant is further advised that the County Council will only consider roads for adoption where a wider public benefit can be demonstrated. The extent of adoption as public highway must be clearly illustrated on a plan. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

pavements/business-and-developer-information/development-management/highways-development-management.aspx or by telephoning 0300 1234047.

Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development.

The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

Travel Plan (TP): A TP, in accordance with the provisions as laid out in Hertfordshire County Council's Travel Plan Guidance, would be required to be in place from the first occupation/use until 5 years post occupation/use. A £1,200 per annum (overall sum of £6000 and index-linked RPI March 2014) Evaluation and Support Fee would need to be secured via a Section 106 agreement towards supporting the implementation, processing and monitoring of the full travel plan including any engagement that may be needed. Further information is available via the County Council's website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> OR by emailing travelplans@hertfordshire.gov.uk

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development, or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

This is a decision to **grant** planning permission for a **Full planning permission**. If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.

However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

NB – the LPA determination period is usually 8 weeks (13 weeks for major developments and 28 days for non-material amendment applications). If you have agreed a longer period with the LPA, the time limit runs from that date.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square Temple Quay Bristol BS1 6PN or online at <https://acp.planninginspectorate.gov.uk/>

THIS IS AN IMPORTANT DOCUMENT AND IS LIKELY TO BE REQUIRED WHEN YOU COME TO SELL YOUR PROPERTY. YOU ARE ADVISED TO KEEP IT WITH YOUR TITLE DEEDS.

The Secretary of State may allow a longer period for the giving of notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development, or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under a development order.

Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.

Appendix HLS11 - Roundhouse Farm, Bullen Green Lane Appeal Decision

Appeal Decisions

Inquiry held between 26 April – 6 May 2021

Site visits made on 1 April 2021 and 4 May 2021

by C Masters MA (Hons) MRTPI

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

Decision date: 14 June 2021

Appeal A: APP/B1930/W/20/3265925

Roundhouse Farm, Land Off Bullens Green Lane, Colney Heath

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Canton Ltd against St Albans City & District Council.
 - The application Ref 5/2020/1992/LSM was dated 28 August 2020.
 - The development proposed is outline application for the erection of up to 100 dwellings, including 45% affordable and 10% self build, together with all ancillary works (All matters reserved except access) at Land off Bullens Green Lane, Colney Heath.
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Appeal B: APP/C1950/W/20/3265926

Roundhouse Farm, Land Off Bullens Green Lane, Colney Heath

- 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 Canton Ltd against the decision of Welwyn Hatfield Borough Council.
 - The application Ref 6/2020/2248/OUTLINE, dated 28 August 2020, was refused by notice dated 2 December 2020.
 - The development proposed is outline application for the erection of up to 100 dwellings, including 45% affordable and 10% self build, together with all ancillary works (All matters reserved except access) at Land off Bullens Green Lane, Colney Heath.
-

Decision

1. The appeals are allowed and planning permission is granted for the erection of up to 100 dwellings, including 45% affordable and 10% self build, together with all ancillary works (All matters reserved except access) at Land off Bullens Green Lane, Colney Heath, in accordance with the terms of the applications: 5/2020/1992 /LSM dated 28 August 2020 and 6/2020/2248/OUTLINE dated 28 August 2020, subject to the conditions set out on the attached schedule.

Preliminary Matters

2. The boundary between St Albans City & District Council (SADC) and Welwyn Hatfield Borough Council (WHBC) transects the appeal site with the proposed access falling within WHBC off Bullens Green Lane and the western part of the site abutting Roestock Park and the Pumping Station falling within SADC. The planning applications, subject to these appeals, were essentially the same and were submitted to each of the planning authorities and considered collectively at the same public inquiry. For this reason, I have considered the proposed scheme in its entirety rather than as two separate and divisible schemes. I have thus determined the appeals on that basis.
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3. In the context of appeal APP/B1930/W/20/3265925, this scheme was presented to planning committee on 18 January 2021 to request that members confirm how they would have determined the application had it not been subject to an appeal against non determination. At this committee meeting, it was resolved that the Council would have refused planning permission.
4. The reasons for refusal given by WHBC and putative reasons by SADC were similar, in respect to objections related to the suitability of the location, character and appearance, highways, ecology, archaeology, impacts on local infrastructure and services, Green Belt and heritage matters.
5. It was common ground that the Councils could not demonstrate a 5 year supply of housing sites. However, the parties disagreed on the extent of this shortfall. It was agreed that the variation between the two parties was not a matter which was material to the decision on these appeals. I will return to this matter below.
6. Since the appeals were submitted, the appellant has submitted an updated Ecological Impact Assessment. An agreed statement of common ground (SoCG) was submitted prior to the start of the inquiry which set out, amongst other things, principal matters of agreement and disagreement. This confirmed that objections relating to archaeology, ecology and impacts on local infrastructure and services could be addressed by suitably worded conditions/the completion of a Section 106 Agreement. Where necessary, I return to these matters within my report. In addition, appendix A to the SoCG included an agreed facilities plan illustrating the location and average distances to a number of services and facilities within Colney Heath and beyond. I return to this matter below.
7. At the start of the inquiry, a further SoCG was submitted in relation to highways matters. The Councils, Hertfordshire County Council (HCC) as highways authority and the appellant agreed that the appeals would have an acceptable impact on highways safety and therefore reason for refusal (RfR) number 3 on the WHBC decision and putative RfR number 4 of SADC were therefore withdrawn. Notwithstanding this position and in light of third party representations in relation to this issue, this topic was still subject to a round table discussion as part of the inquiry.
8. A replacement access drawing was submitted prior to the inquiry. It was subject to a separate consultation. Neither WHBC or SADC objected to the plan being substituted and all parties had an opportunity to comment on the drawing. Accordingly, I do not consider anybody would be prejudice by my taking this drawing into account and have considered the appeals on this basis.
9. The appellants submitted an unsigned Section 106 (S106) to the inquiry. This was discussed at a round table session and I allowed a short amount of time after the inquiry for the document to be signed. The signed version was received on 24 May 2021. The agreement made included a number of obligations and provision for payments to be made to WHBC, SADC and HCC. I return to this matter below.

Main Issues

10. The appeal site is located within an area of Green Belt. It was agreed between the appellant and the Councils that in the context of the Framework, the

proposals would present inappropriate development within the Green Belt, a matter that must attract substantial weight against the proposals. I concur with this view. As a result and against the background I have set out above, the main issues are:

- the effect of the proposal on the character and appearance of the area;
- the effect of the proposal on the openness of the Green Belt and the purposes of including land within it;
- the effect of the proposed development on the setting of the nearby listed building 68 Roestock Lane;
- whether the site is in an accessible location with regards to local services and facilities;
- whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Effect on Character and Appearance

11. The appeal site comprises a parcel of land of approximately 5 hectares on the eastern edge of Colney Heath. It is bounded by residential development to the northern boundary. There is a short terrace of cottages to the eastern corner along Bullens Green Lane before the boundary opens out into open countryside and beyond. To the south, the site is contained by Fellowes Lane where again residential dwellings are present on the south western corner. The western boundary comprises Roestock Park and the Pumping Station.
12. The parties agree that the site is not a valued landscape under the Framework paragraph 170 definition and that no other landscape designations are applicable to the appeal site. The Hertfordshire Landscape Strategy, 2005 notes the site is located within the Mimms Hall Valley, where the landscape character is described, amongst other things, as being strongly influenced by the major transport routes and the surrounding settlement which give it an urban-edge rather than rural character.
13. The A1 and railway line do not have any visual impact on the appeal site. From what I saw on the site visits, the character of the area is a mix of edge of settlement and countryside. Walking along the footpaths which traverse the site, the experience is one of being on the edge of a settlement rather than a wholly rural context. Whilst the open countryside to the south and east is clearly visible, the surrounding residential properties either facing the site or their rear gardens and associated boundary treatment is also clearly visible. These range in scale and form from bungalows fronting Fellowes Lane, glimpsed views of the 3 storey dwellings within Admiral Close and Hall Gardens and the rear elevations and gardens of properties along Roestock Gardens. Bullens Green Lane and Fellowes Lane serve to enclose the appeal site and provide a degree of containment from the wider countryside and beyond. My judgement leads me to conclude that the site strongly resonates with this urban edge definition provided by the 2005 Landscape Strategy.

14. Turning to consider the area beyond the appeal site itself, the sense of countryside prevails via the public footpath network and road network. These public footpaths continue within Bullens Green Wood and further beyond the appeal site at Tollgate Farm. Contrary to the views expressed by the Council, my experience of the views to the appeal site within Bullens Green Wood are of glimpse views of the appeal site. From the south and in the wider landscape context, the appeal site appears against the backdrop of the existing dwellings as a relatively self contained parcel of land on the edge of the settlement. These longer distance views of the appeal site reinforce the urban edge definition.
15. The Councils contend that the appeal site provides a positive element of the countryside that frames Colney Heath. I do not agree. The very clear sense of countryside is only evident when you travel beyond the appeal site south along Tollgate Road. Here the landscape character changes from mixed residential and open field to predominantly open fields with dotted farm buildings and isolated residential dwellings set within this open landscape. This is entirely different to my experience of the appeal site which I have outlined above.
16. The Councils raised specific concerns regarding alleged harm which would arise as a result of the new vehicular access off Bullens Green Lane and also the new pedestrian footpath and access point along Fellowes Lane. The new access road would be located towards the northern end of Bullens Green Lane, where the character of the existing area is already influenced by cars parked on the public highway, and the visibility of the residential properties beyond, all contributing to the edge of settlement character. Along Fellowes Lane, a new pedestrian access to the site would be introduced along with a public footpath. These characteristics are entirely compatible with the urban edge environment which currently exists.
17. The changes brought about by the built development and changes to the surrounding roads would result in visual changes to the area, which in my view would be localised in impact. Landscaping of the site which would be the subject of any reserved matters submission would mean that in the context of the existing immediate locality, the impacts of the development would be significantly reduced over time. Nevertheless, the proposed development would introduce built development here where currently no development exists which would cause some harm to the character and appearance of the area.
18. Taking into account all of the above factors, I conclude that the proposals would cause limited harm to the character and appearance of the area. I attach moderate weight to this factor. There would be conflict with policy D2 of the Welwyn Hatfield District Plan, 2005. Policy D2 requires all new development to respect and relate to the character and context of the areas. Proposals should as a minimum maintain and where possible should enhance or improve the character of the existing area.
19. The Council have also referred to policies D1, RA10 and RA11 in their reasons for refusal. Policy D1 requires a high standard of design in all new developments. Policy RA10 relates specifically to the Landscape Character Assessment outlined above, requiring proposals to contribute, where appropriate to the maintenance and enhancement of the local landscape character. Policy RA11 refers to the location of the site within the Watling Chase Community Forest boundary. The policy requires, amongst other things,

that proposals seek to include planting, leisure and landscape improvements, where this accords with Green Belt policies. I shall return to the matter of Green Belt below. However, in broad terms I see no reason why these policy objectives could not be readily achieved at reserved matters stage through an appropriately designed scheme and landscape strategy for the site.

20. For the same reasons, the proposals would conflict with policy 2 of the St Albans Local Plan, 1994. Policy 2 of the St Albans Local Plan 1994 identifies, amongst other things, Colney Heath as a Green Belt settlement whereby development will not normally be permitted except for the local housing needs, local services and facilities needs of the settlement and development must not detract from the character and setting of the settlement.
21. The Council have also referred me to policies 69, 70 and 74 of the St Albans Local Plan, 1994. There would be some conflict with policy 69. In relation to the requirements regarding scale and character in terms of plot ratios, height, size and scale, as well as the requirements in relation to materials, I can see no reason why these matters could not be satisfactorily addressed at the reserved matters stage. However the policy also cross references to the requirements of policy 2 outlined above which I have already identified a conflict with. Policy 70 goes onto set out a number of design criteria and layout criteria including but not limited to the dwelling mix, privacy between dwellings, parking and materials. Policy 74 relates specifically to landscaping and tree preservation. Again noting this is an outline scheme, and subject to the reserved matters submission, I can see no reason why the matters raised by policies 70 and 74 could not be appropriately addressed at the reserved matters stage.

Purposes of including land within the Green Belt

22. The Framework and in particular paragraph 133 makes it clear that the Government attaches great importance to the Green Belt and the protection of its essential characteristics. It was common ground between the parties that the proposals represent inappropriate development as identified by the Framework. In terms of the five purposes of the Green Belt identified at paragraph 134 of the Framework, it was also common ground that the key tests in the context of these appeals are the effect on openness, encroachment and urban regeneration. I deal with each of these matters in turn.

Openness of the Green Belt

23. The appeal site comprises an open agricultural field with a number of public footpaths which traverse the site. It is entirely free from built development. The appeal proposals would introduce built development to the site in the form of 100 dwellings with associated access roads and pavements, residential gardens, open space and driveways. The precise layout and form of the development would be determined at reserved matters stage. Even taking into account the potential for boundary treatment and landscaping which could include open green space and play space and could be integral to the layout of the residential development proposed, this would have the effect of a considerable reduction in the openness of the site. The proposals would lead to conflict with policy 1 of the St Albans District Council Local Plan, 1994. This policy identifies the extent of Green Belt within the Borough, and outlines the developments which would be permitted which broadly align with the

development identified by the Framework. This, harm, in addition to the harm by inappropriateness, carries substantial weight against the proposals.

Safeguarding the countryside from encroachment

24. It was generally agreed that the impact of the appeal proposal would be limited in terms of the impact on the wider integrity of the Green Belt. This is a view that I share. In terms of the impact of the development on the purpose of safeguarding the countryside from encroachment, my attention has been drawn to a number of background evidence documents including Green Belt studies. These include a report prepared by SKM Consultants in 2013 which included an assessment of Green Belt in both WHBC, SADC and Dacorum Borough Council. Here, the appeal site is assessed as part of parcel 34, a 419ha parcel of land. Reflective of the size and scale of the parcel of land, the report sets out a number of key characteristics of the land. With reference to the gap between Hatfield and London Colney, preventing the merger of St Albans and Hatfield, and preserving the setting of London Colney, Sleafshyde and Tyttenhanger Park, the report states that the parcel makes a significant contribution towards safeguarding the countryside and settlement pattern and gaps between settlements. These characteristics bear little or no relationship to the appeal site, and given the sheer size and scale of the land identified within the report when compared to the appeal site, I place only very limited correlation between the conclusions drawn here in relation to the function of the land or assessment of its function relative to the purposes of the Green Belt when compared to the appeal site.
25. The most recent Green Belt Assessment which was prepared in relation to the WHBC Local Plan review is noted as a Stage 3 review and was prepared by LUC in March 2019. Only the part of the appeal site which falls within Welwyn Hatfield forms part of the assessment, and is included within the much wider site area known as parcel 54. The report notes that whilst residential development is visible across much of the parcel, the parcel *as a whole* makes a significant contribution to the safeguarding of the countryside from encroachment. The report notes that the impact of the release of the parcel *as a whole* from the Green Belt would be moderate-high, however the impact on the integrity of the wider Green Belt would be limited. Again, I place only limited weight on the findings of this report relative to the appeal site as the assessment and conclusions drawn relate specifically to parcel 54 *as a whole* which includes a much wider area and excludes part of the appeal site in any event.
26. I have already set out in my assessment of character and appearance above that the appeal site has an urban edge/ edge of settlement character. I have made a clear distinction between the appeal site and its separation from the countryside beyond to the south and east of the appeal site. In this way, the appeal site is influenced by the surrounding residential development. As a result of these locational characteristics and influences, the consequences of the development at the appeal site would mean that the proposals would have only a localised effect on the Green Belt. The broad thrust of, function and purpose of the Green Belt in this location would remain and there would be no significant encroachment into the countryside. I therefore conclude that the appeal proposal would not result in harm in term of the encroachment of the Green Belt in this location. This is a neutral factor which weighs neither in favour nor against the appeal proposals.

To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

27. The harm alleged here is limited to WHBC where the Council contend that the proposal would not assist in respect of this fifth purpose of the Green Belt. I am aware that the emerging plan proposes a number of urban regeneration sites, some of which already have planning permission. However, I have no substantive evidence to suggest that the development at this site would disincentivise the urban regeneration of sites elsewhere. Given the scale of development proposed to be located within the WHBC boundary I do not consider that the proposals would be likely to adversely impact on the regeneration of urban redevelopment sites elsewhere. There would as a result be no conflict with this purpose. Again, this is a neutral factor which weighs neither in favour nor against the appeal proposals.

The effect of the proposed development on the setting of the nearby listed building 68 Roestock Lane

28. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest that it possesses. It is therefore necessary to consider the effect of the appeal proposals on the setting of the listed building itself.

29. The heritage asset concerned is a grade II listed residential dwelling. It is located adjacent to the northern boundary of the site. The house which was formerly two cottages, dates from the late C17 and has been subject to a number of modifications and extensions over the years. The dwelling is accessed from Roestock Lane. In this context, it is seen within its garden enclosure set back from the road adjacent to the Pumping Station and within the build fabric of residential development along Roestock Lane extending into Roestock Gardens.

30. From what I saw on my site visits, the significance of the heritage asset is in the main, locked into its built form and fabric. Given the mature vegetation which borders the rear garden, the extent of its setting that contributes to its significance is limited to the rear garden, and the way the front of the house addresses the main road. From Roestock Lane, the aesthetic value of the dwelling is evident through architectural detailing to the front elevation which is clearly visible.

31. The appeal proposals would see residential development introduced to the existing open agricultural field which abuts the rear boundary of the heritage asset. There would be no change to the built form or fabric of the dwelling, or the relationship of the heritage asset with its immediate garden. To my mind, these are the factors which provide the greatest contribution to the significance of the heritage asset.

32. The Council's heritage witness stated that the listed building has an historical association with the surrounding agricultural land and that the appeal site allows the listed building to have uninterrupted longer range views towards the south east. I do not agree. There is no evidence which confirms that the occupiers of the heritage asset were engaged directly with the appeal site. Neither does this serve to demonstrate any functional relationship between the appeal site and the heritage asset concerned. There is no evidence of an

existing or former access that existed between the appeal site and the heritage asset. Whilst the property may well have been at times occupied by agricultural workers, I have no doubt that this would be common to many residential dwellings in the area at that time and would indeed be reflective of the historical associations with farming in years gone past in the immediate area and beyond.

33. Turning to consider the issue of views, I am unable to agree with the Council's contention that uninterrupted longer-range views across the appeal site from the property contribute to the significance of the listed building. The extensive and mature boundary vegetation to the property provides significant screening to the boundary of the property, such that these views would at best be described as limited. In any event, given my conclusions above regarding the linkage between the appeal site and the heritage asset, I am not convinced that longer-range views from the property make any contribution to the historical significance of the dwelling. As I have already set out, the main front of the dwelling addresses Roestock Lane. That situation would not be changed. Neither, given the existing screening, that could be augmented through reserved matters, would the significance the listed building derives from its garden setting be undermined by the proposals.
34. Looking at the issue of views of the dwelling from the appeal site, the appreciation of the architectural interest of the building is limited. The rear elevation has been subject to extensions over time. The property is seen in the context of the other immediate surrounding residential dwellings which lie adjacent to the appeal site, their rear gardens and extensive and mature vegetation to these boundaries, not as an isolated heritage asset with any functional or historical link to the appeal site. The reserved matters submission will afford the Council the opportunity for enhancements to the landscape setting in the vicinity of the site boundary.
35. It is common ground between the parties that the harm to the significance of the designated heritage asset would be less than substantial. It is also common ground that the public benefits of the scheme outweigh the less than substantial harm. For the reasons I have outlined above, even the appellants' assessment at the very lowest end of the broad spectrum of less than substantial harm overstates the scheme's likely effect in this context. As I have already set out, the main aspect of the dwelling is from Roestock Lane. In such views, the appeal proposals would have a very limited effect on the current position.
36. I conclude that the proposals would not result in any harm to the setting or significance of the heritage asset concerned. As such, s.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is not engaged, and there would be no conflict with policy 86 of the St Albans District Local Plan (1994) which states, amongst other things, that where proposals affect the setting of a building of historic interest, the Council will have due regard to the desirability of preserving the building, its setting, or any features of architectural or historic interest which it possesses. Policy D1 is also referred to from the Welwyn Hatfield District Plan (2005). However, this policy concerns the provision of high quality design and is not of relevance to the heritage matters before me.

Whether the site is in an accessible location with regards to local services and facilities

37. The Councils contend that the appeal site is in an unsuitable and isolated location and as a result, it would fail to provide satisfactory access to services and facilities by means other than the private motor car. The appeal site is located on the eastern edge of Colney Heath. The parties agreed a facilities plan which clearly demonstrates the location of the appeal site relative to services, facilities and public transport and included walking and cycling distances from the appeal site. I will firstly assess the availability of and access to services and facilities outside of Colney Heath by means other than the private car, before turning to consider the facilities and services available within Colney Heath itself and how accessible these maybe to potential future occupiers at the appeal site.
38. In terms of public transport and travel outside of Colney Heath, there are a number of bus stops available most notably on Roestock Lane, Fellowes Lane and Hall Gardens. These are all within an 800m walking distance of the site, a flat comfortable walk. These stops provide services to both Potters Bar, Welwyn Garden City, St Albans and Hatfield Tesco Extra where more extensive shopping, medical, education, employment and leisure facilities are located. Whilst I accept that the buses serving these stops are limited in number and frequency and could by no means support regular commuting, they nevertheless provide an alternative mode of transport to the private car and could provide an important alternative to those sectors of the community who do not have access to a private car. Although the reliability of the services was questioned, I have no robust evidence to suggest that the service is so severely unreliable that it would lead me to reach a different conclusion on this issue.
39. For travel further afield, the nearest train services are provided at Welham Green, approximately 3.5km away with direct and frequent services to London. Turning to consider cycling, the Council's witness raised a number of concerns in relation to the nature of the roads and suitability for cycling. HCC as highways authority advised that cycling facilities are adequate with safe routes and access to the national cycle route network. These include National Cycle Route 61 approximately 3km from the appeal site providing access to St Albans and cycle route 12 approximately 2km to the south east providing access to both Welham Green and Hatfield. The agreed facilities plan indicates that taking into account average cycling times, a number of services and facilities would be available between 6 and 12 minutes away. I saw evidence on my site visits of both Bullens Green Lane and Fellowes Lane being well used for recreational purposes, including walkers and cyclists. Taking into account the average cycle times and distances to facilities outside of Colney Heath as set out within the facilities plan, I concur with HCC that cycling provides a reasonable alternative in this location to the private car.
40. Turning to consider journeys possible on foot, Colney Heath itself has a number of facilities and services which one would expect in a settlement of this size. These include but are not limited to a public house, primary school which has some albeit limited capacity and pre school, church, takeaway, village hall, hairdressers, scout hut, post office and mini mart. The availability of the public rights of way (PROW) within the site mean that these facilities and services could be accessible through a choice of routes, utilising the connections to

either Roestock Lane or Fellowes Lane and then onwards to the High Street. This choice of routes adds to the quality of the walking experience in this location however I acknowledge the concerns expressed regarding the use of the underpass under the A1 and the quality of the pedestrian environment provided here. In common with other lower order settlements in both SADC and WHBC, residents are expected to travel to larger settlements highlighted above for medical facilities, larger scale supermarkets, employment and secondary education and beyond. To my mind, the facilities and services available within Colney Heath and the accessibility of these facilities both on foot and by cycle mean that a number of day to day needs could be met without reliance on the private car. As a result, the location of the appeal site cannot be described as isolated. These factors weigh in favour of the appeal proposals.

41. Overall and to conclude, taking into account the essence of the Framework test as to whether a genuine choice of transport modes is on offer, the appeal proposals would in my view represent a sustainable location for new residential development.
42. My attention has been drawn to policy 2 of the St Albans Local Plan 1994 which identifies, amongst other things, Colney Heath as Green Belt settlement whereby development will not normally be permitted except for the local housing needs, local services and facilities needs of the settlement and development must not detract from the character and setting of the settlement. Given the policy wording, there would be a conflict with this policy. In relation to WHDC, I also conclude that the proposals would accord with policies SD1 and H2 of the Welwyn Hatfield District Plan, 2005. Policy SD1 confirms that development will be permitted where it can be demonstrated that the principles of sustainable development are satisfied. Policy H2 applies a criteria based approach to windfall residential development, which includes, amongst other things, the location and accessibility of the site to services and facilities by transport modes other than the car.
43. Policy GBSP2 is also referred to however this is a policy relating to towns and specified settlements where development will be located and the settlement of Colney Heath is not identified by the policy however the supporting text to the policy identifies Bullen's Green and refers to development to support services and facilities. Overall, the proposals would not accord with this policy.
44. Policy R1 requires development to take place on land which has been previously used or development. It goes onto state that development will only be permitted on 'greenfield' land where it can be demonstrated that no suitable opportunities exist on previously used or developed land. The proposals would conflict with this policy.

Whether very special circumstances exist

45. Substantial weight is attached to any harm to the Green Belt by reason of inappropriateness. Very special circumstances will not exist unless the potential harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. It is widely acknowledged that the definition of very special circumstances do not in themselves have to be rare or

uncommon¹. I now turn to consider the factors which I have taken into account in making this assessment.

Provision of Market Housing

46. Paragraph 59 of the Framework seeks to support the Governments objective of significantly boosting the supply of homes. In order to achieve this, the Framework notes that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
47. I am aware of the Written Ministerial Statement of December 2015 which indicates that unmet need is unlikely to clearly outweigh harm to Green Belt and any other harm so as to establish very special circumstances. However, in common with the appeal decision² referred to, I note that this provision has not been incorporated within the Framework which has subsequently been updated and similar guidance within the Planning Practice Guidance has been removed. I can therefore see no reason to give this anything other than little weight as a material consideration.
48. It is common ground that neither SADC or WHBC can demonstrate a five year supply of deliverable homes. Whilst there is disagreement between the parties regarding the extent of this shortfall, the parties also agreed that this is not a matter upon which the appeals would turn. I agree with this position. Even taking the Councils supply positions of WHBC 2.58 years and SADC at 2.4 years, the position is a bleak one and the shortfall in both local authorities is considerable and significant.
49. There is therefore no dispute that given the existing position in both local authority areas, the delivery of housing represents a benefit. Even if the site is not developed within the timeframe envisaged by the appellant, and I can see no compelling reason this would not be achieved, it would nevertheless, when delivered, positively boost the supply within both local authority areas. From the evidence presented in relation to the emerging planning policy position for both authorities, this is not a position on which I would envisage there would be any marked improvement on in the short to medium term. I afford very substantial weight to the provision of market housing which would make a positive contribution to the supply of market housing in both local authority areas.

Provision of Self Build

50. Turning to consider the issue of Self Build, as part of the overall dwelling numbers, the proposal would deliver up to 10 self build or custom build dwellings. The Government attaches great importance to the provision of this element of the supply. Notably, paragraph 61 of the Framework identifies that planning policies should reflect the housing needs of different sectors of the community including, but not limited to people wishing to commission or build their own homes. Footnote 26 gives further explanation with reference to the requirements of the Self Build and Custom Housebuilding Act 2015 (as amended). The Planning Practice Guidance advises that local authorities

¹ Wychavon DC v Secretary of State for Communities and Local Government and Butler [2008] EWCA Civ 692.

² APP/C2741/W/19/3227359

should use the demand data from registers, supported by additional data from secondary sources, to understand and consider future need for this type of housing in their area. Furthermore, it goes onto note that the registers are likely to be a material consideration in decisions involving proposals for self and custom housebuilding.

51. In the case of these appeals, there are no development plan policies which relate specifically to the provision or delivery of self building housing in either authority. Emerging policy SP7 at WHBC identifies four allocations which would contribute towards self build plot provision although the allocations do not specify how many plots. Furthermore, neither authority has an up to date assessment of likely future demand for this type of housing in line with the Planning Practice Guidance. The appellant provided detailed evidence in relation to the Custom Build Register, none of which was disputed. Evidence also presented demonstrated that the statutory duty to provide for base period plot provision has also not been met in either authority, in some periods by a significant margin. Taking into account other secondary data sources, these shortfalls may well be on the conservative side.
52. In common with both market housing and affordable housing, the situation in the context of provision of sites and past completions is a particularly poor one. To conclude, I am of the view that the provision of 10 self build service plots at the appeal site will make a positive contribution to the supply of self build plots in both local planning authority areas. I am attaching substantial weight to this element of housing supply.

Provision of affordable housing

53. The uncontested evidence presented by the appellant on affordable housing for both local authorities illustrates some serious shortcomings in terms of past delivery trends. In relation to WHBC, the affordable housing delivery which has taken place since 2015/16 is equivalent to a rate of 23 homes per annum. The appellant calculates that the shortfall stands in the region of 4000 net affordable homes since the 2017 SHMA Update, a 97% shortfall in affordable housing delivery. If the shortfall is to be addressed within the next 5 years, it would require the delivery of 1397 affordable homes per annum. In SADC, the position is equally as serious. Since the period 2012/13, a total of 244 net affordable homes have been delivered at an average of 35 net dwellings per annum. Again, this equates to a shortfall also in the region of 4000 dwellings (94%) which, if to be addressed in the next 5 years, would require the delivery of 1185 affordable dwellings per annum.
54. The persistent under delivery of affordable housing in both local authority areas presents a critical situation. Taking into account the extremely acute affordable housing position in both SADC and WHBC, I attach very substantial weight to the delivery of up to 45 affordable homes in this location in favour of the proposals.

Other Matters

Other Appeal Decisions

55. I have been referred to no fewer than 21 other appeal decisions³ in addition to 9 Secretary of State decisions⁴ as part of the evidence before me in relation to these appeals. Both the appellant and the Councils have sought to draw comparisons and similarities between this extensive array of decisions before me for a variety of reasons. Two historical decisions at the appeal site, as acknowledged by the Councils, were determined under a different planning policy framework and accordingly I attach very limited weight to these. In relation to the appeal decision at the neighbouring site⁵, I do not have the full details of the evidence which was before that Inspector, the main issues were different to these appeals and the decision predates the current Framework.
56. Rarely will any other appeal decision provide an exact comparison to another situation. In some of the cases referred to, there are similarities in the size and scale of the proposal, in other cases there are entirely different planning policy positions, housing supply considerations, land use considerations, locational characteristics, main issues and other factors which have been weighed in the balance. Furthermore, it remained common ground that each appeal should be considered on its own merits as is the case here. It is for the decision maker in each case to undertake the planning balancing exercise and as a result, the weight I have attached to these other appeal cases is limited.

Other Matters

57. I have considered the effect of the proposals on the occupiers of the neighbouring dwellings in terms of effect on living conditions, highways impacts, flooding and loss of agricultural land. There are no objections from either SADC, WHBC or HCC in relation to these matters. I acknowledge concerns expressed by local residents in relation to existing flooding which takes place on Bullens Green Lane, however I am satisfied that appropriately worded conditions in relation to surface water and drainage can satisfactorily address any impacts of the appeal proposals in this regard. Similarly, I have no evidence before me which would lead me to reach a different conclusion to the Councils in relation to the effect of the development on the living conditions of neighbouring properties.
58. In terms of highways impacts, I acknowledge that a number of local residents have expressed concerns regarding localised congestion and parking and overall highways impacts. I am also mindful of the concerns expressed by Colney Heath Parish Council in connection with the data used to support the appeal proposals. However, taking into account the likely vehicular traffic to be generated by the development and the conclusions reached by the supporting

³ Two historical appeal decisions at the appeal site E6/1973/3202 & E6/1954/0860, APP/B1930/W/19/3235642, APP/Y0435/W/20/3251121, APP/C2714/W/19/3227359, APP/D2320/W/20/3247136, APP/P0119/W/17/3191477, APP/P1615/W/18/3213122, APP/G2435/W/18/3214451 & 3214498, APP/W0530/W/19/3230103, APP/C1570/W/19/3234530 & 3234532, APP/X0360/W/19/3238048, APP/H1840/W/20/3255350, APP/P3040/W/17/3185493, APP/L3815/W/16/3165228, APP/D0840/A/13/2209757, APP/G1630/W/14/3001706, APP/G5180/W/16/3144248, APP/G5180/W/18/3206569, APP/E2001/W/20/3250240,

⁴ APP/W4705/V/18/3208020, APP/Q3115/W/19/3230827, APP/C4235/W/18/3205559, APP/P1615/A/14/2218921, APP/A0665/W/14/2212671, APP/H1840/A/13/2199085 & 2199426, APP/P4605/W/18/3192918, APP/Q3630/A/05/119826, APP/W1850/W/20/3244410

⁵ APP/B1930/W/15/3137409

transport assessments, I concur with the view that this will not have a severe impact on the operation of the wider highways network.

59. The site access would be located off Bullens Green Lane where it is currently subject to the national speed limit. The Highways Authority consider that the introduction of a transitional speed limit restriction may be necessary to the south of the site. As a result, two Grampian conditions are proposed to address this issue. I conclude that the development would not cause harmful levels of congestion or increase risk to highway safety.
60. I note the conclusions the Councils have drawn in relation to the loss of agricultural land and the inconsistencies between the development plan policies and the Framework in this regard and can see no reason to disagree with the conclusions drawn by the Councils in relation to this matter.
61. The Councils argued that the site is not a suitable location for housing as it does not form part of the emerging policy context for either SADC or WHBC. Whilst I acknowledge this to be the case, this in itself is not a reason that the appeals should fail. In neither SADC nor WHBC is there an emerging policy position to which any significant weight can be attached. The SADC Local Plan Review was adopted in 1994, some 27 years ago. The most recent replacement plan was withdrawn. As a result, there is currently no up to date strategic housing land requirement assessment which has been subject to any rigorous soundness assessment through the local plan examination process.
62. Turning to consider the position at WHBC, the adopted plan dates from 2005, some 16 years ago. The emerging plan was submitted for examination some 4 years ago. As was outlined during the inquiry, Interim Findings issued by the Inspector in October 2020 and subsequent round up notes issued by the Inspector in March 2021 set out that findings in relation to the FOAHN, windfall allowance and green belt boundaries at proposed development sites are yet to be issued. As a result, I am unable to conclude with any certainty when the WHBC Plan will be found sound and as such attach very limited weight to this emerging plan.

Biodiversity

63. Policy R11 of the WHBC Local Plan requires, amongst other things, that all new development should demonstrate how it would contribute positively to the biodiversity of the site by meeting a number of identified criteria. In the case of these appeals, the criteria most relevant are (i) the retention and enhancement of natural features of the site and (ii) the promotion of natural areas and wildlife corridors where appropriate as part of the design. For SADC, my attention has been drawn to policy 106 of the SADC Local Plan 1994 however this policy deals specifically with the effect of planning applications on identified SSSIs, Nature Reserves, other sites of wildlife, geographical or geomorphological importance which is not applicable to the appeal site. This is a position confirmed by the Councils in their proof of evidence.
64. The appeals are supported by an amended Ecological Impact Assessment. Hertfordshire Ecology, as ecological advisors to both WHBC and SADC confirmed that subject to a suitably worded condition and obligations within the Section 106 agreement, both of which I set out later within this report, the appeal proposals adequately address the ecological impacts of the development

at the appeal site. I therefore conclude that the proposals would accord with policy R11 of the WHBC Local Plan in this regard.

Planning Obligation

65. I have taken into account the various obligations identified within the executed Section 106 Agreement with regards to the statutory requirements in Regulation 122 of the Community Infrastructure Levy (CIL) as well as the tests identified at paragraph 56 of the Framework. The obligation would secure a number of provisions relating to HCC, SADC and WHBC. I deal with each of these individual matters in turn.
66. A number of clauses in relation to biodiversity measures are proposed. A biodiversity offsetting contribution is included within the obligation, which would contribute towards the creation of new habitats. This would be calculated by using the Biodiversity Net Gain Matrix which provides for a financial contribution based on the formula identified by the matrix which measures and takes into account biodiversity losses and gains resulting from the development. In support of this approach, the Councils have identified that adopting the use of this matrix approach allows for landscaping and open space proposals as well as on site mitigation to be taken into account at reserved matters stage. In addition, the parties have also referred me to an alternative appeal decision⁶ to endorse the use of the Biodiversity Net Gain Matrix approach. Once calculated, a scheme would be submitted for approval to both Councils referred to as the biodiversity offsetting scheme. In addition to this offsetting, biodiversity onsite compensation would also be provided through the identification of biodiversity measures to be implemented within the site as part of an identified onsite compensation scheme. In both instances, the Councils would be approving the onsite and offsetting schemes with reference to the biodiversity metric formula approach.
67. A green space contribution, to be calculated based on the precise number of dwellings and mix, will deliver the creation of a wildflower meadow at Angerland public open space off Bishops Rise, South Hatfield. Officers confirmed that this was the closest facility to the appeal site to which improvement requirements have been identified.
68. I note the Councils expressed concerns that the appellant could rely on the green space contribution as part of the biodiversity offsetting scheme and biodiversity offsetting contribution. However the biodiversity offsetting scheme, by definition, requires a scheme to be approved by both Councils to include but not limited the identification of an appropriate receptor site(s). As a result, I consider that this matter is adequately addressed by the obligation and the concerns are unfounded.
69. Taking into account the information and evidence presented, I am content that the obligations in relation to biodiversity, including the offsetting contribution, offsetting scheme and onsite compensation are necessary, directly related to the development and fairly and reasonably related in scale and kind. I draw the same conclusion in relation to the green space contribution. These obligations therefore comply with Regulation 122 of the CIL Regulations and can be taken into account in the grant of planning permission.

⁶ APP/Y0435/W/20/3251121

70. In addition to the above, the obligation would secure the provision of affordable housing, apportioned equally between WHBC and SADC. The affordable housing scheme would also secure the mix of units and tenures. In a similar way, the obligation would secure the plots and associated provision for the self build and custom housebuilding plots on the site. A district community facilities contribution is sought, to provide improvements towards the Roestock Park Scout Hut. Obligations relating to the highways works necessary to implement the scheme, waste and recycling, bus stop improvements at Hall Gardens, travel plan, libraries contribution towards improvements to the Creator Space at Hatfield Library, education contribution for both primary and secondary school provision, youth contribution towards increased provision at Hatfield Youth Centre, indoor sports facilities contribution towards the University of Hertfordshire and/or Hatfield Swimming Pools, and medical facilities in the form of community healthcare, general medical services specified at Northdown Road and/or Burvill House Surgery and mental health contribution specified at Queensway Health Centre and Roseanne House are also included. Finally, a monitoring fee, not to exceed £5000 would be payable to WHBC to cover the reasonable and proper administrative costs of monitoring compliance with the obligations.
71. The delivery of up to 100 dwellings in this location will result in an increase in the local population, with subsequent impacts on schools, social infrastructure such as medical facilities, libraries, sports and transport. A number of the other obligations, for example the provision of self or custom build housing as well as the provision for affordable housing weigh in favour of the appeal proposals.
72. I conclude that all of the aspects of the obligations outlined above are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development. As a result, the obligations therefore comply with Regulation 122 of the CIL Regulations and can be taken into account in the grant of planning permission.
73. The obligation also includes a contribution towards outdoor sports facilities, specifically improving drainage at grass pitches at Welham Green recreation ground and/or towards repairs to the bowls ground in the same location. Welham Green is approximately 3.5km from the appeal site. There is an existing recreational facility next to the appeal site, as well as outdoor sports facilities, albeit within SADC, located locally within Colney Heath. I am not convinced that this contribution would be necessary to make the development acceptable in planning terms or directly related to the development. Accordingly, I do not find this part of the obligation would satisfy the necessary tests.

Conditions

74. A round table session was held at the inquiry to discuss a list of agreed planning conditions. I have considered this list of conditions with reference to the tests as set out at paragraph 55 of the Framework. Where necessary, I have amended the wording of the conditions in the interests of precision and clarity.

75. In the interests of certainty and highways safety, conditions outlining the approved plans, including the access arrangements and their implementation, as well as the visibility splays, are necessary. I have however not included the suggested condition relating to the parameter plan as I do not consider a condition relating to this is necessary or reasonable in this instance. As the proposals are in outline form only, it is however necessary to specify the reserved matters to be submitted for approval and associated time limits for their submission and subsequent implementation. Two highways related conditions are attached. The first relate to submission, approval and implementation of any necessary Traffic Regulations Order (TRO). The second relates to the provision of a safe and suitable pedestrian crossing and footway on Fellowes Lane. Both of these conditions are necessary in the interests of highways safety.
76. A condition requiring an archaeological written scheme of investigation is both necessary and reasonable in order to establish the presence or absence of archaeological remains. Conditions requiring the submission of a scheme relating to surface water drainage and also relating to the arrangements for surface water to be disposed of are necessary and reasonable to ensure the satisfactory storage and disposal of surface water from the site. To address any risk of flooding, a further condition is attached requiring the development to be completed in accordance with the Flood Risk Assessment and Drainage Strategy. In addition, to prevent contamination, conditions have been attached which require full details of any substance containers to be submitted and approved in writing and also specific details of works involving excavation. A condition relating to indoor and outdoor noise levels is both necessary and reasonable to protect the living conditions of future residents. Furthermore, a condition relating to accessible housing is justified in order to ensure the needs of accessible or wheelchair housing are met.
77. The submission of a construction management plan is required by condition 11. This is necessary in the interests of highways safety and also the living conditions of nearby residents. In order to promote sustainable transport a condition relating to the provision of electric vehicle charging points has been included. Conditions covering landscaping details, a landscaping and ecological management plan and requiring a tree protection plan and method statement are necessary to ensure that the appearance of the development is satisfactory, biodiversity impacts of the development are suitably addressed and that where necessary, to ensure that retained trees and hedgerows are protected during the course of construction.

Conclusions

78. The proposals would cause harm by reason of inappropriateness and harm to openness. Both of these attract substantial weight. I have also attached moderate weight to harm to the character and appearance of the area. However, these appeals involves two local authority areas, both of which have acute housing delivery shortages and acute affordable housing need. The proposals would make a contribution towards addressing these needs in the form of market, self build and affordable housing in both WHBC and SADC. I have attached very substantial weight to the provision of both market housing and affordable housing. I have attached substantial weight to the provision of self build housing. These factors, when considered collectively demonstrate that very special circumstances do exist.

79. I conclude that in the case of these appeals, I find that the other considerations in this case clearly outweigh the harm that I have identified. Looking at the case as a whole, very special circumstances do exist to justify inappropriate development in the Green Belt. My findings on the other matters before me do not lead me to a different conclusion. As a result, I therefore conclude that the proposals would comply with both the Framework and the development plans taken as a whole. For the reasons given above, and having considered all other matters raised, the appeals are allowed.

C Masters

INSPECTOR

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He called:

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RULE SIX PARTY:

John Clemow – 4ColneyHeath

INTERESTED PERSONS:

Cllr Peter Cook Colney Heath Parish Council

DOCUMENTS SUBMITTED DURING INQUIRY

CD 10.13 Appeal Decision, land at Church Lane, Wittington
CD 7.07 Extracts from SADC SHLAA 2009

SCHEDULE OF CONDITIONS

1. Details of the appearance, landscaping, layout, and scale, (hereinafter called, the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: drawing no. 17981 1002 (Site Location Plan), drawing no. 18770-FELL-5-500 Rev B (Revised Site Access) and drawing no. 18770-FELL-5-501 Rev A (Proposed Footpath Connection).
4. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
5. No development of the site shall commence until:
 - a) A scheme to reduce speeds (to support the access proposals designed to 30mph) on Bullens Green Lane, Colney Heath, is provided to and approved in writing by the Local Planning Authority. Any scheme is required to be designed in line with the requirements of Hertfordshire County Council's (HCC) Speed Management Strategy (SMS); and
 - b) Any necessary Traffic Regulation Order (TRO) is made in respect of part a) to this condition. 'Made' means that the TRO has been approved and can be implemented.

No occupancy of the site can occur until the Traffic Regulation Order referred to above is implemented and brought into force. Evidence of the implemented scheme, in the form of a Certificate of Completion of the Section 278 of the Highways Act 1980, must be submitted to and approved in writing by the local planning authority.
6. No development of the site shall commence until a scheme for the provision of a safe and suitable pedestrian crossing and footway on Fellowes Lane, Colney Heath, in line with drawing number 18770-FELL-5-501 Rev A in principle, is provided and approved in writing by the Local Planning Authority and is designed in line with the requirements as set out in Hertfordshire County Council's Roads in Hertfordshire: Highway Design Guide (3rd edition). No occupation of any part of the development may occur before implementation of the approved scheme referred to in Part 1 of the condition.
7. No works involving excavations (e.g. piling or the implementation of a geothermal open/closed loop system) shall be carried until the following has been submitted to and approved in writing by the Local Planning Authority.
 - a) An Intrusive Ground Investigation to identify the current state of the site and appropriate techniques to avoid displacing any shallow contamination to a greater depth
 - b) A Risk Assessment identifying both the aquifer and the abstraction point(s) as potential receptor(s) of contamination including turbidity.

c) A Method Statement detailing the depth and type of excavations (e.g. piling) to be undertaken including mitigation measures (e.g. turbidity monitoring, appropriate piling design, off site monitoring boreholes etc.) to prevent and/or minimise any potential migration of pollutants including turbidity or existing contaminants such as hydrocarbons to public water supply. Any excavations must be undertaken in accordance with the terms of the approved method statement.

All works shall be carried out in accordance with approved reports listed above.

The applicant or developer shall notify Affinity Water of excavation works 15 days before commencement in order to implement enhanced monitoring at the public water supply abstraction and to plan for potential interruption of service with regards to water supply.

8. Development must not commence until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of archaeological significance and research questions; and:
- a) The programme and methodology of site investigation and recording;
 - b) The programme and methodology of site investigation and recording as required by the evaluation;
 - c) The programme for post investigation assessment
 - d) Provision to be made for analysis of the site investigation and recording;
 - e) Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - f) Provision to be made for archive deposition of the analysis and records of the site investigation;
 - g) Nomination of a competent person or persons/organisation to undertake the works set out within the Archaeological Written Scheme of Investigation.
- The development must not take place other than in accordance with the approved programme of archaeological works set out in the Written Scheme of Investigation.

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority.

An investigation and risk assessment and, where remediation is necessary, a remediation scheme must then be submitted to and approved in writing by the Local Planning Authority and implemented as approved. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

The investigation and risk assessment must assess the nature and extent of any contamination on the site, whether or not it originates on the site and must be undertaken by competent persons. A written report of the findings must be produced and the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) (ii) an assessment of the potential risks to:
 - human health;
 - property (existing or proposed) including buildings;
 - crops;
 - livestock;
 - pets;

- woodland and service lines and pipes;
- adjoining land;
- groundwaters and surface waters;
- ecological systems;
- archaeological sites and ancient monuments.

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

The investigation and risk assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Remediation Scheme

Following completion of measures identified in the approved remediation scheme, a verification report which demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the local planning authority.

9. Development must not commence until the final design of the drainage scheme is completed and sent to the local planning authority for approval. The surface water drainage system should be based on the submitted the Flood Risk Assessment and Drainage Strategy (prepared by Woods Hardwick, ref: 18770/FRA and DS, dated August 2020). The scheme must also include:
- a) Detailed, updated post-development calculations/modelling in relation to surface water for all rainfall events up to and including the 1 in 100 year return period, this must also include a +40% allowance for climate change;
 - b) A detailed drainage plan including the location and provided volume of all SuDS features, pipe runs and discharge points. If areas are to be designated for informal flooding these should also be shown on a detailed site plan;
 - c) Exceedance flow paths for surface water for events greater than the 1 in 100 year including climate change allowance;
 - d) Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs. This should include details regarding the connection into the existing Thames Water surface water sewer;
 - e) The drainage scheme shall also confirm use of an oil/water interceptor; and
 - f) Final detailed management plan to include arrangements for adoption and any other arrangements to secure the operation of the scheme throughout its lifetime.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

10. Development must not commence until details of all substance containers are submitted to and approved in writing by the local planning authority. These details must include:
- a) Confirmation of bunding of 110% capacity; and
 - b) Confirmation of the presence of a leak detection system and methodology that includes immediate notification to Affinity Water

11. Development must not commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the construction of the development must only be carried out in accordance with the approved Plan. The Construction Management Plan must include details of:
- a) Construction vehicle numbers, type, routing;
 - b) Access arrangements to the site;
 - c) Traffic management requirements including arrangements for the PROW across the site during construction;
 - d) Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
 - e) Siting and details of wheel washing facilities;
 - f) Cleaning of site entrances, site tracks and the adjacent public highway;
 - g) Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
 - h) Provision of sufficient on-site parking prior to commencement of construction activities;
 - i) Post construction restoration/reinstatement of the working areas and temporary access to the public highway; and
 - j) Where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements.

12. No development above ground level shall take place until a scheme to protect the development from noise due to transport sources is submitted to and approved in writing by the local planning authority. The scheme must ensure that:

The indoor ambient noise levels in living rooms and bedrooms meet the standards within BS 8233:2014. Relaxed noise levels in BS 8233:2014 will not be accepted in living rooms and bedrooms unless it can be demonstrated that good acoustic design practices have been followed and the implementation of acoustic barriers/bunds to lower façade noise levels as much as reasonably practicable, have been implemented. Internal L_{max} levels should not exceed 45dB more than ten times a night in bedrooms; If opening windows raises the internal noise levels above those within BS8233, the mechanical ventilation will need to be installed, with ventilation rates required to meet those found within The Noise Insulation Regulations 1975. Alternative methods (such as passive systems) and rates can be considered, however, evidence that overheating will not occur will need to be provided in the form of a SAP assessment conducted with windows closed, curtains/blinds not being used, showing the required ventilation rates to ensure that the medium risk category is not exceeded. Details must be provided of the ventilation system to be installed and to demonstrate that it will provide the ventilation rates shown in the SAP Assessment; and Outdoor amenity areas must meet the 55dB WHO Community Noise Guideline Level

The approved scheme must be implemented prior to first occupation, unless the Local Planning Authority otherwise agrees in writing.

13. No development above ground level shall take place until a scheme setting out the arrangements for the delivery of accessible housing will be supplied to the council in accordance with the following requirements:
- a) A schedule of units, together with appropriate plans and drawings, must be submitted to and be approved by the local planning authority setting out details of the number, layout and location of all units that will comply with Part M4(2) of the Building Regulations 2010. At least 20% of all new dwellings must meet Building Regulations Part M4(2) standards for 'accessible and adaptable dwellings';
 - b) All units specified as M4(2) in the agreed schedule and plans must be implemented in accordance with that approval and in compliance with the corresponding part of the Building Regulations in that regard;
 - c) The person carrying out the building work must inform the Building Control body which requirements apply; and
 - d) Written verification of the completion of all dwellings in accord with part (a) above will be supplied to the local planning authority within 30 days of the practical completion [of the block it forms part of].
14. Prior to the first occupation of the development hereby permitted the vehicular access must be provided and thereafter retained at the position shown on drawing no. 18770-FELL-5-500 Rev B in accordance with the agreed highway specification. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
15. Prior to the first occupation of the development hereby permitted a visibility splay must be provided in full accordance with the details indicated on drawing no. 18770-FELL-5-500 Rev B. The splay shall thereafter be maintained at all times free from any obstruction between 600mm and 2m above the level of the adjacent highway carriageway.
16. Prior to first occupation of the development hereby permitted, a minimum provision of 20% of the car parking spaces must be designated for plug-in Electric Vehicles (EV) and served by EV ready [domestic and/or fast] charging points.
17. The development permitted by this planning permission must be carried out in accordance with the Flood Risk Assessment and Drainage Strategy (prepared by Woods Hardwick, ref: 18770/FRA and DS, dated August 2020) and the following mitigation measures:
- a) Limiting the surface water run-off generated by the critical storm events so that it will not exceed the surface water run-off rate of 9.3 l/s during the 1 in 100 year event plus 40% of climate change event;
 - b) Providing storage to ensure no increase in surface water run-off volumes for all rainfall events up to and including the 1 in 100 year + climate change event providing a total storage volume in two attenuation basins;
 - c) Discharge of surface water from the private drainage network into the Thames Water surface water sewer system located in Bullens Green Lane. The mitigation measures shall be fully implemented prior to first occupation of the development hereby approved.

Surface water must not be disposed of via direct infiltration into the ground via a soakaway.

Notwithstanding the submitted 'Updated Arboricultural Assessment – Version 2 (by FPCR Environment and Design Ltd, July 2020), a detailed tree protection plan and method statement should be submitted as part of application(s) for reserved matters approval as required by Condition 1.

18. Full details of both soft and hard landscape works should be submitted as part of application(s) for reserved matters approval as required by Condition 1. The landscaping details to be submitted shall include:

- a) existing and proposed finished levels and contours
- b) trees and hedgerow to be retained;
- c) planting plans, including specifications of species, sizes, planting centres, number and percentage mix, and details of seeding or turfing;
- d) hard surfacing;
- e) means of enclosure and boundary treatments;
- f) Details of toddler play area including play equipment; and
- g) Any other structures (such as furniture, refuse or other storage units, signs, lighting)

19. A landscape and ecological management plan (LEMP) should be submitted as part of application(s) for reserved matters approval as required by Condition 1 and include:

- a) A description of the objectives;
 - b) Habitat/feature creation measures proposed
 - c) Maintenance of habitat/feature creation measures in the long term and those responsible for delivery;
 - d) Lighting strategy (aim to ensure that illumination of the existing hedgerows does not exceed 0.5 lux); and
 - e) A monitoring programme and the measures required to adapt the LEMP should objectives fail to be met.
- The LEMP should cover all landscape areas within the site, other than small privately owned domestic gardens.

Appendix HLS12 - Verulam Planning Permission

TOWN AND COUNTRY PLANNING ACT 1990

AGENT

Miss Lauren Hawksworth
Montagu Evans LLP
70 St Mary Axe
London
EC3A 8BE

APPLICANT

Advance Holdings Ltd
C/o Agent

PLANNING PERMISSION

Demolition of existing buildings and redevelopment of site to provide 62 flats and 1,200sqm of commercial space (Use Class E), underground parking, associated works and landscaping

Verulam Industrial Estate London Road St Albans Hertfordshire

In the pursuance of their powers under the above-mentioned Act and the Orders and Regulations for the time being in force thereunder, the Council hereby **permit** the development proposed by you in your application dated 18/08/2021 and received with sufficient particulars on 31/08/2021 and shown on the plan(s) listed below subject to the following conditions and reasons:-

Condition

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

Condition

2. The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed Basement Plan 1912_00_099
Proposed Ground Floor Plan 1912_00_100
Proposed First Floor Plan 1912_00_101
Proposed Second Floor Plan 1912_00_102
Proposed Third Floor Plan 1912_00_103
Proposed Fourth Floor Plan 1912_00_104
Proposed Fifth Floor Plan 1912_00_105
Proposed Roof Plan 1912_00_106

Existing Site Layout 1912_01_100
Existing Ground Floor Plan & Topographical Survey 1912_01_101
Existing Long Elevations, Front & Rear 1912_01_200
Existing Cross and Long Sections 1912_01_201
Existing Elevations, Side Elevations & Warehouse Elevations 1912_01_202

Site Location Plan 1912_03_001
Proposed Site Layout / Block Plan, Ground Floor Level 1912_03_100
Proposed Site Layout / Block Plan, Roof level 1912_03_106

Proposed East Elevation, Residential 1912_04_100
Proposed West Elevation, Residential 1912_04_101
Proposed North Elevation, Residential 1912_04_102

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SELL YOUR PROPERTY. YOU ARE ADVISED TO KEEP IT WITH YOUR TITLE DEEDS.**

Proposed South Elevation, Residential 1912_04_103
Proposed East & West Elevations, Commercial 1912_04_110
Proposed North & South Elevations, Commercial 1912_04_111

Proposed Long Section A-A - Through Residential Block 1912_05_100
Proposed Cross Section B-B 1912_05_101
Proposed Section C-C - Through Residential Entrance 1912_05_102
Proposed Section D-D - Through Residential Balconies 1912_05_103
Proposed Long Section E-E, Commercial Block 1912_05_110
Proposed Section F-F - Through Commercial Entrance 1912_05_111
Proposed Section G-G - Through Commercial Units 1912_05_112
Proposed Long Site Section H-H 1912_05_150

Block Layout, Block A, Basement Plan 1912_70_099
Block Layout, Block A, Ground Floor Plan 1912_70_100
Block Layout, Block A, 1st Floor Plan 1912_70_101
Block Layout, Block A, 2nd Floor Plan 1912_70_102
Block Layout, Block A, 3rd Floor Plan 1912_70_103
Block Layout, Block A, 4th Floor Plan 1912_70_104
Block Layout, Block A, 5th Floor Plan 1912_70_105
Block Layout, Block A, Roof Plan 1912_70_106
Block Layout, Block B&C, Basement Plan 1912_70_109
Block Layout, Block B & C, Ground Floor Plan 1912_70_110
Block Layout, Block B & C, 1st Floor Plan 1912_70_111
Block Layout, Block B & C, 2nd Floor Plan 1912_70_112
Block Layout, Block B & C, 3rd Floor Plan 1912_70_113
Block Layout, Block B & C, 4th Floor Plan 1912_70_114
Block Layout, Block B & C, 5th Floor Plan 1912_70_115
Block Layout, Block B & C, Roof Plan 1912_70_116
Block Layout, Commercial Block, Ground Floor Plan 1912_70_120
Block Layout, Commercial Block, First Floor Plan 1912_70_121
Block Layout, Commercial Block, Second Floor Plan 1912_70_122
Block Layout, Commercial Block, Roof Plan 1912_70_123

Reason

2. For the avoidance of doubt and in the interests of proper planning.

Condition

3. No development above slab level shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been approved in writing by the Local Planning Authority. Sample materials should be made available on site when discharging this condition. Development shall be carried out in accordance with the approved details.

Reason

3. To ensure that the finished appearance of the development is satisfactory. To comply with Policies 69 and 85 of the St. Albans District Local Plan Review 1994.

Condition

4. Prior to the commencement of any development (excluding relevant works to discharge the condition) the applicant shall secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation which shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall cover archaeological fieldwork together with post-excavation work and publication of the results.

Reason

4. To ensure that features of archaeological interest are properly examined and recorded. To comply with Policy 111 of the St Albans District Local Plan Review 1994 and the National Planning Policy Framework.

Condition

5. If piling is considered the most appropriate method of foundation construction, prior to commencement of development (excluding any demolition), a method statement detailing the type of piling and noise emissions, shall be submitted to and approved in writing by the Local Planning Authority. All piling works shall be carried out in accordance with the agreed details.

Reason

5. In the interests of the amenities of residents of neighbouring properties. To comply with Policy 70 of the St. Albans District Local Plan Review 1994.

Condition

6. Notwithstanding the information submitted with the application, and prior to the commencement of development other than works required to comply with this condition, an additional site investigation shall be carried out following demolition of the existing site buildings by a competent person to fully and effectively characterise the nature and extent of any land and groundwater contamination and provide information for a detailed assessment of the risk to all receptors that may be affected. The site investigation shall comply with BS10175:2011+A2:2017 Investigation of potentially contaminated sites - Code of practice. Copies of the interpretative report shall be submitted to the LPA without delay upon completion.

Reason

6. To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

Condition

7. The results of the site investigations and the detailed risk assessment undertaken at the site shall be used to prepare an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken. The remediation strategy shall contain a verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy are complete and identify any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. The options appraisal and remediation strategy shall be agreed in writing with the LPA prior to commencement of construction works and all requirements shall be implemented and completed to the satisfaction of the LPA by a competent person.

Reason

7. To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

Condition

8. A verification report demonstrating completion of the works set out in the remediation strategy and the effectiveness of the remediation shall be submitted in writing and approved by the LPA, prior to first occupation of any building hereby approved. The report shall include results of validation sampling and monitoring carried out in accordance with the approved remediation strategy to demonstrate that the site remediation criteria have been met. It shall also include any plan for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

Reason

8. To ensure that adequate protection of human health is maintained and the quality of groundwater is protected. To comply with Policy 84 of the St. Albans District Local Plan Review 1994.

Condition

9. Prior the commencement of development, an Arboricultural Method Statement and Tree Protection Plan should be submitted and approved in writing by the local planning authority which fully addresses the recommendations of the AIA submitted with the application, and which demonstrate the approach to development within the RPA, including new soft landscape works along the western site boundary and new hard surfacing to the rear of block B. The measures shall be implemented as approved.

Reason

9. To ensure the protection of existing trees, to comply with policy 74 of the St Albans Local Plan 1994.

Condition

10. The development permitted by this planning permission shall be carried out in accordance with the principles of the approved Sustainable Drainage Strategy produced by Elliot Wood, Ref 2200315 P1, dated 23/07/2021 and the following mitigation measures:

1. Limiting the surface water runoff generated by the critical storm events so that it will not exceed 2.5 l/s for all rainfall events up to and including the 1 in 100 year plus 40% climate change event.
2. Providing storage in permeable paving and the underground attenuation tank to ensure no increase in surface water runoff volumes for all rainfall events up to and including the 1 in 100 year plus climate change event.
3. The surface water from the site will discharge from a private network to Thames Water sewer.

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

Reason

10. To prevent flooding by ensuring the satisfactory disposal and storage of surface water from the site. To reduce the risk of flooding to the proposed development and future occupants, to comply with the NPPF.

Condition

11. No development shall take place until a detailed surface water drainage scheme for the site based on the principles as set out in the Sustainable Drainage Strategy produced by Elliot Wood, Ref 2200315 P1, dated 23/07/2021, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details. The scheme shall include:

1. Final, detailed post-development calculations/modelling in relation to surface water or all rainfall events up to and including the 1 in 100-year return period including a +40% allowance for climate change.
2. A detailed drainage plan including the location and provided volumes of all SuDS features, pipe runs, invert levels and discharge points. If there are areas to be designated for informal flooding these should also be shown on a detailed site plan.
3. Full Assessment of proposed SuDS treatment and management stages for all surface water runoff from the entire development site.

4. Detailed engineered drawings of the proposed SuDS features including cross section drawings, their size, volume, depth and any inlet and outlet features including any connecting pipe runs.

Reason

11. To prevent the increased risk of flooding, both on and off site, to comply with the NPPF.

Condition

12. Upon completion of the drainage works, a management and maintenance plan for the SuDS features and drainage network must be submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

1. Provision of complete set of as built drawings including the final drainage layout for site drainage network.
2. Maintenance and operational activities for the lifetime of the development.
3. Arrangements for adoption and any other measures to secure the operation of the scheme throughout its lifetime.

Reason

12. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to comply with the NPPF.

Condition

13. Highways Part A) Design Approval

Notwithstanding the details indicated on the submitted drawings, no on-site works above slab level shall commence until a detailed scheme for the off-site highway improvement works have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. Works shall include:

- Site access design and footway reinstatement;
- Signal controlled pedestrian crossing at the existing refuge island 60m north of site on London Road;
- Signage improvements for pedestrian link between London Road and Orient Close.
- Vehicle incursion measures, to be approved in writing by Network Rail.

Part B) Implementation / Construction

Prior to the first occupation of the development hereby permitted, the improvement works referred to in part A of this condition shall be completed in accordance with the approved details.

Reason

13. To ensure construction of a satisfactory development and that the highway improvement works are designed to an appropriate standard in the interest of highway safety and amenity and in accordance with Policy 34 of the St Albans Local Plan 1994, Policy 5, 13 and 21 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition

14. Prior to the first occupation of the development hereby permitted, arrangement shall be made for surface water from the proposed development to be intercepted and disposed of separately so that it does not discharge onto the highway carriageway.

Reason

14. To avoid the carriage of extraneous material or surface water from or onto the highway in accordance with Policy 34 of the St Albans Local Plan 1994 and Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition

15. Prior to the first occupation of the development hereby permitted, provision shall be made for 20% of the car parking spaces to have active provision for EV charging and 80% of the car parking spaces to have passive provision for EV charging.

Reason

15. To ensure construction of a satisfactory development and to promote sustainable development in accordance with Policies 5, 19 and 20 of Hertfordshire's Local Transport Plan (adopted 2018) and the NPPF.

Condition

16. No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority, including elements of the CLOCS standards as set out in the Highway Authority's Construction Management template. Thereafter the construction of the development shall only be carried out in accordance with the approved Plan: The Construction Management Plan / Statement shall include details of:

- a. Construction vehicle numbers, type, routing;
- b. Access arrangements to the site;
- c. Traffic management requirements
- d. Construction and storage compounds (including areas designated for car parking, loading / unloading and turning areas);
- e. Siting and details of wheel washing facilities;
- f. Cleaning of site entrances, site tracks and the adjacent public highway;
- g. Timing of construction activities (including delivery times and removal of waste) and to avoid school pick up/drop off times;
- h. Provision of sufficient on-site parking prior to commencement of construction activities;
- i. Post construction restoration/reinstatement of the working areas and temporary access to the public highway;
- j. where works cannot be contained wholly within the site a plan should be submitted showing the site layout on the highway including extent of hoarding, pedestrian routes and remaining road width for vehicle movements;
- k. Phasing Plan
- l. Demonstration of consultation with the Asset Protection Project Manager at Network Rail.

Reason

16. In order to protect highway safety and the amenity of other users of the public highway and rights of way in accordance with Policy 34 of the St Albans Local Plan 1994 and Policies 5, 12, 17 and 22 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition

17. At least 3 months prior to the first occupation of the approved development a detailed Travel Plan Statement for the residential site shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The approved Travel Plan Statement shall be implemented in accordance with the timetable and target contained therein and shall continue to be implemented as long as any part of the development is occupied subject to approved modifications agreed by the Local Planning Authority in consultation with the Highway Authority as part of the annual review.

Reason

17. To ensure that sustainable travel options associated with the development are promoted and maximised to be in accordance with Policies 3, 5, 7, 8, 9 and 10 of Hertfordshire's Local Transport Plan (adopted 2018) and the NPPF.

Condition

18. From first occupation of the hereby approved development, all residential car parking spaces shall be leased to residents on a demand basis. Prior to first occupation a scheme setting out how the car parking spaces shall be leased shall be first submitted to and approved in writing by the Local Planning Authority, thereafter the leasing of spaces shall be in accordance with the approved scheme. On-site parking restriction must be implemented that ensure turning heads and pedestrian and emergency accesses remain clear at all times.

Reason

18. To ensure safe and suitable access is retained and to prevent the overspill of car parking onto surrounding streets, in accordance with Policy 34 of the St Albans Local Plan Review 1994 and Policy 5 of Hertfordshire's Local Transport Plan (adopted 2018).

Condition

19. No units shall be occupied until a schedule of landscape maintenance for a minimum period of 10 years has been submitted to and approved in writing by the Local Planning Authority. The schedule shall include details of the arrangements for its implementation. Development shall be carried out in accordance with the approved schedule.

Reason

19. To ensure satisfactory landscape treatment of the site in the interests of visual amenity. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.

Condition

20. If within a period of five years from the date of the planting of any tree or plant, that tree or plant, or any tree or plant planted in replacement for it is removed, uprooted or destroyed or dies or becomes seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted at the same place, unless otherwise the Local Planning Authority gives its written consent to any variation. The tree or plant shall be planted within 3 months of felling/dying or if this period does not fall within the planting season by 31 January next.

Reason

20. To ensure satisfactory landscape treatment of the site in the interests of visual amenity. To comply with Policy 74 of the St. Albans District Local Plan Review 1994.

Condition

21. Before above ground construction works for the non-residential elements commence a scheme providing for the insulation of the building against the transmission of noise and vibration from the building shall be submitted to and approved in writing by the Local Planning Authority.

The scheme so approved shall be carried out and verified by a competent acoustician before the use commences. The findings shall be presented in a verification report and submitted to and approved in writing by the Local Planning Authority.

Reason

21. To ensure that adequate precautions are implemented to avoid noise nuisance, in accordance with Policies 82 and 83 of the St. Albans District Local Plan Review 1994

Condition

22. Before above ground works for the residential elements commence, a scheme providing for the insulation and double glazing of residential properties against the transmission of noise and vibration from surrounding commercial uses shall be submitted to and approved in writing by the Local Planning Authority.

The scheme so approved shall be carried out and verified by a competent acoustician before the use commences which includes evening time periods when commercial uses operate. The findings shall be presented in an acoustic report demonstrating that "reasonable" resting levels of noise attenuation have been achieved in accordance with standards set out within BS8233: 2014 Guidance on sound insulation and noise reduction for buildings. This report shall be submitted to and approved in writing by the Local Planning Authority.

Reason

22. To ensure that adequate precautions are implemented to avoid noise nuisance, in accordance with Policies 82 and 83 of the St. Albans District Local Plan Review 1994.

Condition

23. Before the use commences a noise assessment should be carried out in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound to establish whether the plant/machinery that are to be installed or operated in connection with carrying out this permission are likely to give rise to complaints at any adjoining or nearby noise sensitive premises. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise from the plant/machinery does not, at any time, increase the ambient equivalent continuous noise level.

The rating level of any plant/machinery/equipment to be used shall not exceed the background sound level.

Reason

23. Before the use commences a noise assessment should be carried out in accordance with BS4142: 2014 Methods for rating and assessing industrial and commercial sound to establish whether the plant/machinery that are to be installed or operated in connection with carrying out this permission are likely to give rise to complaints at any adjoining or nearby noise sensitive premises. All plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that noise from the plant/machinery does not, at any time, increase the ambient equivalent continuous noise level.

The rating level of any plant/machinery/equipment to be used shall not exceed the background sound level.

Condition

24. The units hereby approved shall not be occupied unless details of noise and vibration levels within a selection of the most affected units/flats' living rooms and bedrooms and within the external amenity space (post completion of the building works) have been submitted to and approved in writing by the Local Planning Authority in the form of an acoustic report demonstrating that "reasonable" resting levels of noise attenuation have been achieved in accordance with standards set out within BS8233: 2014 Guidance on sound insulation and noise reduction for buildings. The selection of the most affected premises shall be made by a competent person.

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If "reasonable" noise levels have not been achieved, the report will details what additional measures will be undertaken to ensure that they are achieved. These additional measures shall be implemented prior to the occupation of the building in accordance with details so approved.

Reason

24. To ensure that adequate precautions are implemented to avoid noise nuisance, in accordance with Policies 82 and 83 of the St. Albans District Local Plan Review 1994.

Condition

25. The industrial / commercial kitchens of the approved building shall be fitted in accordance with a scheme detailing the equipment for the purpose of extraction, filtration and abatement of fumes and odours which has first been submitted and approved in writing by the Local Planning Authority. This shall include noise and vibration mitigation systems. The approved extraction/filtration/abatement equipment shall be installed before the use hereby permitted is commenced and shall be maintained including deep cleaning and operated thereafter in accordance with manufacturer specification to ensure its continued satisfactory operation.

Reason

25. To protect the amenities of nearby properties in accordance with Policy 70 of the St. Albans District Local Plan Review 1994.

Condition

26. Unless it can be demonstrated to the satisfaction of the Local Planning Authority that there is no requirement for fire hydrants to serve the development hereby permitted, no above ground works shall take place until a scheme for the provision of fire hydrants has been submitted to and approved in writing by the Local Planning Authority. None of the dwellings hereby permitted shall be occupied until the approved scheme has been fully provided at the site.

Reason

26. To ensure appropriate on site infrastructure is provided in accordance with Policy 143B of the St Albans Local Plan Review 1994 and the NPPF.

Condition

27. No Unit shall be occupied until a detailed external lighting scheme has been submitted to and approved in writing by the local planning authority in consultation with Network Rail. No external lighting other than that approved shall be provided

Reason

27. This condition is necessary to ensure that the design and installation of external lights on the site pays due regard to the need to protect the amenities of local residents and wildlife, whilst also providing appropriate security, to comply with Policy 70 of the St Albans Local Plan and the NPPF

Condition

28. The residential development hereby approved shall not be first occupied unless and until one car club space with vehicle has been provided for occupiers to use in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter the car club space shall be retained and maintained for its designated purpose.

Reason

28. To ensure satisfactory parking on the site. In accordance with Policy 39 of the St. Albans District Local Plan Review 1994.

Condition

29. Prior to the occupation of the residential development hereby permitted, and notwithstanding the approved drawings,full details of the security shutter door for the basement car park shall be

submitted to and approved in writing by the local planning authority. The works shall be implemented in accordance with the approved plans.

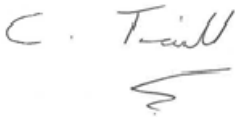
Reason

29. To ensure the design has regard to the external appearance of the building and residential amenity, to ensure an appropriate level of security is provided to the car park, to comply with Policy 70 of the St Albans Local Plan and the NPPF.

Justification for the grant of planning permission

The proposed development is considered acceptable. The proposal would be appropriate development in the Metropolitan Green Belt and would not have an adverse impact on the openness of the Metropolitan Green Belt. It would preserve the character and appearance of the Conservation Area. There would be no adverse impact on the amenities of the occupiers of neighbouring properties. Proposed access and car parking is acceptable. The proposed mitigation via s106 obligations for impacts on social and physical infrastructure are acceptable. The proposal is in accordance with Policies 1, 2, 4, 34, 39, 40, 69, 70, 74, 85 and 143B of the St. Albans District Local Plan Review 1994 and the National Planning Policy Framework 2021.

Signed



Christine Traill
Strategic Director – Community and Place Delivery
St Albans City & District Council

Dated 07/06/2022

INFORMATIVES:

The Local Planning Authority has been positive and proactive in its consideration of this planning application. The applicant and the Local Planning Authority engaged in pre-application discussions resulting in a form of development that improves the economic, social and environmental conditions of the District.

This determination was based on the following drawings and information, received 3 September 2021:

Proposed Basement Plan 1912_00_099
Proposed Ground Floor Plan 1912_00_100
Proposed First Floor Plan 1912_00_101
Proposed Second Floor Plan 1912_00_102
Proposed Third Floor Plan 1912_00_103
Proposed Fourth Floor Plan 1912_00_104
Proposed Fifth Floor Plan 1912_00_105
Proposed Roof Plan 1912_00_106

Existing Site Layout 1912_01_100
Existing Ground Floor Plan & Topographical Survey 1912_01_101
Existing Long Elevations, Front & Rear 1912_01_200
Existing Cross and Long Sections 1912_01_201
Existing Elevations, Side Elevations & Warehouse Elevations 1912_01_202

Site Location Plan 1912_03_001
Proposed Site Layout / Block Plan, Ground Floor Level 1912_03_100
Proposed Site Layout / Block Plan, Roof level 1912_03_106

Proposed East Elevation, Residential 1912_04_100

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Proposed West Elevation, Residential 1912_04_101
Proposed North Elevation, Residential 1912_04_102
Proposed South Elevation, Residential 1912_04_103
Proposed East & West Elevations, Commercial 1912_04_110
Proposed North & South Elevations, Commercial 1912_04_111

Proposed Long Section A-A - Through Residential Block 1912_05_100
Proposed Cross Section B-B 1912_05_101
Proposed Section C-C - Through Residential Entrance 1912_05_102
Proposed Section D-D - Through Residential Balconies 1912_05_103
Proposed Long Section E-E, Commercial Block 1912_05_110
Proposed Section F-F - Through Commercial Entrance 1912_05_111
Proposed Section G-G - Through Commercial Units 1912_05_112
Proposed Long Site Section H-H 1912_05_150

Block Layout, Block A, Basement Plan 1912_70_099
Block Layout, Block A, Ground Floor Plan 1912_70_100
Block Layout, Block A, 1st Floor Plan 1912_70_101
Block Layout, Block A, 2nd Floor Plan 1912_70_102
Block Layout, Block A, 3rd Floor Plan 1912_70_103
Block Layout, Block A, 4th Floor Plan 1912_70_104
Block Layout, Block A, 5th Floor Plan 1912_70_105
Block Layout, Block A, Roof Plan 1912_70_106
Block Layout, Block B&C, Basement Plan 1912_70_109
Block Layout, Block B & C, Ground Floor Plan 1912_70_110
Block Layout, Block B & C, 1st Floor Plan 1912_70_111
Block Layout, Block B & C, 2nd Floor Plan 1912_70_112
Block Layout, Block B & C, 3rd Floor Plan 1912_70_113
Block Layout, Block B & C, 4th Floor Plan 1912_70_114
Block Layout, Block B & C, 5th Floor Plan 1912_70_115
Block Layout, Block B & C, Roof Plan 1912_70_116
Block Layout, Commercial Block, Ground Floor Plan 1912_70_120
Block Layout, Commercial Block, First Floor Plan 1912_70_121
Block Layout, Commercial Block, Second Floor Plan 1912_70_122
Block Layout, Commercial Block, Roof Plan 1912_70_123

Design and Access Statement
Planning Statement
Air Quality Assessment
Ecology Assessment
Biodiversity Impact Assessment & Biodiversity Metric
Daylight Sunlight Assessment
Energy and Sustainability Assessment
Built Heritage, Townscape and Landscape Visual Impact Assessment & Views
Landscape Design Report and Drawings
Noise Assessment
Phase I & II Geo-Environmental Assessment and Supplementary Phase II Geo-Environmental Assessment
Archaeological Desk-Based Assessment
Tree Survey and Arboricultural Impact Assessment
Transport Statement
Statement of Community Engagement
Drainage Strategy & Drawings
Verified Views & Methodology

No demolition or construction works relating to this permission should be carried out on any

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Sunday or Bank Holiday nor before 07.30 hours or after 18.00 hours on any days nor on any Saturday before 08.00 hours or after 13.00 hours.

The attention of the applicant is drawn to the Control of Pollution Act 1974 relating to the control of noise on construction and demolition sites.

The attention of the applicant is drawn to The Building Regulations 2010, Approved Document E 'Resistance to the passage of sound', Section 0: Performance.

Internal ambient noise levels for dwellings

Activity	Location	0700 to 2300	2300 to 0700
Resting	Living room	35 dB Laeq, 16 hour	
Dining	Dining room/area	40 dB Laeq, 16 hour	
Sleeping (daytime resting)	Bedroom	35 dB Laeq, 16 hour	30 dB Laeq, 8 hour

The levels shown in the above table are based on the existing guidelines issued by the World Health Organisation.

The L_{Amax,f} for night time noise in bedrooms should be below 45dBA; this is not included in the 2014 standard but note 4 allows an L_{Amax,f} to be set. 45dBA and over is recognised by the World Health Organisation to be noise that is likely to cause disturbance to sleep.

Dust from operations on the site should be minimised by spraying water or by carrying out other such works necessary to contain/suppress dust. Visual monitoring of dust should be carried out continuously and Best Practical Means (BPM) should be employed at all times.

The applicant is advised to consider the document entitled 'The control of dust and emissions from construction and demolition - Best Practice Guidance', produced in partnership by the Greater London Authority and London Councils.

Waste materials generated as a result of the proposed demolition and/or construction operations shall be disposed of following the proper duty of care and should not be burnt on the site. All such refuse should be disposed of by suitable alternative methods. Only where there are no suitable alternative methods such as the burning of infested woods should burning be permitted.

Prior to works commencing it is recommended that the applicant carry out a survey to identify the presence of any asbestos containing materials on the site, either bonded with cement or unbonded. If asbestos cement products are found they should be dismantled carefully, using water to dampen down, and removed from site. If unbonded asbestos is found the Health and Safety Executive at Woodlands, Manton Lane, Manton Lane Industrial Estate, Bedford, MK41 7LW should be contacted and the asbestos should be removed by a licensed contractor.

Where a site is affected by contamination, responsibility for securing a safe development rests with the developer and/or landowner.

Storage of materials: The applicant is advised that the storage of materials associated with the construction of this development should be provided within the site on land which is not public highway, and the use of such areas must not interfere with the public highway. If this is not possible, authorisation should be sought from the Highway Authority before construction works commence. Further information is available via the County Council website at: <https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300

1234047.

Obstruction of highway: It is an offence under section 137 of the Highways Act 1980 for any person, without lawful authority or excuse, in any way to wilfully obstruct the free passage along a highway or public right of way. If this development is likely to result in the public highway or public right of way network becoming routinely blocked (fully or partly) the applicant must contact the Highway Authority to obtain their permission and requirements before construction works commence. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/business-licences/business-licences.aspx> or by telephoning 0300 1234047.

Debris and deposits on the highway: It is an offence under section 148 of the Highways Act 1980 to deposit compost, dung or other material for dressing land, or any rubbish on a made up carriageway, or any or other debris on a highway to the interruption of any highway user. Section 149 of the same Act gives the Highway Authority powers to remove such material at the expense of the party responsible. Therefore, best practical means shall be taken at all times to ensure that all vehicles leaving the site during construction of the development and use thereafter are in a condition such as not to emit dust or deposit mud, slurry or other debris on the highway. Further information is available by telephoning 0300 1234047.

Works within the highway (section 278): The applicant is advised that in order to comply with this permission it will be necessary for the developer of the site to enter into an agreement with Hertfordshire County Council as Highway Authority under Section 278 of the Highways Act 1980 to ensure the satisfactory completion of the access and associated road improvements. The construction of such works must be undertaken to the satisfaction and specification of the Highway Authority, and by a contractor who is authorised to work in the public highway. Before works commence the applicant will need to apply to the Highway Authority to obtain their permission and requirements. Further information is available via the County Council website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx> or by telephoning 0300 1234047.

Roads to remain private: The applicant is advised that all on-site roads associated with this development will remain unadopted (and shall not be maintained at public expense by the highway authority). At the entrance of the new estate the road name plate should indicate that it is a private road and the developer should put in place permanent arrangements for long-term maintenance.

Construction Management Plan (CMP): The purpose of the CMP is to help developers minimise construction impacts and relates to all construction activity both on and off site that impacts on the wider environment. It is intended to be a live document whereby different stages will be completed and submitted for application as the development progresses. A completed and signed CMP must address the way in which any impacts associated with the proposed works, and any cumulative impacts of other nearby construction sites will be mitigated and managed. The level of detail required in a CMP will depend on the scale and nature of development. The CMP would need to include elements of the Construction Logistics and Community Safety (CLOCS) standards as set out in our Construction Management template, a copy of which is available on the County Council's website at:

<https://www.hertfordshire.gov.uk/services/highways-roads-and-pavements/business-and-developer-information/development-management/highways-development-management.aspx>

Section 106 Agreement: Planning permission granted subject to the completion of a Section 106 Agreement between the applicants, St Albans and District Council, and Hertfordshire

THIS IS AN IMPORTANT DOCUMENT AND IS LIKELY TO BE REQUIRED WHEN YOU COME TO
SELL YOUR PROPERTY. YOU ARE ADVISED TO KEEP IT WITH YOUR TITLE DEEDS.

County Council.

Planning Obligations and Agreements

S106 (Town & Country Planning Act 1990)

In accordance with the HCC Planning Obligations Guidance (2021), second strand sustainable transport contributions are sought for residential developments on a unit rate basis of £6,826 per dwelling. For employment developments, contributions are sought on a unit rate basis of £422 per job. The net difference between the proposed and existing employment land uses has been calculated. Sustainable transport improvements delivered via the S278 have also been included within the final contribution.

The total S106 sustainable transport contribution sought is £295,242 [Note this figure is subject to indexation SPONS January 2019]. Contribution will go towards:

South West Herts Growth and Transport Prospectus: Package 29 (London Road Corridor - that includes development of new pedestrian crossing points), Package 25 which includes upgrades to the Alban Way, and Package 24 expanding 20mph zones around the site which shall improve conditions for pedestrians and cyclists.

Further details and calculations can be found under the subsection 'Planning Obligations' of this statutory consultee response.

S278 (Highways Act 1980)

A Section 278 agreement will be required between the applicant and HCC. Details of the S278 process is stated above in Informative AN5.

Further details of the offsite works have been detailed under the subsections 'Design Considerations'.

The applicant is encouraged to prepare a Site Waste Management Plan for the site and to submit it to the Waste Planning Authority which is Hertfordshire County Council.

The development hereby permitted creates one or more, new or replacement properties (residential or commercial) which will require a postal address. You must apply to St Albans City and District Council's Street Naming and Numbering Officer before any street name or property name/number is used. For further information, please see www.stalbans.gov.uk/planning/streetnamingandnumbering.aspx

The applicant is strongly encouraged to apply for Secure by Design Accreditation., As part of this, the use of CCTV at this site is recommended.

Appeals to the Secretary of State

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development, or to grant it subject to conditions, then you can appeal to the Secretary of State under Section 78 of the Town and Country Planning Act 1990.

This is a decision to **grant** planning permission for a **Full planning permission**. If you want to appeal against your Local Planning Authority's decision then you must do so within 6 months of the date of this notice.

However, if an enforcement notice has been served for the same or very similar development within the previous 2 years, the time limit is:

- **28 days** from the date of the LPA decision if the enforcement notice was served before the decision was made yet not longer than 2 years before the application was made.
- **28 days** from the date the enforcement notice was served if served on or after the date the decision was made (unless this extends the appeal period beyond 6 months).

NB – the LPA determination period is usually 8 weeks (13 weeks for major developments and 28 days for non-material amendment applications). If you have agreed a longer period with the LPA, the time limit runs from that date.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square Temple Quay Bristol BS1 6PN or online at <https://acp.planninginspectorate.gov.uk/>

The Secretary of State may allow a longer period for the giving of notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development, or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions given under a development order.

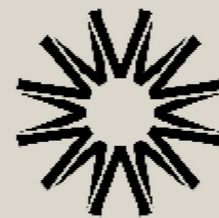
Purchase Notices

If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase the owner's interest in the land in accordance with the provisions of Chapter I of Part 6 of the Town and Country Planning Act 1990.

Appendix HLS13 - Planning statement (R) - 1912_Verulam - S96a Design Statement_Part 1 & 2

Date	September 2022
Author	VABEL
Version	01

Verulam Industrial Estate
224 London Road
St Albans AL1 1JB



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Enquiries

If you have any queries about anything contained within this document then please don't hesitate to contact us

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Introduction

This design statement has been produced in support of the S96a application for minor amendments to the consented scheme at Verulam Industrial Estate (application 5/2021/2417).

Since the planning approval was granted a design review has been undertaken to provide a more balanced unit mix throughout the development. This has been achieved by improving the efficiency of the residential cores to increase the number of two bedroom flats within the private blocks and an increase in family sized units within the affordable block. The number of units and percentage of affordable units does not change.

The consented scheme had several units that were significantly over the required areas set by the national housing standards and, whilst providing good homes, were not particularly efficient. The additional space, combined with core efficiency has been reapportioned to create more bedrooms to several units. Increasing housing choice throughout.

The amendments to the units require minor alternations to the elevations comprising small adjustments to window positions and introduction of privacy screens to some of the balconies. This is to improve privacy and increase the distance between window openings of independent flats.

The changes to the elevation maintain the strength and cohesiveness of the original design concepts.

The objective throughout the design development has been to enhance the original scheme to provide high quality, flexible new homes.



Visual of consented scheme

Approved Scheme Recap

Overview of the Approved Scheme

The project seeks to deliver high quality homes that respond to the surrounding context, support new and existing local businesses, and provide well-designed landscaping to significantly increase biodiversity on site.

The approved scheme comprises of:

- 1200m² of flexible commercial space;
- 62 new homes - 22 will be affordable;
- 78 car parking spaces - 51 in the basement and 27 at street level;
- Safe, open and accessible site layout;
- Improved site entrance and central street design for pedestrians, cyclists and vehicles;
- A highly sustainable development - targeting Zero Carbon.
- Renewable energy to the scheme with air sourced heat and PV panels;
- High quality, sustainable landscaping and amenity space with a 730% biodiversity gain on site to enhance the local ecology.



Commercial Building and Landscaping

Unchanged Elements of the Scheme

The design of the commercial building remains as per the planning approved scheme and will continue to provide 1200m² of high quality flexible commercial space.

As the changes introduced to the residential building are fully internal and are kept within the same footprint and building mass as the approved scheme, the landscaping proposal is also not affected.

High quality external landscaping and provisions, as originally approved, are retained within the scheme to ensure the sense of openness remains unchanged.



Residential Proposal

Overview of Post Planning Design Development

The proposed changes to the residential blocks are a result of design and technical development and a broader space planning evaluation. This has resulted in more efficient block layouts and available area that can be incorporated within the proposed units.

The has allowed for the addition of 4 x 3-bedroom family size units within the affordable block (in place of 2 bedroom units) and an increase in the number of two-bedroom apartments within the private block. The increase in the number of the larger flats provides a more balanced unit mix and is more in line with the Council’s housing need.

The following minor amendments are proposed to the residential blocks. As with the consented design the changes are tenure neutral with equal attention provided to all blocks.

- Reduction in size and rationalisation of the communal cores, freeing up internal space for residential use, whilst providing generous circulation and service areas.
- Minor updates to the internal block layouts to utilise the space gained to increase the number of larger two and three bedroom units.
- Introduction of privacy screens for improved visual separation between units.
- Minor positional adjustment of a limited number of windows within north-east and south-west elevations.
- Additional windows to south-east elevation to provide improved daylight and connection to the communal garden space.

Unit Type Summary - Planning Approved Scheme

Unit Type	Affordable	Private	Total
1 Bed	12	20	32
2 Bed	10	16	26
3 Bed	0	4	4
Total	22 units	40 units	62 units



Unit Type Summary - Revised Proposal

Unit Type	Affordable	Private	Total
1 Bed	12	12	24
2 Bed	6	24	30
3 Bed	4	4	8
Total	22 units	40 units	62 units

Block Tenure Type - Both Schemes

Tenure	Block	Total Percentage
Affordable	A	35%
Private	B, C	65%

Note: Percentage based on unit numbers

As the proposed scheme retains the same number of units as the planning approved scheme, the percentage split between affordable and private elements remains unchanged. With the introduced changes being tenure neutral, both tenure equally benefit from the proposal.

Ground Floor Site Layout - Revised Proposal

The site layout is not affected by the proposed changes and the building footprint is unchanged to that of the approved scheme. All site landscaping, parking provisions and communal gardens remain unchanged.

The principle of the internal layout and the unit mix within the ground floor level of the residential block is also unaltered, with only small updates proposed to the communal cores.

- 01 Improved core arrangement allows for more efficient use of space whilst creating a generous ground floor entrance lobby
- 02 All external landscaping including parking provisions and layout remains as per planning approved scheme



Planning Approved

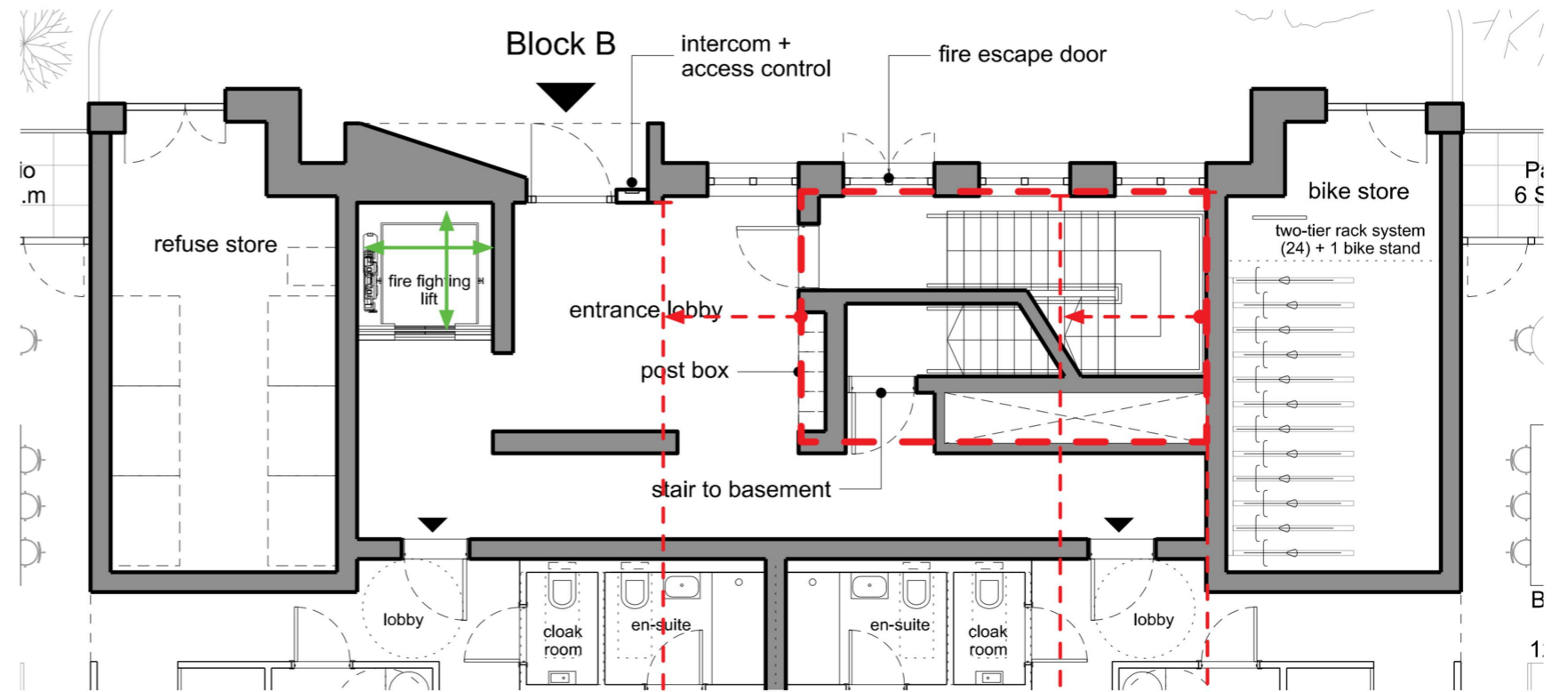


Revised Proposal

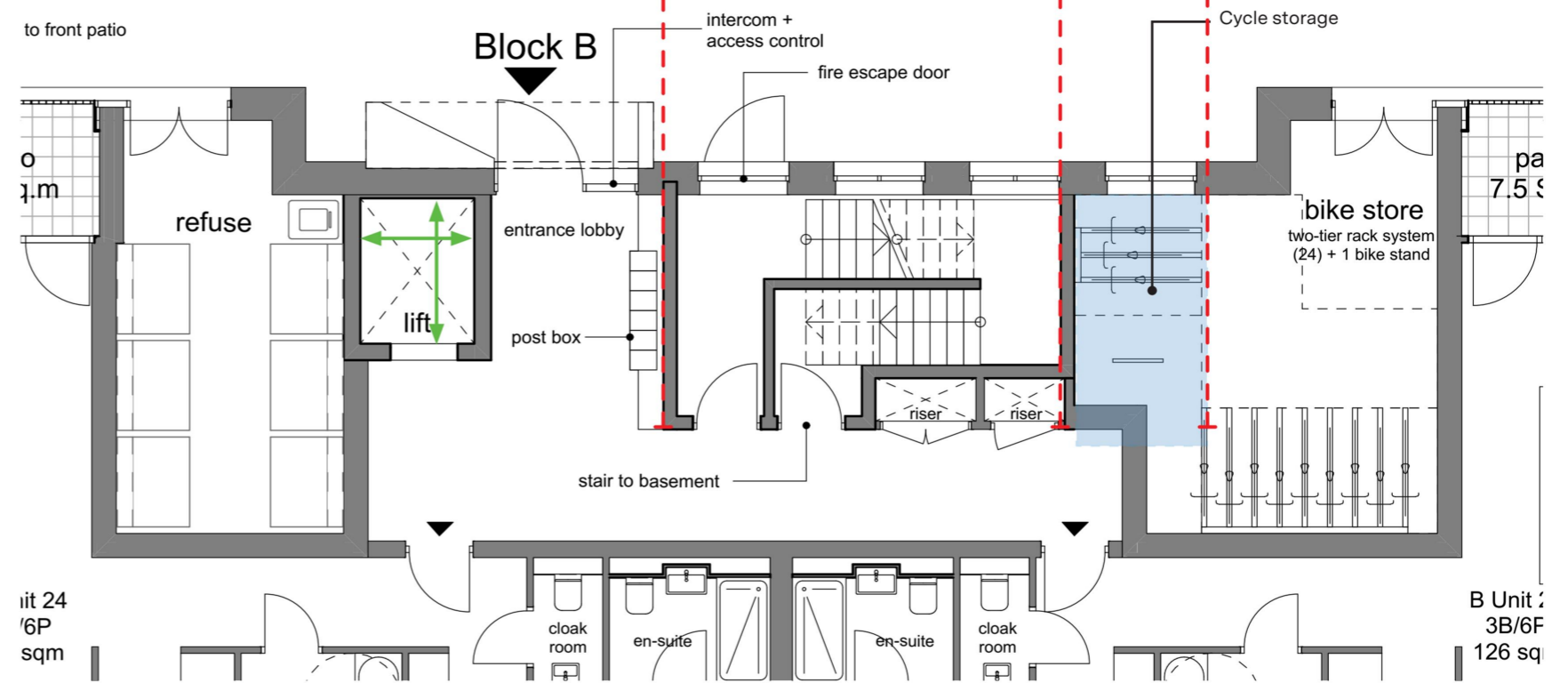
Typical Block Core - Ground Floor

The following minor amendments are proposed to all ground floor cores:

1. More efficient lobby and core arrangement, resulting in larger, more easily accessible bicycle stores.
2. Revised lift dimensions reflecting the technical specification for a fully accessible lift - compliant with part M of the building regulations.



Planning Approved

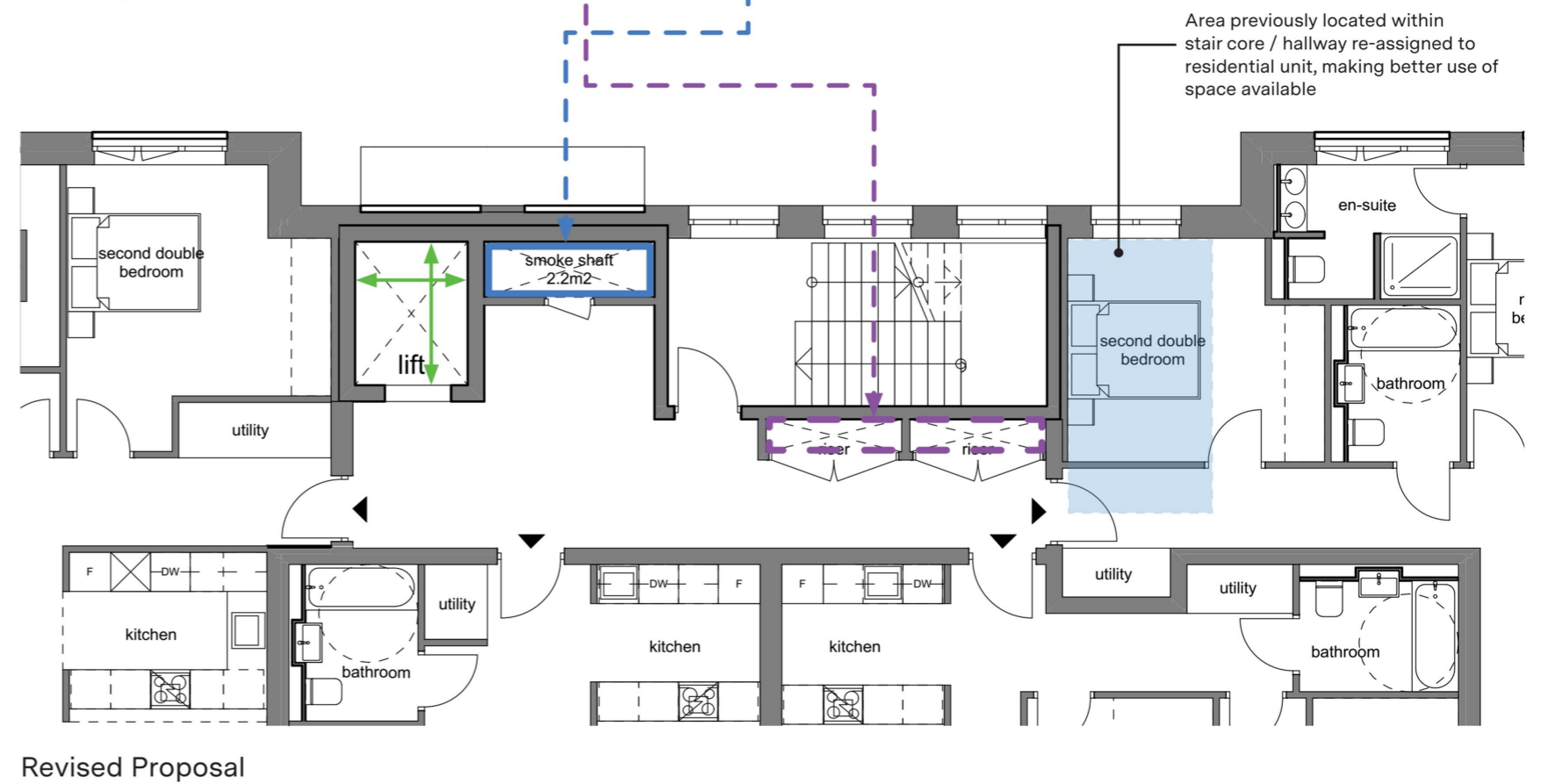
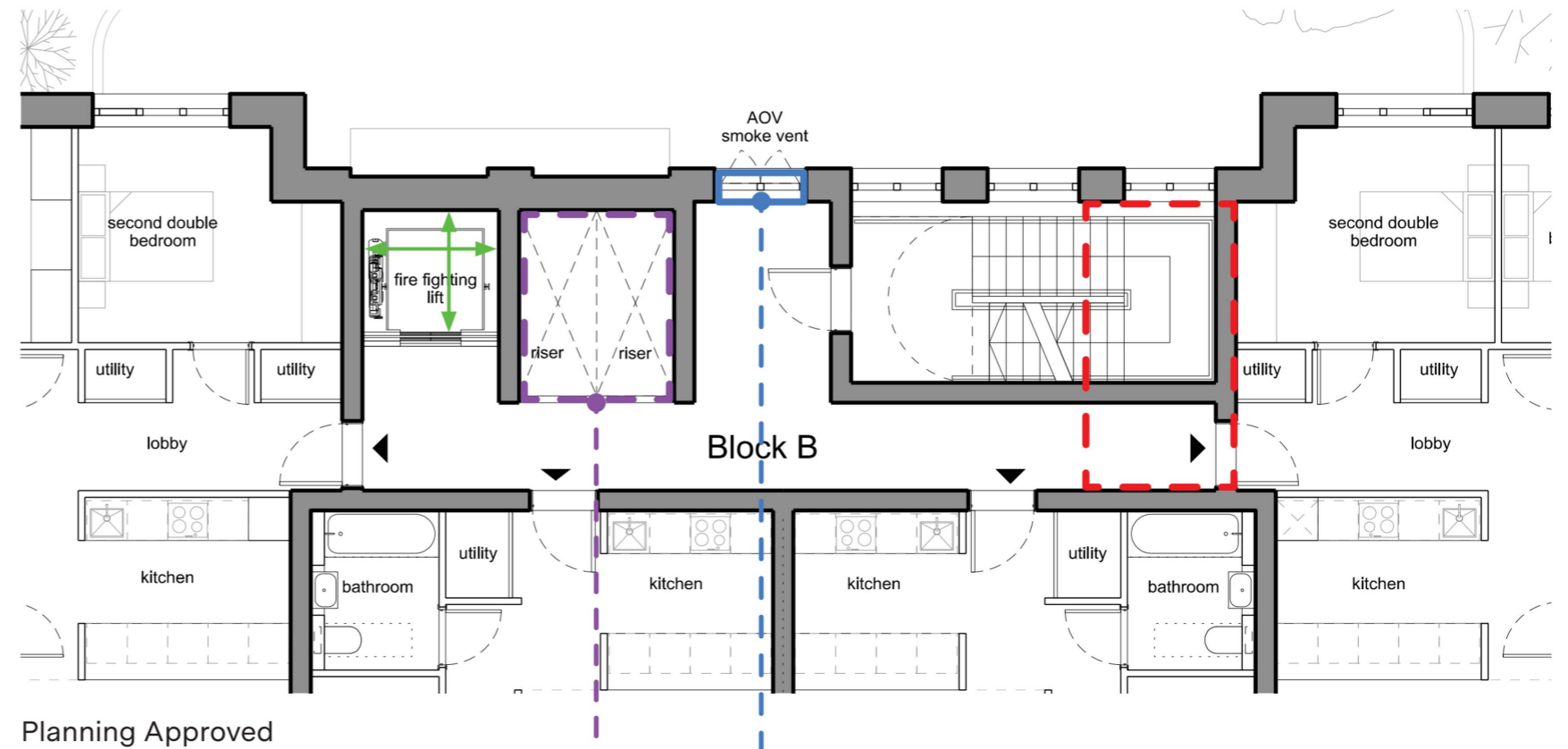


Revised Proposal

Typical Block Core - Upper Floors

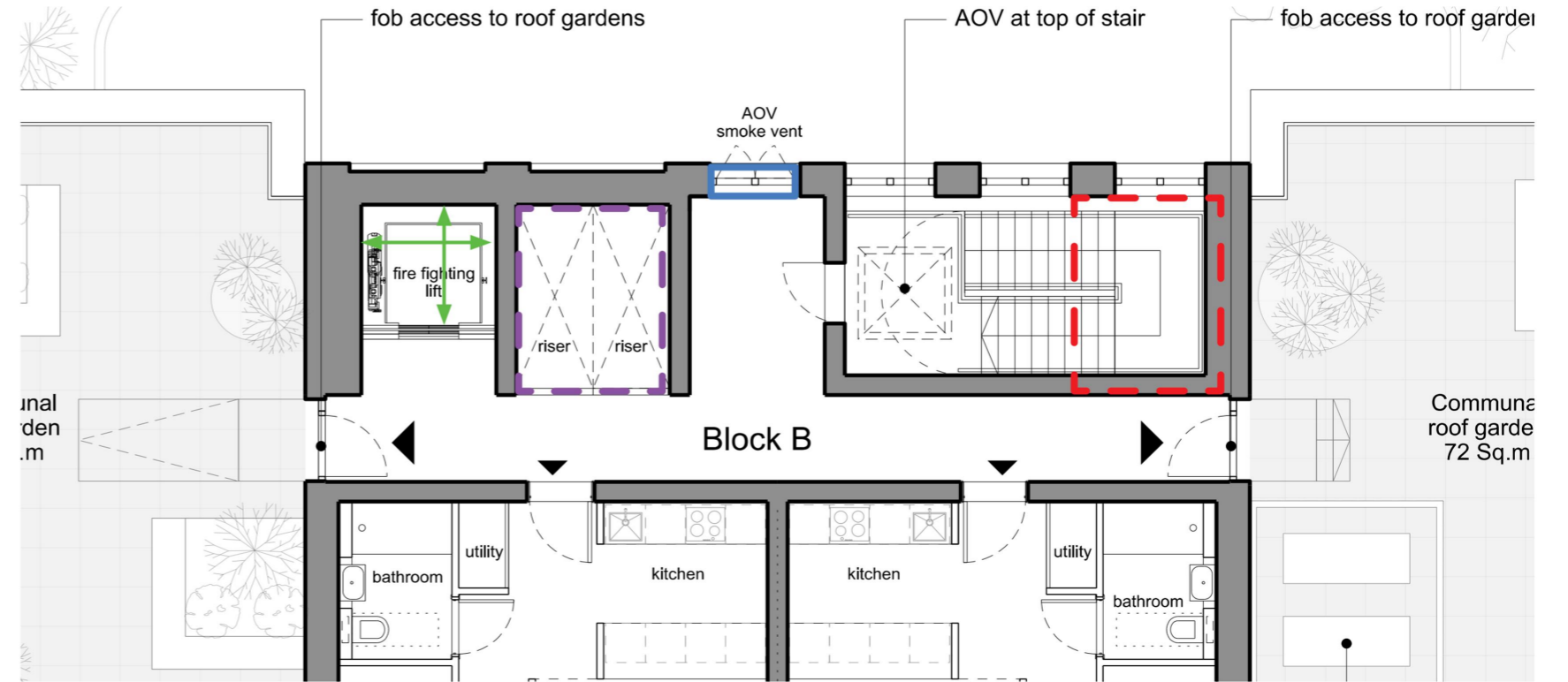
The upper floor core updates include:

1. Rationalised core with easier to access and usable riser position.
2. Natural smoke shaft replacing the previous window AOV.
3. Window re-assigned to residential unit.
4. Reduced travel distance from staircase to flat entrance doors.

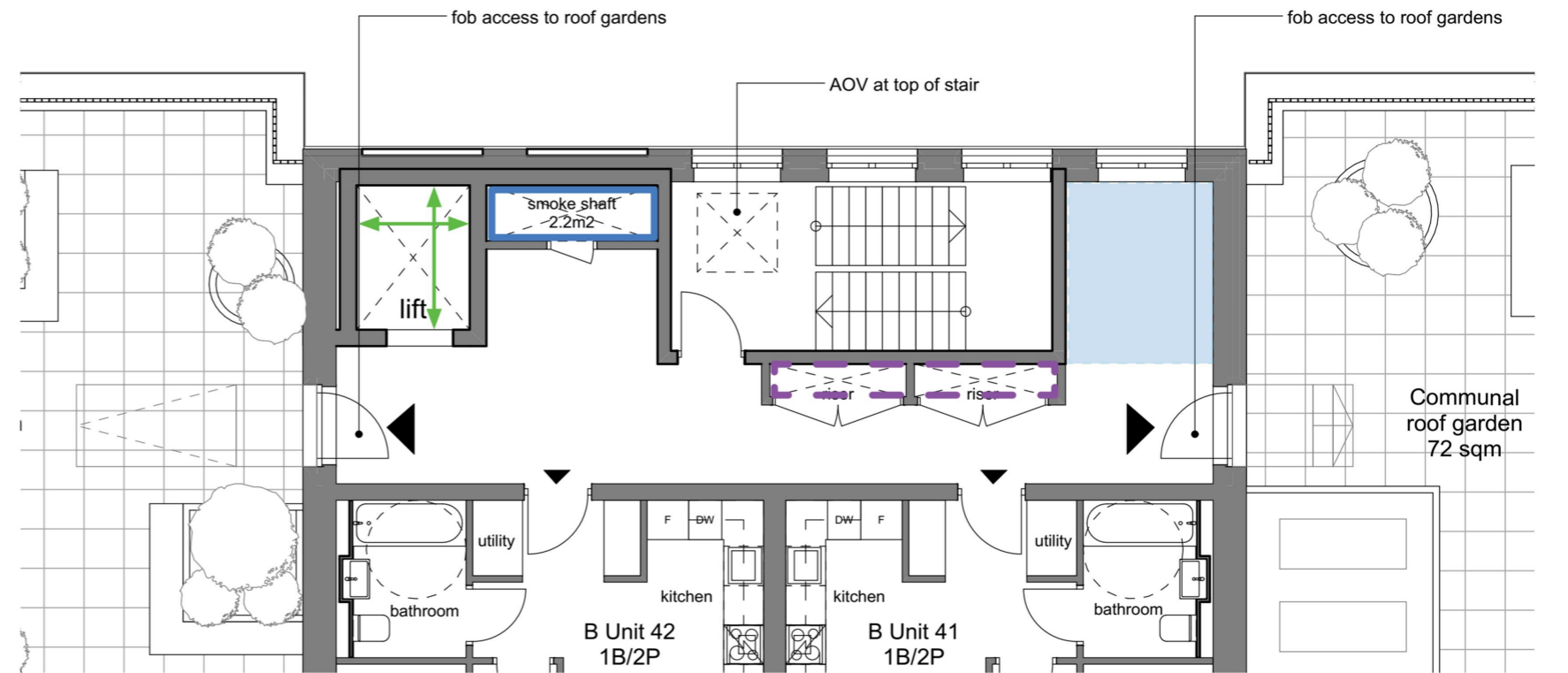


Typical Block Core - Top (5th) Floor

The top floor updates are minor with the stair and lift adjusted to match the floors below.



Planning Approved

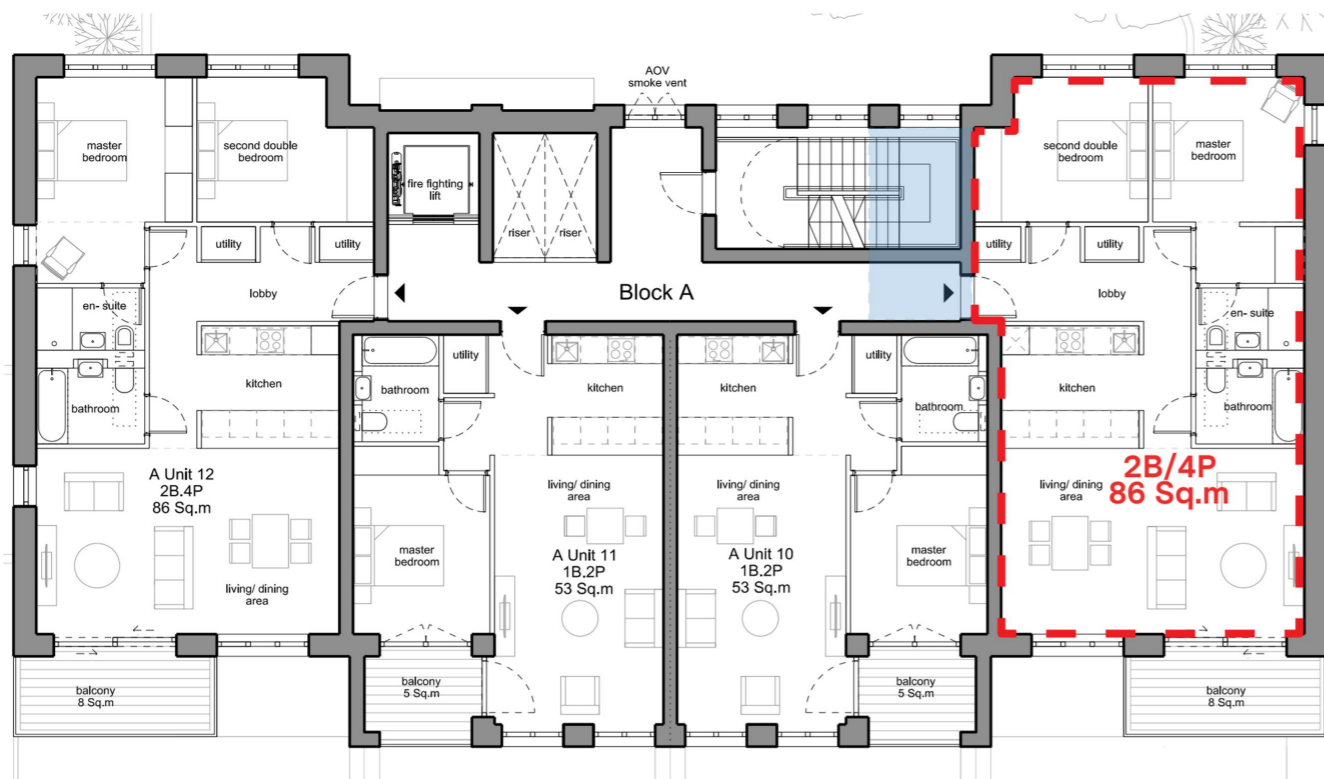


Revised Proposal

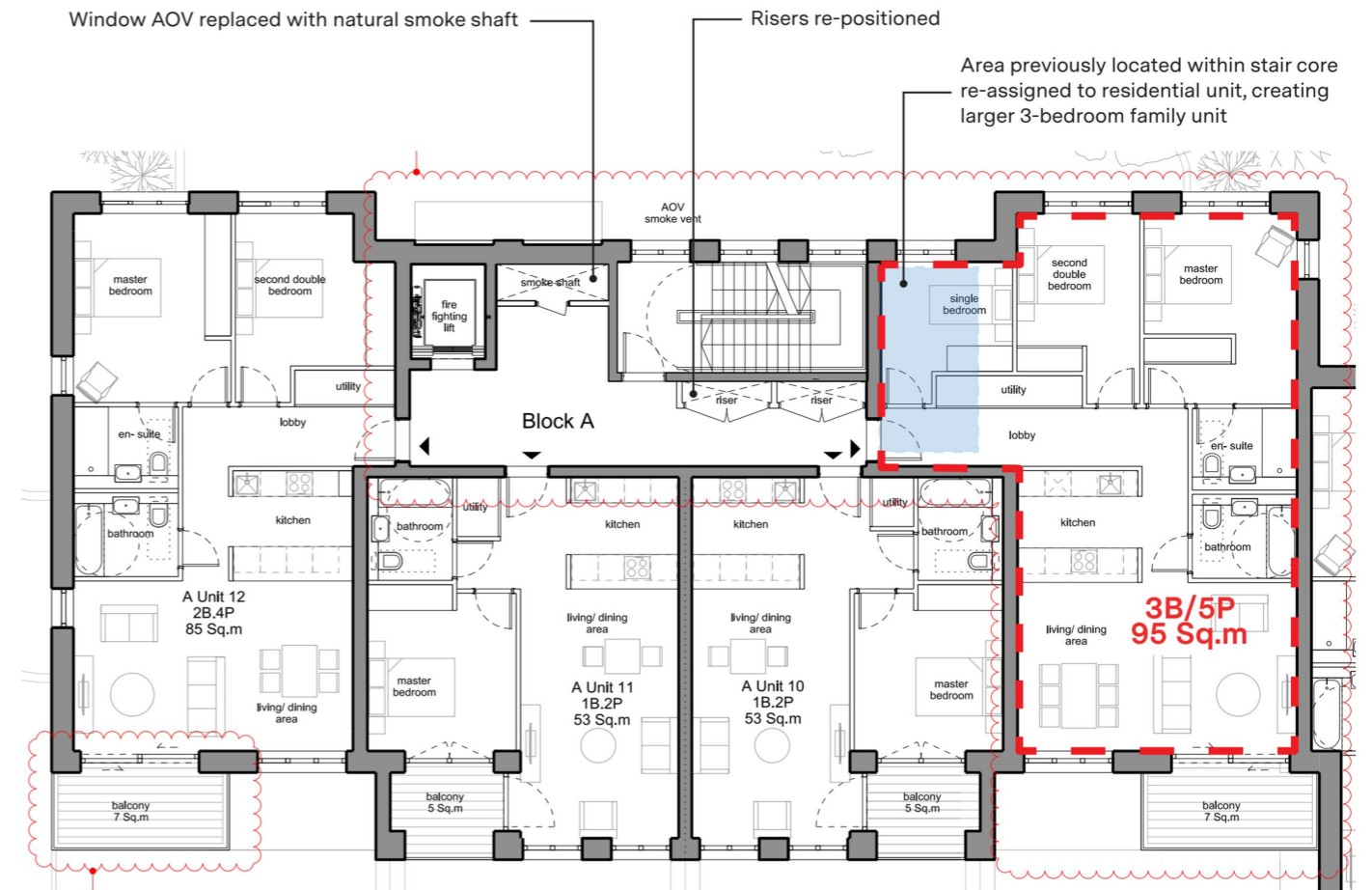
Affordable Block Layout - Typical Upper Floor

The following changes have been introduced to the typical floor layout (1st to fourth floor) within the affordable block, and are achieved by rationalising the cores and minor adjustments to the party walls:

1. Core is altered to follow the adjustments to the ground floor with the minor shift in stair and riser locations.
2. One of the 2-bedroom flats is converted into 3-bedroom family size home by utilising the space gained through core rationalisation.
3. Re-assignment of the window previously falling within the stair core to the newly created bedroom.



Planning Approved

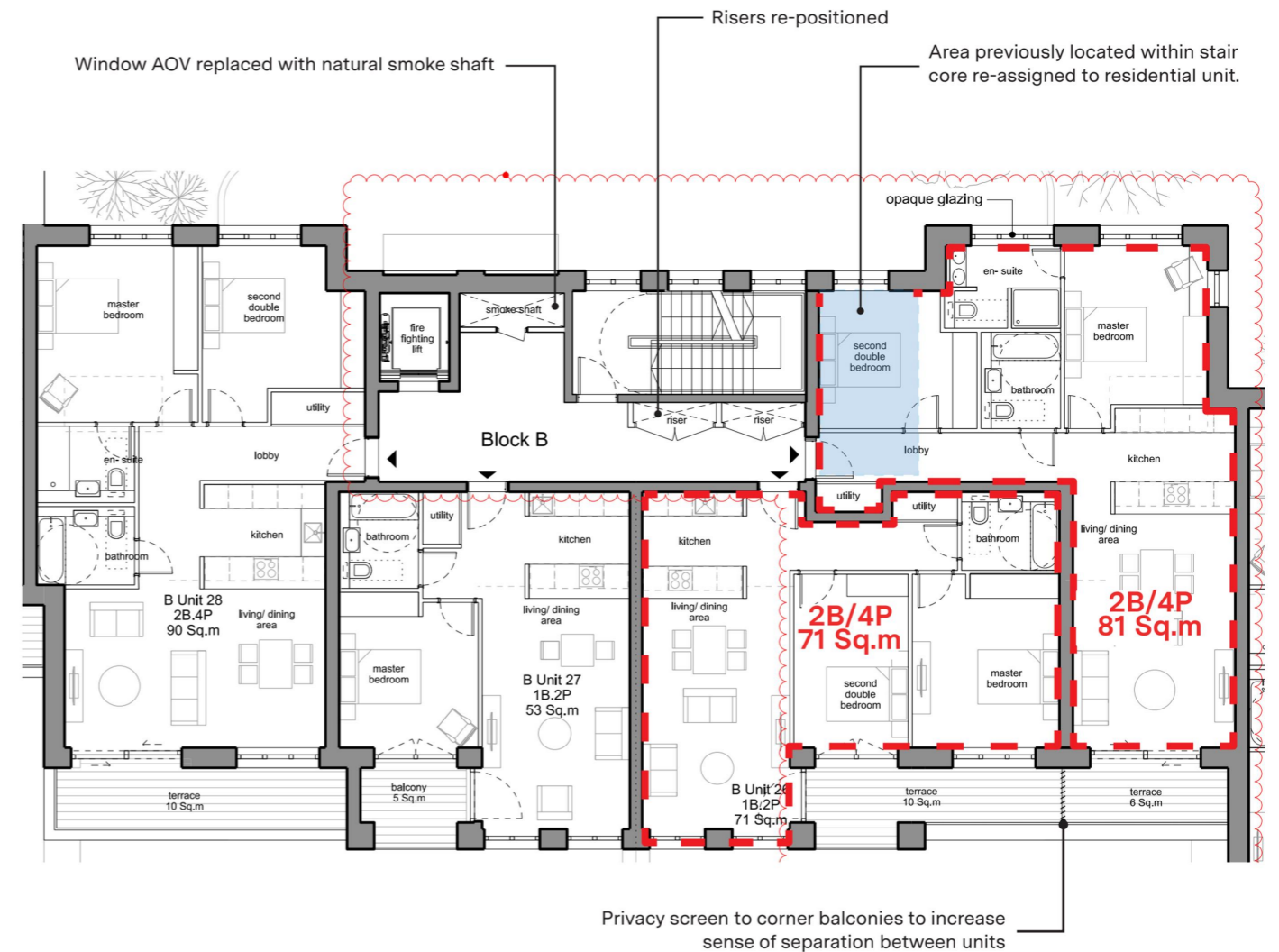
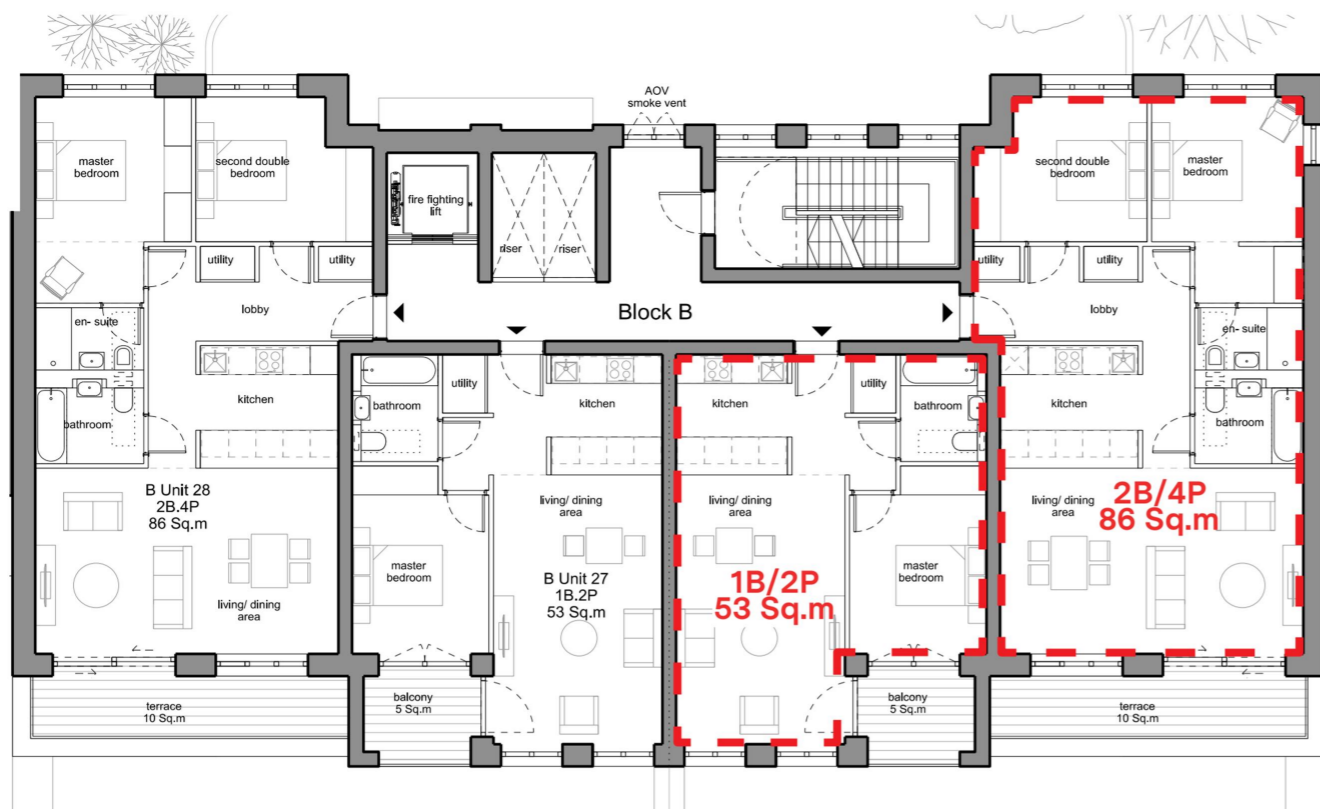


Revised Proposal

Private Block Layout - Typical Upper Floor

The changes introduced to the typical floor layout (1st to fourth floor) within the private block, and achieved through core rationalisation and party wall repositioning include:

1. Reduction of core width and internal re-arrangement of one of the 2-bedroom apartments to utilise the area gained.
2. Re-assignment of the window previously falling within the stair core to the repositioned bedroom.
3. Conversion of one of the 1-bedroom units into 2-bedroom apartment by repositioning of party wall, and re-assignment of window.
4. Slight adjustment to window positions and introduction of privacy screen to corner balconies.

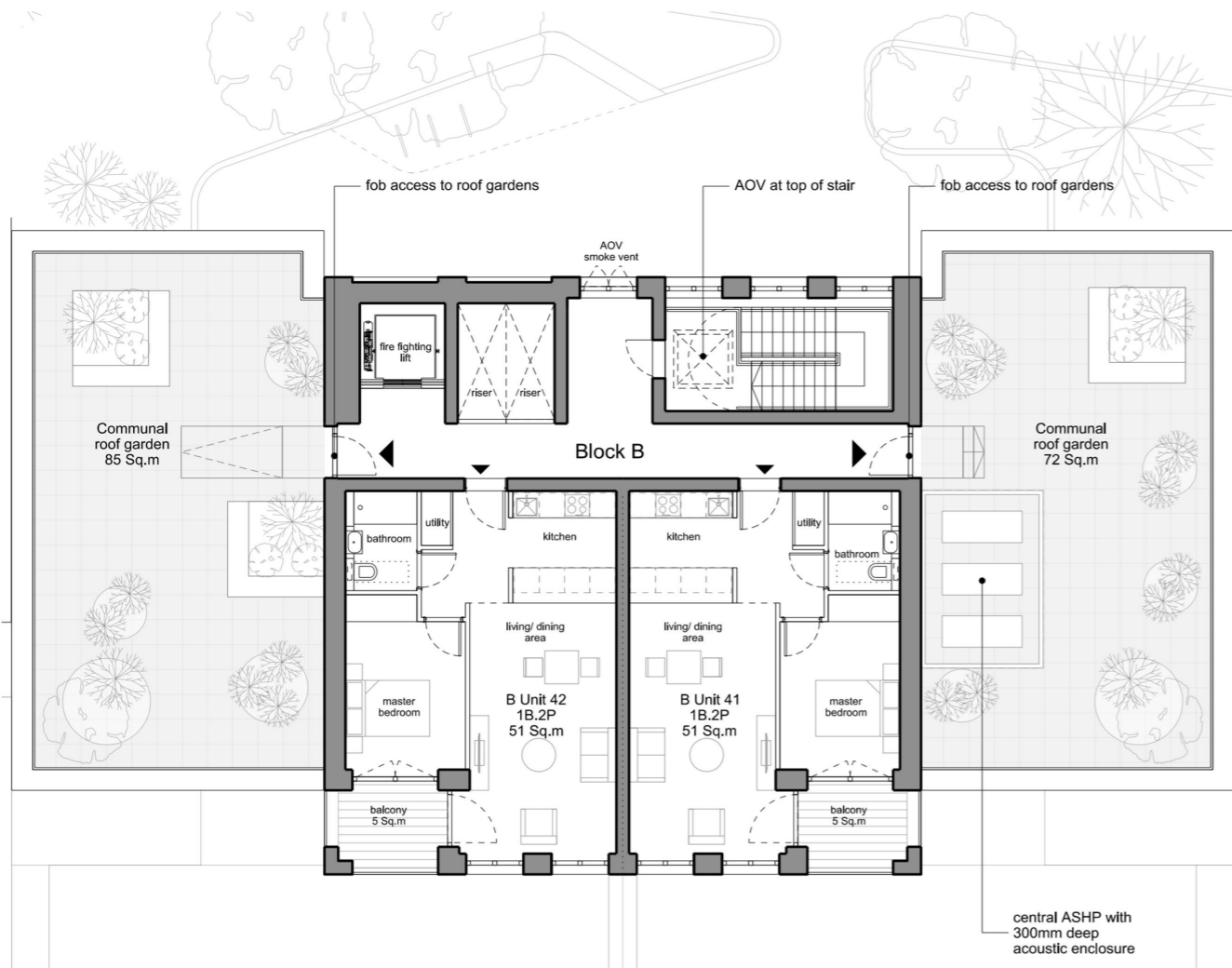


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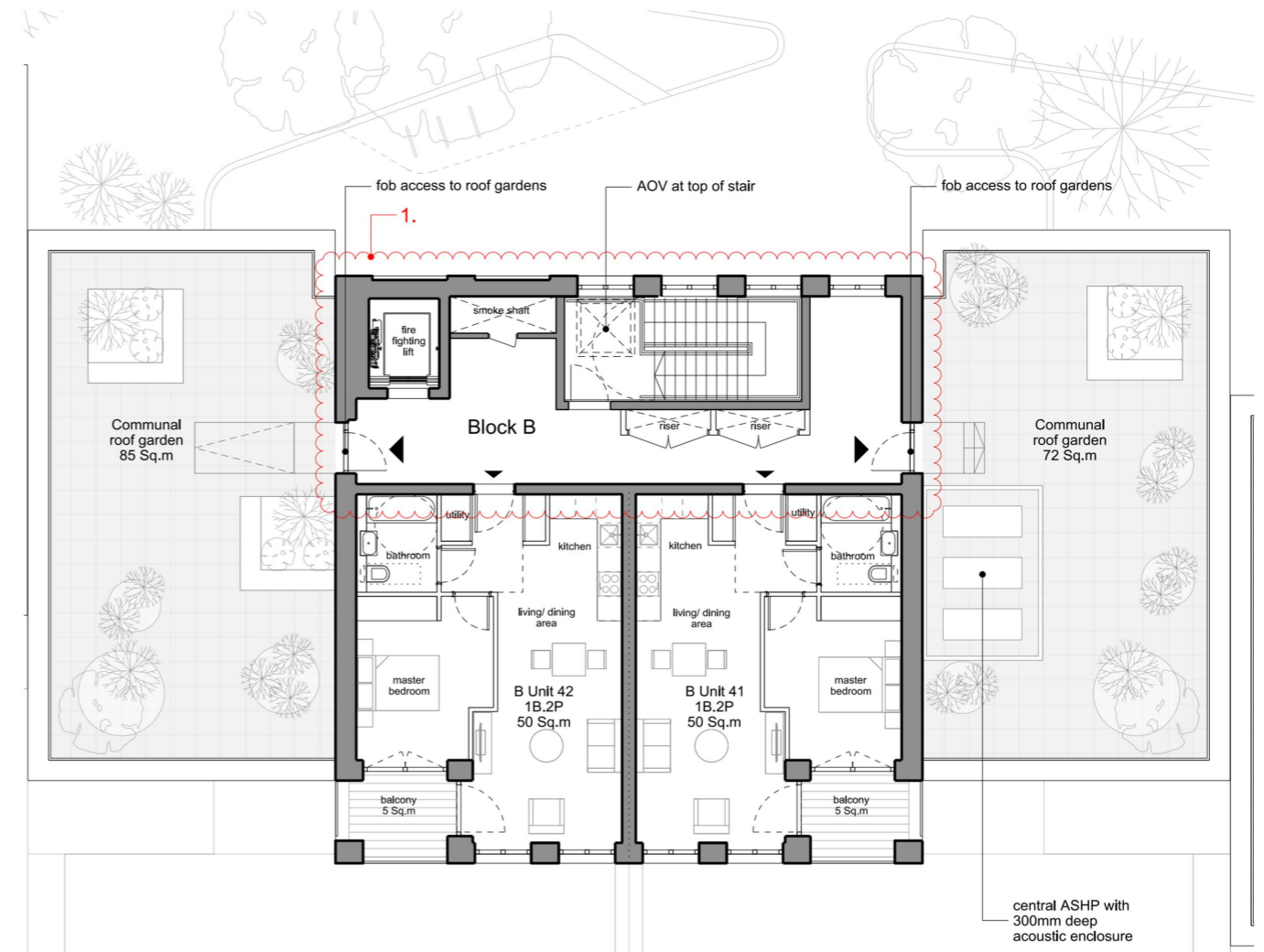
Revised Proposal

Affordable & Private Blocks - Typical 5th Floor Layout

The top floor of all blocks remains largely unchanged, except for small revision to the apartments layout.



Planning Approved



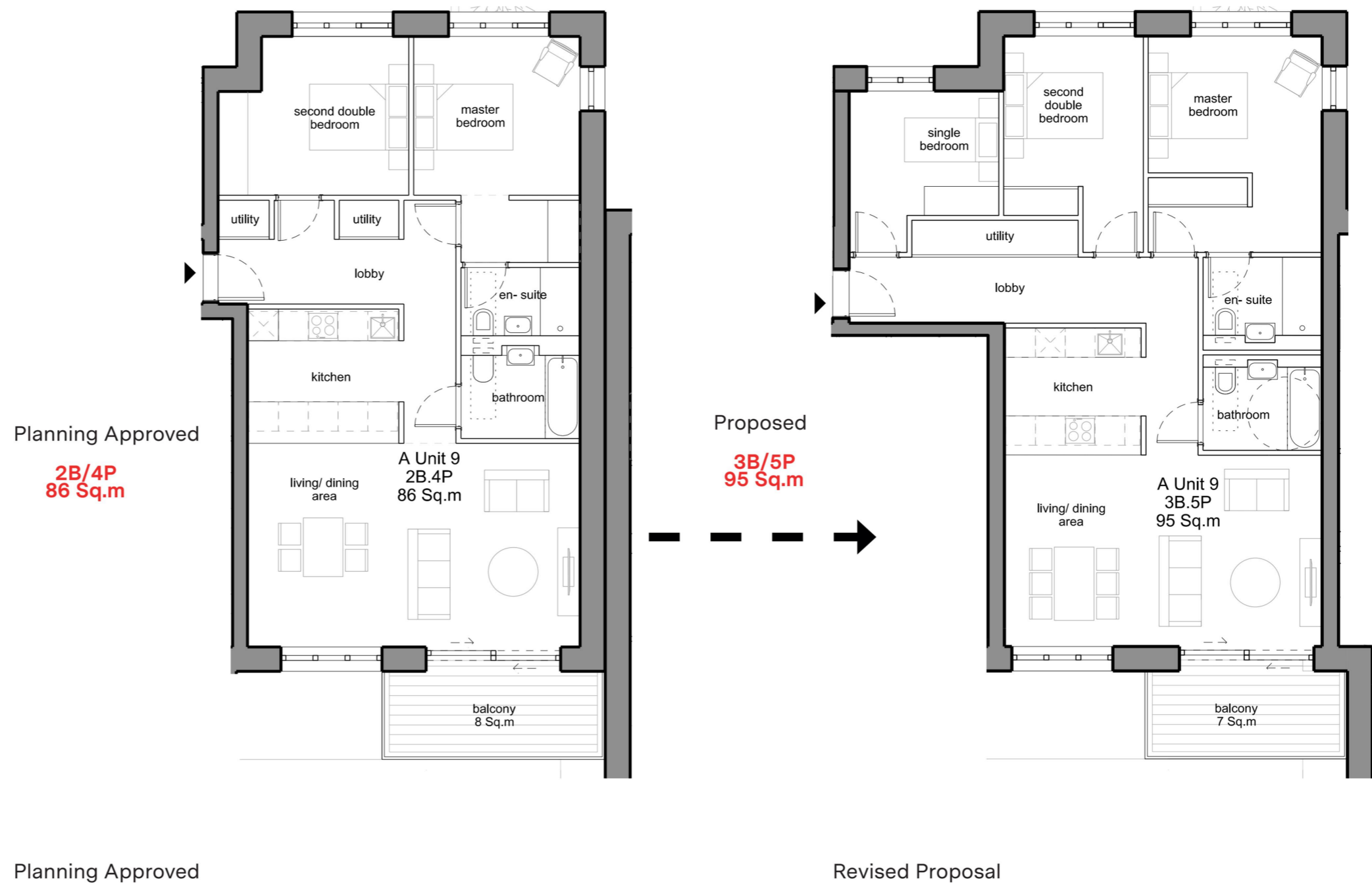
Revised Proposal

High Quality Homes - Apartment Arrangements

Affordable Block

The flats all exceed minimum National Space standards and are arranged for flexible modern living, maximising floor space and providing ample storage. The external walls have been designed to allow for non-combustible insulation and open plan living facilitated by introduction of a sprinkler system.

The affordable block benefits from the reduction of the communal core with 4 no. of 2-bedroom units being converted into 3-bedroom family units. This results in an improved overall unit mix within the affordable offer.



High Quality Homes - Apartment Arrangements

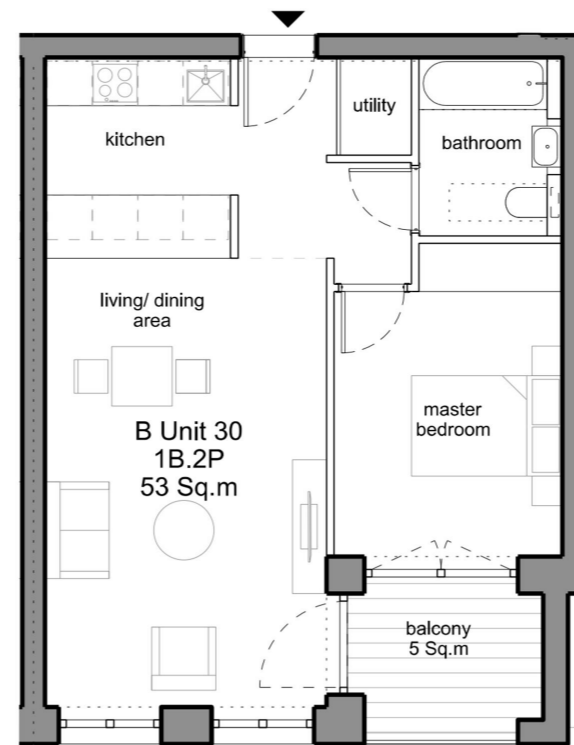
Private Block

4 flats within each private block have been revised from 1bedroom 2 person apartments to 2bedroom 4 person apartments. This has been achieved through rationalising the core and utilising the space to alter the unit mix. The changes to the adjacent unit are explained on the following page.

The flat benefits from large widows overlooking the landscape and private amenity space in addition to access to the communal garden. Additional storage space is also provided to account for the extra bedroom.

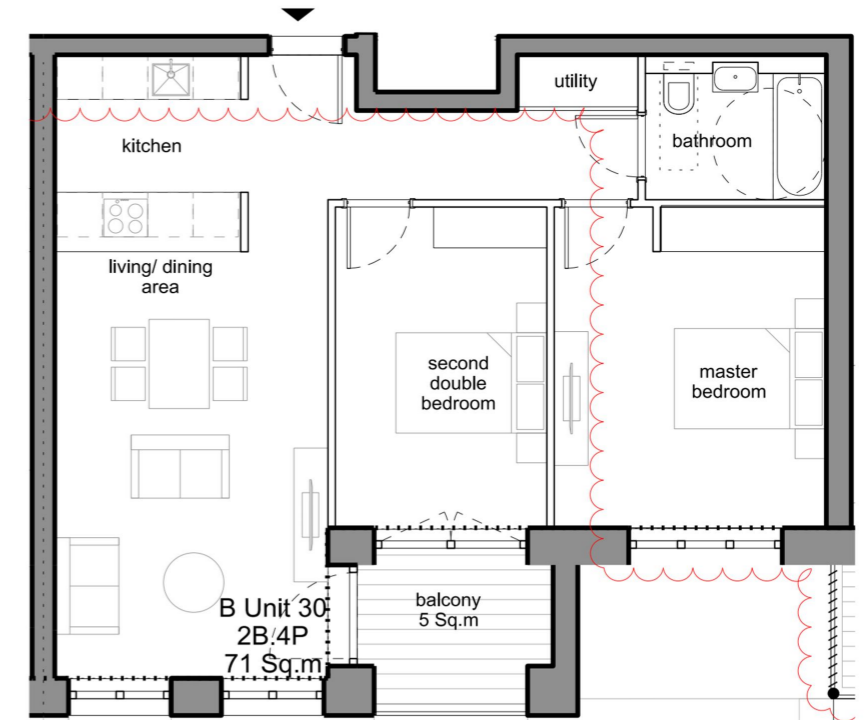
Planning Approved

1B/2P
53 Sq.m



Proposed

2B/4P
71 Sq.m



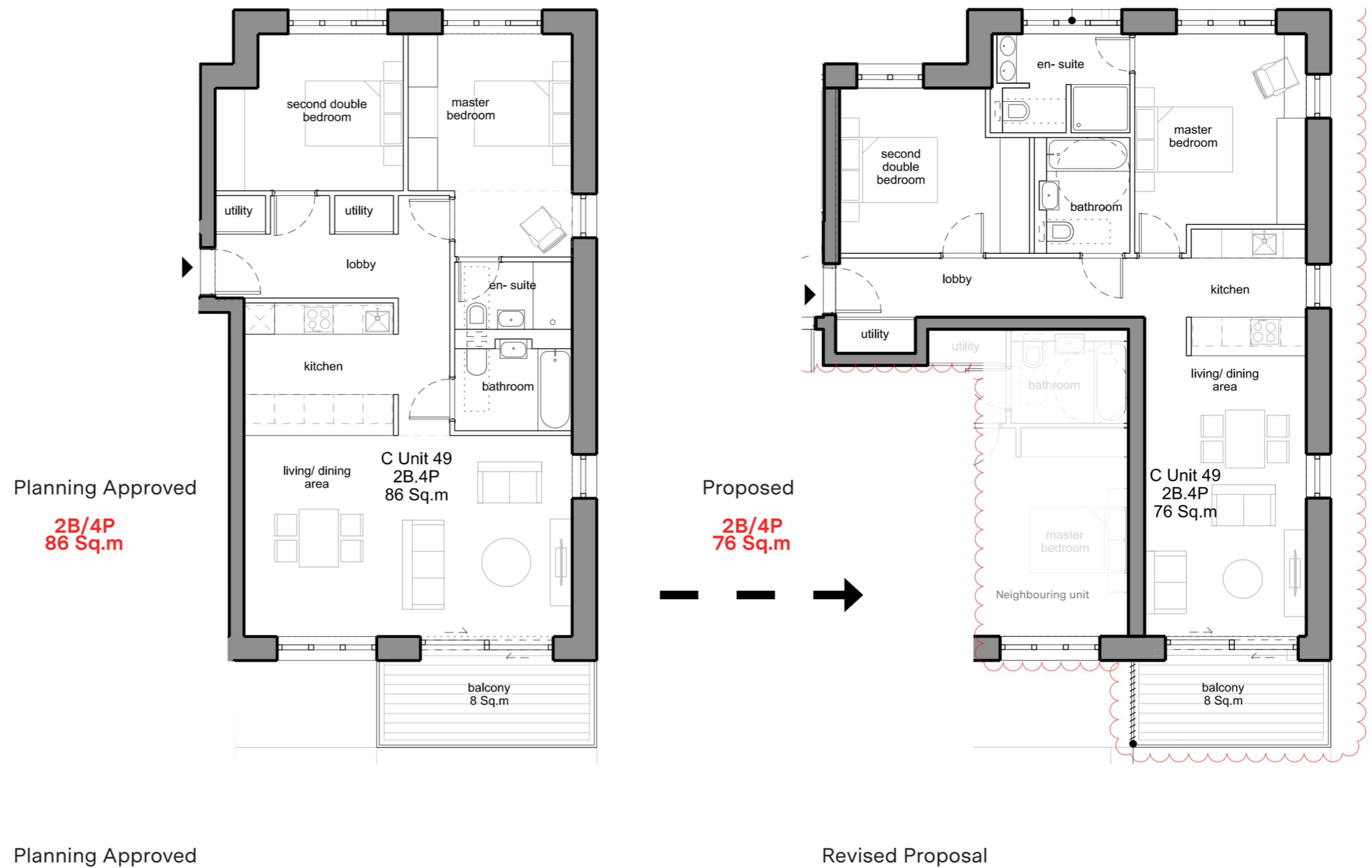
neighbouring unit

Planning Approved

Revised Proposal

High Quality Homes - Apartment Arrangements Private Block

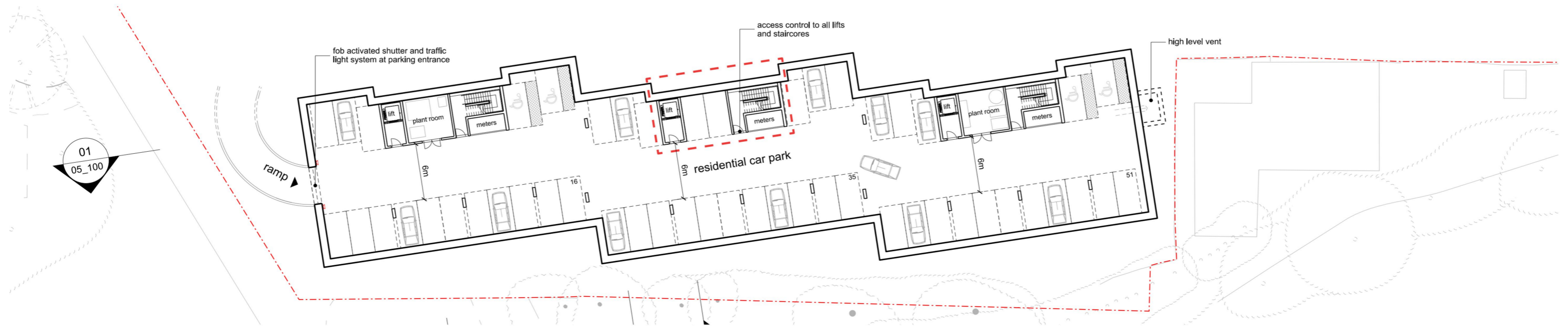
The layout of 4 no. of 2-bedroom flats within each private block (8 in total) has been revised to facilitate the adjustment to the adjacent unit. The layout retains the triple aspect views across the landscape and communal street.



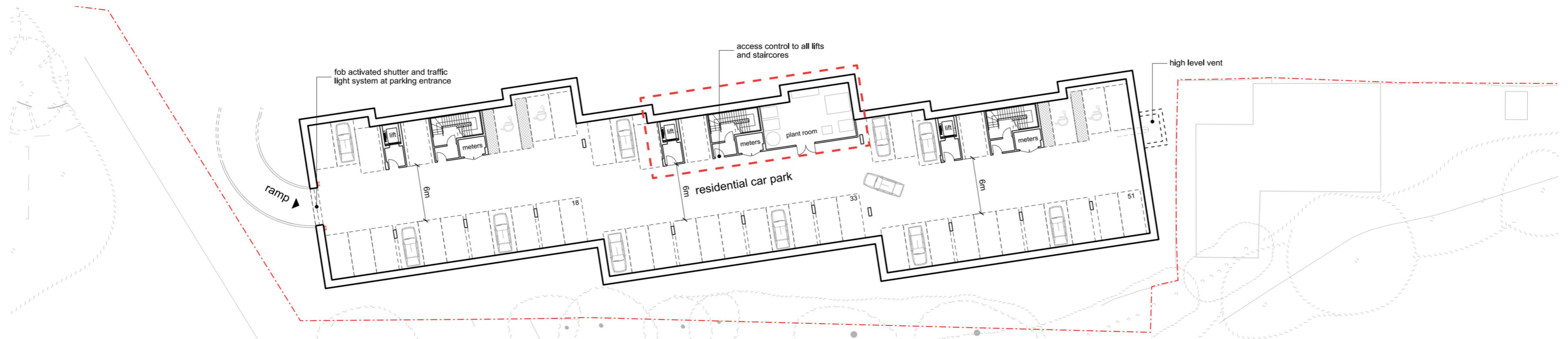
Basement Layout

The revised basement plan presents updates reflecting the changes in the core layout. The plant room area has been combined into a single larger space positioned more centrally, allowing for an easier services distribution.

The number of basement car parking spaces provided remains unchanged at 51 no.



Planning Approved



Revised Proposal

North East Elevation

Impact of proposed changes

The following minor amendments are proposed to the North-East elevation:

1. The position of openings within the recessed bay has been adjusted slightly to reflect the revised core arrangement.
2. Windows previously serving as AOV smoke vent are now falling within the stair core.
3. Window re-assigned to residential / bedroom area on upper floors.
4. Windows falling within en-suite bathrooms to have opaque glazing for privacy.



North East Elevation

Impact of proposed changes



Planning Approved



Revised Proposal

Front Elevation - 3D visual

Residential Entrance & Core Fenestration



Planning Approved

Minor shift in brick pier configuration.
Windows reassigned to residential /
bedroom areas to be open-able



Revised Proposal

South West Elevation

Proposed changes

The following minor amendments are proposed to the South-West elevation:

1. Small adjustment to window position to create greater separation between units.
2. Introduction of privacy screens to 8 no. of balconies within blocks B & C

Minor adjustment to window and brick pier position

Privacy screen to balconies



Revised Elevation

South West Elevation

Proposed changes



Planning Approved



Revised Proposal

South West Elevation

Balconies



Revised Proposal

Privacy screens to balconies



Revised Proposal

South East Elevation

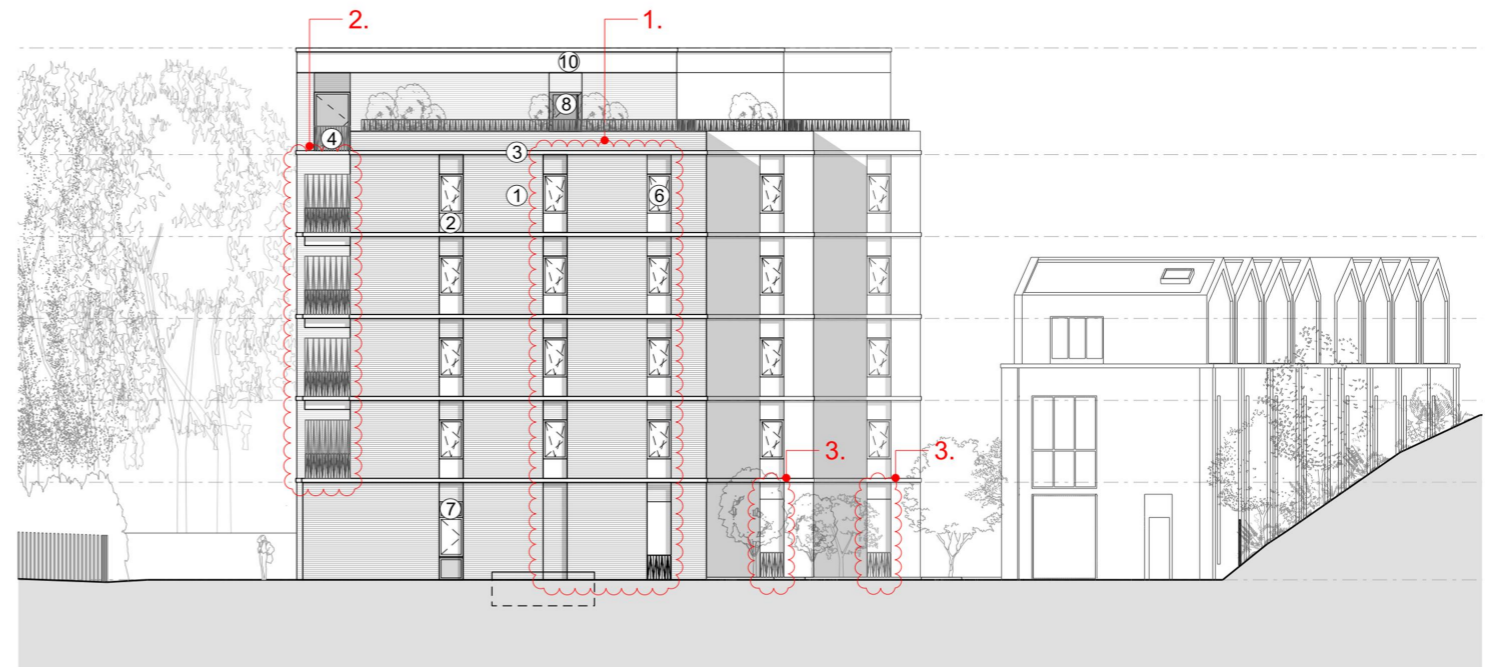
Impact of proposed changes

The following minor amendments are proposed to the South-East elevation:

1. Small adjustment to window positions.
2. Addition of one stack of windows to reflect new internal layout - This reinforces the relationship and overlooking to the communal garden to provide improved surveillance of this area.



Planning Approved



Revised Proposal

Accommodation Schedule

Accommodation Schedule - Revised Proposal

Verulam // Accommodation Schedule

Project	Verulam Industrial Estate, St Albans
Date	Fri 02 Sep 2022
Stage	Planning

Flat No.	Level	Block	Type	Beds	Hab Rms	GIA SQ M	GIA SQ FT	Tenure
1	G	A	Flat	2	3	69.5	748	Affordable
2	G	A	Flat	2	3	69.5	748	Affordable
3	G	A	Flat	1	2	53.5	576	Affordable
4	G	A	Flat	1	2	53.5	576	Affordable
5	1	A	Flat	3	4	94.5	1017	Affordable
6	1	A	Flat	1	2	52.5	565	Affordable
7	1	A	Flat	1	2	52.5	565	Affordable
8	1	A	Flat	2	3	84.5	910	Affordable
9	2	A	Flat	3	4	94.5	1017	Affordable
10	2	A	Flat	1	2	52.5	565	Affordable
11	2	A	Flat	1	2	52.5	565	Affordable
12	2	A	Flat	2	3	84.5	910	Affordable
13	3	A	Flat	3	4	94.5	1017	Affordable
14	3	A	Flat	1	2	52.5	565	Affordable
15	3	A	Flat	1	2	52.5	565	Affordable
16	3	A	Flat	2	3	84.5	910	Affordable
17	4	A	Flat	3	4	94.5	1017	Affordable
18	4	A	Flat	1	2	52.5	565	Affordable
19	4	A	Flat	1	2	52.5	565	Affordable
20	4	A	Flat	2	3	84.5	910	Affordable
21	5	A	Flat	1	2	50.0	538	Affordable
22	5	A	Flat	1	2	50.0	538	Affordable
23	G	B	Flat	3	4	126.0	1356	Private
24	G	B	Flat	3	4	130.0	1399	Private
25	1	B	Flat	2	3	81.0	872	Private
26	1	B	Flat	2	3	70.5	759	Private
27	1	B	Flat	1	2	52.5	565	Private
28	1	B	Flat	2	3	90.0	969	Private
29	2	B	Flat	2	3	81.0	872	Private
30	2	B	Flat	2	3	70.5	759	Private
31	2	B	Flat	1	2	52.5	565	Private
32	2	B	Flat	2	3	90.0	969	Private
33	3	B	Flat	2	3	81.0	872	Private
34	3	B	Flat	2	3	70.5	759	Private
35	3	B	Flat	1	2	52.5	565	Private
36	3	B	Flat	2	3	90.0	969	Private
37	4	B	Flat	2	3	81.0	872	Private
38	4	B	Flat	2	3	70.5	759	Private
39	4	B	Flat	1	2	52.5	565	Private
40	4	B	Flat	2	3	90.0	969	Private
41	5	B	Flat	1	2	50.0	538	Private
42	5	B	Flat	1	2	50.0	538	Private
43	G	C	Flat	3	4	126.0	1356	Private
44	G	C	Flat	3	4	130.0	1399	Private
45	1	C	Flat	2	3	75.5	813	Private
46	1	C	Flat	2	3	70.5	759	Private
47	1	C	Flat	1	2	52.5	565	Private
48	1	C	Flat	2	3	84.5	910	Private
49	2	C	Flat	2	3	75.5	813	Private
50	2	C	Flat	2	3	70.5	759	Private
51	2	C	Flat	1	2	52.5	565	Private
52	2	C	Flat	2	3	84.5	910	Private
53	3	C	Flat	2	3	75.5	813	Private
54	3	C	Flat	2	3	70.5	759	Private
55	3	C	Flat	1	2	52.5	565	Private
56	3	C	Flat	2	3	84.5	910	Private
57	4	C	Flat	2	3	75.5	813	Private
58	4	C	Flat	2	3	70.5	759	Private
59	4	C	Flat	1	2	52.5	565	Private
60	4	C	Flat	2	3	84.5	910	Private
61	5	C	Flat	1	2	50.0	538	Private
62	5	C	Flat	1	2	50.0	538	Private
62				108	170	4,502.00	48,460	

The changes introduced to the planning approved scheme are tenure neutral and involve an addition of bedrooms to both affordable and private units. This results in a larger number of 3-bedroom family units, creating a more balanced mix within the scheme.

Unit Type Summary

Unit Type	Affordable	Private	Total
1 Bed	12	12	24
2 Bed	6	24	30
3 Bed	4	4	8
Total	22 units	40 units	62 units

Block Tenure Type

Tenure	Block	Total Percentage
Affordable	A	35%
Private	B, C	65%

Note: Percentage based on unit numbers

Amenity Space

The revised scheme provides a total of 2243m² of amenity space across the site. This is still approximately over 500sqm above the minimum amount for the number and type of unit based on the SADC Design Advice leaflet 1 guidance.

As the introduced changes are fully internal and do not affect the landscaping proposal, they have no material impact on the openness of the scheme.

Amenity Space (m ²)	Level G	Level 01	Level 02	Level 03	Level 04	Level 05	Total
Communal Amenity - Garden & Play space	585	-	-	-	-	501 (479)	1086
Private Amenity - Garden / Balcony / Terrace	836	87	68	68	68	30	1157
Total	1421	87	68	68	68	531	2243 m²

Summary

Summary

The changes presented in this document seek to improve the internal layout of the building to maximise the use of space available to provide an improved unit mix and increase the number of family homes. The proposed minor amendments to the residential building will improve the spatial quality of the dwellings whilst retaining the architectural integrity.

Care has been taken to ensure both private and affordable elements of the scheme benefit from the proposed changes.

The overarching objectives are unaltered and the desire to provide high quality new homes and commercial floor space remains the priority.





VABEL

Appendix HLS14 - Turnden Appeal Decision



Department for Levelling Up,
Housing & Communities

Mr Robert Franks
Berkeley Homes (Eastern Counties) Ltd
Berkeley House
Oakhill Road
Sevenoaks
Kent
TN13 1NQ

Our ref: APP/M2270/V/21/3273015
Your ref: 20/00815/FULL

6 April 2023

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION MADE BY BERKELEY HOMES (EASTERN COUNTIES) LTD
LAND ADJACENT TO TURNDEN, HARTLEY ROAD, CRANBROOK
APPLICATION REF: 20/00815/FULL**

This decision was made by the Minister of State for Housing and Planning, Rachel Mclean MP, on behalf of the Secretary of State

1. I am directed by the Secretary of State to say that consideration has been given to the report of G D Jones BSc(Hons) DipTP DMS MRTPI, who held a public local inquiry which opened on 21 September 2021 into your application for planning permission for the construction of 165 new dwellings with associated access, car parking, refuse/recycling storage, landscaping, earthworks and other associated works, in accordance with application Ref. 20/00815/FULL, dated 11 March 2020.
2. On 12 April 2021, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's application be referred to him instead of being dealt with by the local planning authority.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the application should be approved, and planning permission granted, subject to the attached schedule of conditions and all the obligations in the Legal Agreements.
4. For the reasons given below, the Secretary of State disagrees with his recommendation. He has decided to refuse planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental

Department for Levelling Up, Housing & Communities
Phil Barber, Decision Officer
Planning Casework Unit
3rd Floor Fry Building
2 Marsham Street
London SW1P 4DF

Email: PCC@levellingup.gov.uk

Impact Assessment) Regulations 2017 and the environmental information submitted before the inquiry opened. Having taken account of the Inspector's comments at IR52, the Secretary of State is satisfied that the Environmental Statement and other additional information provided complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

Matters arising since the close of the inquiry

6. A number of representations have been received since the inquiry, as set out at Annex A. A copy of these representations may be obtained on request to the email address at the foot of the first page of this letter.
7. The Secretary of State is satisfied that the issues raised do not affect his decision, and no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties.

Policy and statutory considerations

8. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
9. In this case the development plan consists of the saved policies of the Tunbridge Wells Borough Local Plan, March 2006 (the Local Plan), the Tunbridge Wells Borough Core Strategy, June 2010 (the Core Strategy) and the Site Allocations LP. The Secretary of State considers that relevant development plan policies include those set out in the Statements of Common Ground (SoCG) (IR20) of which the most pertinent of these are summarised at IR21-30.
10. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as the relevant Council Supplementary Planning Documents (IR31) and other documents that are relevant listed at IR40.
11. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.

Emerging plan

12. The emerging plan comprises the Submission Local Plan 2020-2038 (the eLP) and the emerging Cranbrook and Sissinghurst Neighbourhood Plan (the eC&SNP). The Secretary of State considers that the emerging policies of most relevance to this case include those set out at IR33-39.
13. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework. The eLP was submitted for Examination during the course of the Inquiry. As

the Examination has not yet concluded, the Secretary of State agrees with the Inspector that the eLP and the eC&SNP and their emerging policies carry limited weight (IR32).

Main issues

14. The Secretary of State agrees that the main issues are those set out by the Inspector at IR703.

High Weald Area of Outstanding Natural Beauty (HWAONB)

15. For the reasons given at IR705-731, with the exception of the Inspector's conclusions on the quality of the design at IR723 which he deals with at paragraph 16 below, the Secretary of State agrees with the Inspector's analysis of the effect of the proposals on the HWAONB and consideration of landscape and visual impacts, and further agrees that while the application proposals would affect the HWAONB, any harm arising would be limited, particularly in the longer term (IR732). He further agrees, in this regard, that the proposal would comply with Core Policies 4 and 12 of the Core Strategy and with Local Plan Policy EN1 and criterion 1 of Policy EN25 (IR732). However, he also agrees that there would be conflict with criterion 2 of Policy EN25, as the development would cause at least some detriment to the landscape setting of settlements, and with Core Policy 14 in terms of its criterion 6, including the protection of the countryside for its own sake (IR732). For the reasons given at IR818 he agrees that these policies should be given full weight in terms of how they relate to matters of character and appearance, including effects on the HWAONB.

16. In terms of the design of the proposed development, the Secretary of State has considered the Inspector's analysis of the effect of the proposals on the HWAONB at IR705-733, along with the case put forward by the Council (summarised at IR261-410) and the cases for Natural England (summarised at IR56-106), the High Weald AONB Unit (summarised at IR107-183), CPRE Kent (summarised at IR184-260) and the case for other parties who gave evidence at the Inquiry (summarised at IR655-695). The Secretary of State recognises that both the HWAONB Management Plan and the High Weald Housing Design Guide emphasise that housing development in the HWAONB should be landscape-led. Whilst he agrees with the Inspector that the proposed development would deliver landscape enhancements (IR826), he does not find the proposal to be of a high standard which has evolved through thoughtful regard to its context (IR723). Overall, he does not find that the scheme is sensitively designed having regard to its setting. He finds that the design of the proposal does not reflect the expectations of the High Weald Housing Design Guide, being of a generic suburban nature which does not reproduce the constituent elements of local settlements. He also considers that the layout of the scheme does not respond to its AONB setting. Rather than being a benefit of the scheme, as suggested by the Inspector, the Secretary of State considers that the design of the scheme is a neutral factor in the context of paragraphs 176 and 177 of the Framework and the planning balance.

17. Overall the Secretary of State agrees with the Inspector at IR823 that there would be some harm to the HWAONB, which would be limited, and that the harm to the landscape and scenic beauty of the HWAONB attracts great weight.

Air Quality

18. The Secretary of State agrees at IR750 that the evidence indicates that nitrogen dioxide (NO₂) pollution at Hawkhurst is the only potentially significant air quality issue and that it

arises mostly from road traffic on Cranbrook Road. For the reasons given at IR748-754 the Secretary of State is of the same view as the Inspector that the evidence indicates that effects of the proposal would not be significant (IR754). He further agrees at IR755 that the evidence indicates that air quality will continue to improve at Hawkhurst in any event, and that while the proposed development would be likely to have a small effect on the timing of that improvement, its likely overall effect would not be significant. As such the Secretary of State agrees that the proposed development accords with the Framework, including paras 8(c), 174 (e), 185 and 186, and with the development plan, including the Core Strategy Core Policy 5, in that regard (IR755). However, for the reasons given at IR756, the Secretary of State agrees with the Inspector there would be conflict with eLP Policy EN 21 albeit to a very limited extent. In addition, Policy EN 22 of the eLP would also be breached given that the S106 Agreement would not secure contributions to mitigate the identified impact, albeit that in the particular circumstances of this case, such a payment would not be necessary (IR756). He further agrees at IR812 and IR837 that there would be very limited harm to air quality, and he affords this very limited weight in the planning balance.

Site Allocation Strategy

19. For the reasons given at IR766, IR817 and IR837 the Secretary of State agrees with the Inspector's conclusions that given that the site is in the countryside beyond the Limits of Built Development of Cranbrook (IR766) and that the proposed development does not meet any of the relevant exception criteria, it conflicts, in this regard, with Core Policies 1, 12 and 14 of the Core Strategy, Policy LBD1 of the Local Plan and the associated Policy AL/STR 1 of the Allocations LP (IR766). He further agrees with the Inspector at IR757 that the evidence indicates that the Council cannot demonstrate a Framework-compliant supply of housing land, and therefore agrees that relevant policies are out of date in respect of the roles they play in the Council's spatial strategy and the negative effect they have in terms of constraining housing delivery (IR819).
20. The Secretary of State has had regard to the Inspector's conclusions on the weight which should be attached to these policies in this respect at IR819, and the weight which should be attached to the conflict with these policies at IR837. In paragraph 26 below he agrees that the shortfall in housing supply, which amounts to 77 dwellings over five years, could reasonably be described as slight, and that housing delivery in the borough appears to have improved in recent times (IR760). Given that there is only a slight shortfall, and in the circumstances of this case, he considers that the policies in this respect should carry moderate weight, and that the harm arising from conflict with the policies should also attract moderate weight. He therefore disagrees with the Inspector's assessment that both the policies and the conflict with them carry limited weight.

Historic Environment

21. For the reasons given at IR767-774 the Secretary of State agrees with the Inspector at IR773 that the proposed development would not harm any significant historic landscape resource and all of the individual features which could be of potential interest would be retained.
22. Regarding the Conservation Area and four listed buildings the Secretary of State notes at IR779 that none of the listed buildings are within the site or adjacent to it and the site is not within the Conservation Area nor adjacent to it. For the reasons given at IR775-782 the Secretary of State agrees with the Inspector that the proposals would cause no harm to the character or appearance of the Conservation Area, primarily due to the lack of

intervisibility (IR781). He further agrees for the reasons given at IR783-784 that there would be no material impact on the settings of the listed buildings as a result of the proposed development, and that consequently it would preserve these listed buildings and their settings, as well as the features of special architectural and historic interest which they possess (IR783).

23. Overall, the Secretary of State agrees with the Inspector's conclusions at IR784 that the development would not conflict with the development plan, Core Policy CP 4 of the Core Strategy and Policy EN5 of the Local Plan in terms of its effect on the historic environment and would also accord with the Conservation Area Appraisal and Section 16 of the Framework.

Sustainable Transport

24. For the reasons given at IR785-788, the Secretary of State agrees with the Inspector at IR789 that overall there is no good reason to believe that the proposed development, alone or in combination with other development, would have a significant effect on highways safety other than in a positive sense.
25. For the reasons given at IR790-793 the Secretary of State agrees with the Inspector that the development would promote sustainable transport in the terms of the Framework and accord with relevant development plan policy in that regard (IR794).

Benefits

Housing Delivery

26. For the reasons given at IR757-760 the Secretary of State agrees with the Inspector at IR757 that the evidence indicates that the Council's housing land supply amounts to 4.89 years. He further agrees that the current shortfall results in a total of 77 homes over the 5 year period in question (IR759) and that the shortfall could reasonably be described as slight (IR760). The Secretary of State also agrees for the reasons given at IR761-762 that the proposed development would be very likely to address and exceed the identified 5 year housing land supply shortfall of 77 homes (IR762), and that the proposed development would also make an important contribution to achieving the eventual eLP target, as well as the Government's objective of significantly boosting the supply of houses. For the reasons given at IR763-764 the Secretary of State agrees with the Inspector that there is a clear need for both market and affordable housing in the Borough and that the proposed development would make a significant contribution to the delivery of both (IR764).

Biodiversity

27. For the reasons given at IR734-747 the Secretary of State agrees that the proposed development would be very likely to comfortably exceed 10% BNG which will be required by the Environment Act 2021 and targeted in the eLP (IR743). He further agrees that the evidence shows that the proposed measures meet the requirements of the HWAONB Management Plan in this regard (IR744).
28. The Secretary of State agrees that, subject to the proposed mitigation, there would be no significant residual biodiversity effects of the proposed development. As such he agrees that the proposed development would accord with Circular 06/2005 (IR746). He therefore concludes overall that the proposed development would secure significant BNG such that

it would accord with the Framework, including paras 174, 179 and 180 and development plan policy, as well as the eLP, in this regard (IR747).

Other Benefits

29. The Secretary of State agrees for the reasons given at IR774, IR720 and IR811 that the proposed reinstatement of hedgerows along historic boundaries and of the shaw in the southern fields would be beneficial to the time-depth character of the HWAONB (IR774). Furthermore, the proposed re-creation of Tanner's Lane would also be beneficial in heritage terms as it would reinstate a historic feature in the local landscape (IR774).
30. The Secretary of State agrees for the reasons given at IR720 and IR811 that the new woodland planting and management of existing woodland would be to the benefit of the environment and landscape. He further agrees for the reasons given at IR786 that the proposed highway works may result in improving highway safety. In addition, for the reasons given at IR811 the additional footpaths and substantial new publicly accessible amenity space would enhance recreational opportunities.

Conclusion on Benefits

31. The Secretary of State has had regard to the Inspector's view at IR824 as to weight attaching to the benefits of the scheme, and notwithstanding his conclusion at paragraph 36 below that there is not a 'very compelling case' for the need for development of this type and in Cranbrook, overall he agrees that the combined weight of the benefits is substantial. However, he does not agree with the Inspector's characterisation at IR826 that it constitutes 'a package of exceptional benefits'.

Other matters

32. For the reasons given at IR814-816 in respect of the issue of prematurity and the undermining of the plan making process for the eLP if planning permission were to be granted, the Secretary of State agrees with the Inspector's conclusions at IR816 and finds no good reason to believe that it would have any significant effect on the plan-making process of the eLP. The Secretary of State agrees with the Inspector that this matter attracts very limited negative weight in the planning balance (IR814).

Application of Framework policies concerning AONB

33. The Secretary of State has taken into account his duty under section 85 of the Countryside and Rights of Way Act 2000, and paragraph 176 of the Framework, which states among other things that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs (IR796). The Secretary of State has found limited harm to the landscape and scenic beauty of the HWAONB, and has concluded at paragraph 17 above that this harm carries great weight.
34. The Secretary of State agrees with the Inspector's analysis of the test in paragraph 177 of the Framework as set out at IR797-800. He agrees that the proposal constitutes major development in the AONB and that paragraph 177 of the Framework is engaged. As such he agrees that planning permission should be refused unless there are exceptional circumstances justifying the development, and where it can be demonstrated that the development is in the public interest (IR797).
35. The Secretary of State has gone on to consider whether there are the exceptional circumstances required to justify this proposed development in the terms of paragraph

177 of the Framework, and whether it can be demonstrated that the development is in the public interest. In line with that paragraph he has considered the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

36. His conclusions on housing delivery are set out at paragraph 26 above. For the reasons given at IR801-802, the Secretary of State agrees that there is a need for housing to be delivered at Borough level, the ability to respond to the need for housing is heavily constrained, and the proposed development would contribute to meeting that need (IR803). He further agrees for the reasons given at IR804-809 that it appears likely that the clear need for both market and affordable housing in the Borough will be reflected in need in the Cranbrook area (IR805). He has further taken into account the evidence which was put before the inquiry on the availability and suitability of alternative sites, the extent to which development in other locations could address the need in Cranbrook, and the extent to which alternative sites could come forward with less harm to the HWAONB than the application site (IR806-809). He considers that the need for development of this type and in Cranbrook has been established, and he has taken this into account in his overall assessment of this matter. However, taking into account his conclusion in paragraph 26 above that the current shortfall could reasonably be described as slight, he does not agree with the Inspector at IR810 that the case which has been made out for the need for development of this type and in Cranbrook is appropriately described as 'a very compelling case'.
37. Furthermore, while the Secretary of State accepts that there is no adopted strategy which fully addresses housing need (IR813), given his agreement at paragraph 32 above with the Inspector's finding that this proposal would not have any significant effect on the plan-making process of the eLP (IR816), he does not agree that the uncertainty over the timing and final form of the eLP contributes towards exceptional circumstances (IR813).
38. When assessing whether exceptional circumstances exist, the Secretary of State has also had regard to the harm that would arise from the proposed development, as summarised in paragraph 46 below, and notes his duty to have regard to the purpose of conserving and enhancing the natural beauty of the HWAONB. Although he has found limited harm to the HWAONB, he has concluded that the harm to the landscape and scenic beauty of the HWAONB attracts great weight. His conclusions on the benefits of the scheme, which include landscape benefits and enhanced recreational opportunities, are summarised at paragraph 45 below and he has taken them into account when considering whether exceptional circumstances exist. However he has found at paragraph 31 above that the benefits which arise from this scheme do not constitute 'a package of exceptional benefits'.
39. Overall, for the reasons given above the Secretary of State disagrees with the Inspector's conclusions on exceptional circumstances at IR812-813. In terms of the paragraph 177 test in the Framework, he does not consider that these factors together constitute exceptional circumstances which justify major development in the HWAONB.
40. Given the Secretary of State's conclusion that there are no exceptional circumstances which justify the development, the question of public interest does not arise under paragraph 177 of the Framework. However, the Secretary of State has nonetheless considered whether the proposal is in the public interest in light of the Inspector's

conclusions at IR812, IR823 and IR838. He has had regard to all relevant factors in this case, and to his conclusions on them as set out in this decision letter. Overall, he does not consider that there are factors in this case which suggest that granting permission for the development is in the public interest.

Planning conditions

41. The Secretary of State has given consideration to the Inspector's analysis at IR827-835, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 56 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 56 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for refusing planning permission.

Planning obligations

42. Having had regard to the Inspector's analysis at IR836, the planning obligation dated 30 March 2021, paragraph 57 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR836 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 57 of the Framework. However, the Secretary of State does not consider that the obligation overcomes his reasons for refusing planning permission.

Planning balance and overall conclusion

43. For the reasons given above, the Secretary of State considers that the application is not in accordance with Policies LBD1 of the Local Plan, Core Policies 1 and 14 of the Core Strategy, and Policy AL/STR 1 of the Site Allocations LP, and is not fully in accordance with Policy EN25 of the Local Plan or Core Policy 12. He considers that the application is not in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

44. As the Borough cannot currently show a 5-year housing land supply, paragraph 11(d) of the Framework indicates that planning permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.

45. Weighing in favour of the development are the need for and delivery of housing, the Biodiversity Net Gain, enhanced recreation opportunities, improvements in highway safety, heritage benefits to the historic landscape and landscape benefits by way of woodland planting and management, which collectively carry substantial weight.

46. Weighing against the proposal is the harm to the landscape and the scenic beauty of the HWAONB which attracts great weight. There is further harm by way of conflict with the spatial strategy which attracts moderate weight, harm to air quality which is afforded very limited weight and harm to the plan making process through prematurity which is afforded very limited weight.

47. The Secretary of State has concluded for the reasons given above that exceptional circumstances do not exist to justify the proposed development in the AONB and that the development would not be in the public interest. Therefore, paragraph 177 of the Framework provides a clear reason for refusing the development proposed and as such under paragraph 11(d)(i) of the Framework the presumption in favour of sustainable development is no longer engaged.

48. Overall, the Secretary of State's conclusion on section 38(6) of the Planning and Compulsory Purchase Act 2004 is that the conflict with the development plan and the material considerations in this case indicate that permission should be refused.

49. The Secretary of State therefore concludes that planning permission be refused.

Formal decision

50. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendation. He hereby refuses planning permission for the construction of 165 new dwellings with associated access, car parking, refuse/recycling storage, landscaping, earthworks and other associated works, in accordance with application Ref. 20/00815/FULL, dated 11 March 2020.

Right to challenge the decision

51. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

52. A copy of this letter has been sent to Tunbridge Wells Borough Council and Natural England, the High Weald AONB Unit and CPRE Kent, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Phil Barber

This decision was made by the Minister of State for Housing and Planning, Rachel Mclean MP, on behalf of the Secretary of State, and signed on her behalf

Annex A Schedule of representations

General representations

Party	Date
Just Build Homes	12/4/22
Millie Dodd	14/4/2022
Berkley Homes (incl 180 letters of support from public)	22/4/2022
LLP Ashurst	22/4/2022
Lichfields on behalf of the appellant	17/11/2022



Report to the Secretary of State

by **G D Jones BSc(Hons) DipTP DMS MRTPI**

an Inspector appointed by the Secretary of State

Date 4 April 2022

TOWN AND COUNTRY PLANNING ACT
TUNBRIDGE WELLS BOROUGH COUNCIL
APPLICATION BY
BERKELEY HOMES (EASTERN COUNTIES) LTD

Inquiry opened on 21 September 2021 and closed on 5 November 2021

Land Adjacent to Turnden, Hartley Road, Cranbrook, TN17 3QX

File Ref: APP/M2270/V/21/3273015

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List of Abbreviations used in the Report

AQA	Air Quality Assessment, June 2020
AQMA	Air Quality Management Area
BKF	The Brick Kiln Farm site, which adjoins the application site
BNG	Biodiversity net gain
CD/s	Core Document/s
Committee Report	The officer's report on this planning application to the Council Planning Committee, 27 January 2021
Conservation Area	Cranbrook Conservation Area
Core Strategy	Tunbridge Wells Borough Core Strategy, adopted June 2010
CPRE Kent	The Campaign for the Protection of Rural England Kent
CVLT	Crane Valley Land Trust
DoM	The Deed of Modification, dated 4 November 2021, which varies the S106 Agreement
eC&SNP	The emerging Cranbrook and Sissinghurst Neighbourhood Plan
eLP	The emerging Local Plan 2020-2038, latest version of which was submitted for examination during the Inquiry
ES	Environmental Statement
Framework	The National Planning Policy Framework
Housing Design Guide	High Weald Housing Design Guide, November 2019
HWAONB	High Weald Area of Outstanding Natural Beauty
HWAONB Unit	The High Weald AONB Unit
ID	Inquiry Document
KCC	Kent County Council
LBD	Limits to Built Development
LCA	Landscape Character Area/s
LEMP	Landscape & Ecological Management Plan
Local Plan	Tunbridge Wells Borough Local Plan, adopted March 2006
LVIA	Landscape and Visual Impact Assessment
NCA 122	National Character Area 122
NE	Natural England
NO ₂	Nitrogen dioxide
NVC	National Vegetation Classification
PPG	Planning Practice Guidance
PROW	Public right/s of way
OAN	Objectively Assessed Need, in respect to housing
S106 Agreement	The legal agreement, dated 30 March 2021, containing planning obligations pursuant to Section 106 of the Act
SHELAA	Strategic Housing and Economic Land Availability Assessment
SoCG	Statement of Common Ground
Site Allocations LP	Tunbridge Wells Borough Site Allocations Local Plan, adopted July 2016
SPD	Supplementary Planning Document/s
TF	Turnden Farmstead – building / site / proposed development
VP	Viewpoint/s
ZTV	Zones of Theoretical Visibility

File Ref: APP/M2270/V/21/3273015

Land Adjacent to Turnden, Hartley Road, Cranbrook TN17 3QX

- The application was called in for decision by the Secretary of State by a direction, made under section 77 of the Town and Country Planning Act 1990, on 12 April 2021.
- The application is made by Berkeley Homes (Eastern Counties) Ltd to Tunbridge Wells Borough Council.
- The application Ref 20/00815/FULL is dated 11 March 2020.
- The development proposed is the construction of 165 new dwellings with associated access, car parking, refuse/recycling storage, landscaping, earthworks and other associated works.
- The reason given for making the direction was that the Secretary of State has considered his policy on calling in planning applications and concluded, in their opinion, that the application should be called-in.
- On the information available at the time of making the direction, the following were the matters on which the Secretary of State particularly wished to be informed for the purpose of his consideration of the application:
 - a) *The extent to which the proposed development is consistent with Government policies for conserving and enhancing the natural environment in the NPPF (NPPF Chapter 15);*
 - b) *The extent to which the proposed development is consistent with Government policies for delivering a sufficient supply of homes in the NPPF (NPPF Chapter 5);*
 - c) *The extent to which the proposed development is consistent with Government policies for conserving and enhancing the historic environment in the NPPF (NPPF Chapter 16);*
 - d) *The extent to which the proposed development is consistent with Government policies promoting sustainable transport in the NPPF (NPPF Chapter 9);*
 - e) *The extent to which the proposed development is consistent with the development plan for the area; and the weight to be attributed to the policies in the emerging development plan for the area (NPPF Chapter 4); and*
 - f) *Any other matters the Inspector considers relevant.*

Summary of Recommendation:

I recommend that the application should be approved, and planning permission granted, subject to the attached schedule of conditions and all the obligations in the Legal Agreements.

Preliminary Matters

1. The application, which is for full planning permission, has been called in by the Secretary of State for his determination. The Secretary of State identified a number of matters which he particularly wishes to be informed about for the purposes of his consideration of the application, which are set out in his letter to the Council of 12 April 2021¹. These matters are listed in the banner heading above and are also reflected in the Main Considerations as set out in para 703 below. The 'call in' followed the Council having resolved to grant planning permission subject to conditions and the completion of a legal agreement, but before the decision notice had been issued.
2. A legal agreement dated 30 March 2021 containing planning obligations pursuant to Section 106 of the Act (the S106 Agreement) was submitted by the applicant with their evidence – CD7.5. During the course of the Inquiry the S106 Agreement was varied by way of a Deed of Modification dated 4 November 2021 made under Sections 106 and 106A of the Act (the DoM) – ID66.
3. I carried out a site visit on 12 October 2021, which covered the site and the

¹ CD8.01

surrounding area. That visit was unaccompanied, as agreed by the main parties to the Inquiry, and included all locations and views which those parties had asked me to cover.

The Site and Surroundings

4. The application site is located to the south of the A229 Hartley Road on the northern side of the Crane Valley. It measures some 23.94ha and comprises fields enclosed by hedgerows, trees and scrub which form part of the landholding associated with the adjacent Turnden Farmstead to the west. The site lies to the south-west of the town of Cranbrook and north-east of the village of Hartley. The settlement pattern in the area has evolved over time with some 20th Century ribbon development along the A229, although Cranbrook and Hartley retain their separate identities.
5. Land adjoining the site to the north-east has outline planning permission for 180 homes. It forms part of housing allocation AL/CR4 within Tunbridge Wells Borough Site Allocations Local Plan, July 2016 (the Site Allocations LP) and is known as Brick Kiln Farm (BKF).
6. The site wraps around but excludes another adjoining parcel of land that has planning permissions for residential development². This development, known as Turnden Farmstead (TF), has commenced and its design is intended to reflect the farmstead and rural context. The initial planning permission included the restoration of the medieval Turnden Farmhouse, which had been a Grade II listed building, but which was delisted following a fire in September 2019. The latter permission allows the erection of a replacement farmhouse, three additional dwellings, and the redesign of Plots 1-3 within the scheme as initially approved.
7. The Crane Valley is defined by gentle ridges, one to the north-west along which the A229 runs, and one to the south, which separates the Beult Catchment, of which the Crane is a tributary, from the Rother Levels Catchment to the south. A further slightly lower ridge lies to the south-east defining the south-eastern valley sides. The Crane Brook flows north-east through Cranbrook. Due to its valley side location, the topography of the site slopes in an easterly direction from c115m AOD along the A229 to c85m AOD along the Crane Brook.
8. A number of mature freestanding trees sit on the current field boundaries, while Ancient Woodland can be found along the Crane Brook itself, forming the south-eastern boundary to the site. There are currently nine ponds within the site, together with a number of existing field ditches, and some shallow wet depressions.
9. A public right of way, WC115, runs roughly north-south through the western portion of the site, crossing the wooded area known as Hennicker Pit. There are other public rights of way extending from Cranbrook into the Crane Valley and along the ridge which defines the valley to the south-east.
10. The site is adjacent to the Limits to Built Development (LBD) as defined by the Site Allocations LP following the allocation of the BKF site. The application site, along with the whole of Cranbrook town and adjoining areas is within the High Weald Area of Outstanding Natural Beauty (the HWAONB), which is a nationally

² Planning permission Ref Nos 18/02571/FULL and 21/01379/FULL

valued landscape described as one of the best preserved Medieval landscapes in North West Europe. The site is also within Agricultural Land Classification Grade 3.

11. Although it is not within a Conservation Area, the site access is some 0.4km from Cranbrook Conservation Area (the Conservation Area). Between roughly 140m and 210m north-east of the site is a cluster of four listed buildings comprising: The Cottage, also referred to as Crane Cottage, a small 18th Century roadside cottage at Grade II; the Grade II Cranbrook War Memorial at the junction of the A229 and High Street; the Grade II* Goddards Green Farmhouse, formerly 'Wardes', a 15th / 16th Century cloth hall; and a 17th Century Barn at Goddard's Green Farm listed for group value at Grade II.³
12. Beyond the Ancient Woodland referred to above, which lies along Crane Brook, Robins Wood Site of Special Scientific Interest stands some 500m south of the site at its nearest point. Angley Wood and Bedgebury Forest Local Wildlife Sites are some 250m and 600m away from the site to the north-west. Turnden Lane, which joins the A229 opposite the site, has been identified as a Rural Lane. Three trees along the Hartley Road frontage and four along the access drive are protected by a Tree Preservation Order.
13. Cranbrook is identified in the Core Strategy as one of three Small Rural Towns, which it states are not intended to be a main focus for development but to be local hubs for employment, retailing and services. The town has a range of retail, education, leisure, community and medical facilities, including, a bank, a Royal Mail delivery office, and a pub. Most of these facilities are within walking and/or cycling distance of the site. Cranbrook is also served by bus services, which amongst other things, offer links to the rail network. The nearest railways station is at Staplehurst some 10km north of the site with services to London Charing Cross and Ramsgate⁴.
14. The Tunbridge Wells Borough Landscape Character Area Assessment 2017, which is adopted by the Council as a Supplementary Planning Document (SPD), identifies a series of Landscape Character Areas (LCAs). The site falls within LCA 4 Cranbrook Fruit Belt, which amongst other things is referred to in this SPD as a diverse zone of transition and typical of the High Weald landscape, with strong yet diverse character incorporating elements of fruit belts, forested plateau and wooded farmland and the historic town of Cranbrook.⁵

Planning Policy

15. The National Planning Policy Framework (the Framework) outlines a presumption in favour of sustainable development. It also identifies that achieving sustainable development means that the planning system has three overarching objectives – economic, social and environmental.
16. Framework para 11 sets out how this presumption is to be applied. It indicates that development proposals that accord with an up-to-date development plan should be approved without delay. It goes on to say that where no relevant

³ Ref 041/2003

⁴ Further details of facilities and public transport services are set out in Section 3 of the Statement of Common Ground signed by Kent County Council – CD9.20

⁵ Extract at CD12.19

development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance, including Areas of Outstanding Natural Beauty (AONB) and designated heritage assets, provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

17. The Framework indicates that, for applications which involve the provision of housing, such as this, where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, as is the case in this instance, the policies which are most important for determining the application are out-of-date in the terms of para 11.
18. Although I have considered the Framework in its entirety, the following sections are also particularly relevant to this case:
 - 2 – Achieving sustainable development
 - 4 - Decision-making
 - 5 – Delivering a sufficient supply of housing
 - 9 – Promoting sustainable development
 - 11 - Making effective use of land
 - 12 - Achieving well-designed places
 - 15 – Conserving and enhancing the natural environment
 - 16 – Conserving and enhancing the historic environment
19. Although a weighty material consideration, the Framework does not change the statutory status of the development plan. The development plan for the area includes the saved policies of the Tunbridge Wells Borough Local Plan, March 2006 (the Local Plan)⁶, the Tunbridge Wells Borough Core Strategy, June 2010 (the Core Strategy)⁷ and the Site Allocations LP⁸. The Local Plan planned for the period to 2011, whereas the Core Strategy and associated Site Allocations LP plan for the period to 2026.
20. The relevant Development Plan Policies, along with other policy documents, are listed in the respective Statements of Common Ground (SoCG) between most of the main parties at Section 6⁹. Only the most pertinent of these are summarised below.
21. Local Plan Policy LBD1 establishes the concept of *Limits to Built Development* for settlements in the Borough. It states that outside LBDs development will only be permitted where it would be in accordance with all relevant policies of the Local Plan. Policy EN1 is a wide ranging, criteria based development management policy concerning, amongst other things, design, character and appearance, and nature conservation. Policy EN5 relates to development effecting Conservation Areas. Policy EN25 concerns development outside the LBD. It sets out criteria that must be satisfied, including in respect to landscape character and the

⁶ Extracts at CD11.5 to CD11.12

⁷ CD11.4

⁸ Extracts at CD11.1 to CD11.3

⁹ CD9.1, CD9.2 & CD9.18 – NB the SoCG involving the HWAONB Unit does not include a policy list of this type

- landscape setting of settlements.
22. The Core Strategy establishes a three tier settlement hierarchy: 1 – Main Urban Areas, which comprise Tunbridge Wells and Southborough, 2 – Small Settlements, which comprise Cranbrook, Hawkhurst and Paddock Wood, and 3 – Villages, which includes a number of villages.
 23. The Spatial Strategy of the Core Strategy is to:
 - Pursue an urban focus for development in order to optimise the vitality of the Borough's town centres; to make optimum use of previously developed land; and to protect the distinctive character of the rural environment
 - Focus the majority of new development at Royal Tunbridge Wells and Southborough to support the Regional Hub role with Tonbridge, while improving access to, from and within, it
 - Provide sufficient development at Cranbrook, Hawkhurst and Paddock Wood to support and strengthen them as local service centres for the Borough's rural area
 - Protect the character of the Borough's villages by limiting new development to be within the existing LBD, unless it is specifically required to meet local needs.
 24. Core Strategy Core Policy 1 deals with delivery of development pursuant to that Spatial Strategy. Amongst other things, it states that priority will be given to the allocation and release of previously developed land within the existing LBDs of settlements. It adds that selected greenfield sites within and/or adjacent to the LBD of settlements in the main urban area and small rural towns will also be allocated and released as appropriate to maintain a sufficient phased supply of deliverable and developable land, and sites adjacent to or outside the LBD of villages will not generally be allocated or released. It also sets out a series of specific exceptions.
 25. Core Strategy Core Policy 4 refers to the HWAONB and states, amongst other things, that the locally distinctive sense of place and character will be conserved and enhanced, including via the conservation and enhancement of rural and urban landscapes, nature conservation and biodiversity enhancement, and conservation of heritage assets.
 26. Core Strategy Core Policy 5 states, amongst other things, that all new developments will be expected to manage and seek to reduce air pollution levels.
 27. Core Strategy Core Policy 6 concerns housing delivery across the plan period. Amongst other things, it includes the requirement that affordable housing shall normally be provided as part of housing development for 10 or more units at a rate of 35%.
 28. Core Strategy Core Policy 12 concerns development in Cranbrook and seeks to support and strengthen its role as a small rural town with its own character. Core Strategy Core Policy 14 concerns development in the Villages and Rural Areas. Amongst other things, it states that new development will generally be restricted to sites within the LBDs, that the countryside will be protected for its own sake and a policy of restraint will operate in order to maintain the landscape character and quality of the countryside, that development will maintain local distinctiveness, and that non-motorised modes of transport will be encouraged.

29. Policy AL/STR 1 of the Site Allocations LP largely maintains the LBDs of the Local Plan. In the case of Cranbrook, it extends its LBD to include the BKF housing site allocation. The Policy states that the saved policies of the Local Plan will continue to be relevant in considering details of the appropriate uses inside, and outside of, these defined areas until such time as they are updated and superseded by the Core Strategy Review.
30. Policy AL/CR 4 of the Site Allocations LP concerns a housing allocation for the BKF site and an adjoining site known as Corn Hall, which are located to the north-east of the application site.
31. There are also a range of relevant Council Supplementary Planning Documents. These include Cranbrook Conservation Area Appraisal June 2010¹⁰, Farmsteads Assessment Guidance for Tunbridge Wells Borough February 2016¹¹, and the Landscape Character Area Assessment 2017 referred to above¹². In respect to the latter, the site falls within Area 4 Cranbrook Fruit Belt.
32. Although not part of the development plan there are also two emerging development plan documents, the Submission Local Plan 2020-2038, which was submitted for examination during the course of the Inquiry (the eLP)¹³, and the emerging Cranbrook and Sissinghurst Neighbourhood Plan (the eC&SNP)¹⁴. Given their respective stages of progress they may be subject to change such that they both carry no more than limited weight.
33. Policy STR 1 of the eLP sets out the Council's intended Borough-wide development strategy for the period to 2038, including for the delivery of 12,204 dwellings, while Policy STR/CRS 1 identifies the development strategy for Cranbrook and Sissinghurst Parish.
34. Policy STR 8 of the eLP concerns the conservation and enhancement of the natural, built and historic environment, including the HWAONB and heritage assets.
35. The application site is a proposed housing allocation within the eLP, via draft Policy AL/CRS 3. It proposes, amongst other things, that approximately 200-204 (164-168 new additional) dwellings, of which 40 percent shall be affordable housing, and significant green infrastructure would be acceptable subject to a set of criteria and other details. The nearby BKF and Corn Hall sites are also proposed housing allocations, respectively via draft Policies AL/CRS 1 and AL/CRS 2. Together these latter two proposed allocations cover a similar area of land to that allocated under Policy AL/CR 4 of the Site Allocations LP.
36. Policy EN 9 of the eLP concerns Biodiversity Net Gain (BNG) and includes a minimum rate of 10% BNG. Policy EN 19 of the eLP concerns development within the HWAONB. It seeks, amongst other things, to conserve and enhance its landscape and scenic beauty, having particular regard to any impacts on its character components.
37. Policy EN 21 of the eLP states, amongst other things, that development will not

¹⁰ CD12.10

¹¹ CD12.9

¹² CD12.19

¹³ CD14.1.1

¹⁴ CD13.1

be permitted when it is considered that the health, amenity, or natural environment of the surrounding area would be subject to unacceptable air quality effects (that are incapable of being overcome by a condition or planning obligation), taking into account the cumulative effects of other proposed or existing sources of air pollution in the locality. It also states that sensitive receptors will be safeguarded at all times.

38. Policy EN 22 of the eLP concerns development effecting Air Quality Management Areas. Amongst other things, it requires an emissions mitigation assessment and cost calculation to be undertaken and adds that Section 106 agreements will be used to secure contributions to mitigate any identified impact.
39. The eC&SNP does not include any proposed housing allocations. Indeed, its draft Policy LN7.10 seeks to maintain green gaps and prevent settlement coalescence and shows the application site as open space and green gap. Draft Policy LN7.7 seeks to protect and enhance the Crane Valley, while Draft Policy 7.9 concerns protection of historic landscape character.
40. There are a number of other documents that are relevant, which include:
- High Weald AONB Management Plan 2019-24¹⁵
 - High Weald Housing Design Guide, November 2019¹⁶
 - Legislation and Planning Policy in the High Weald AONB, July 2021¹⁷
 - Natural England's An Approach to Landscape Character Assessment Guidance 2014¹⁸
 - The Council's Historic Landscape Characterisation, June 2017¹⁹
 - National Design Guide, January 2021²⁰
 - Guidelines for Landscape and Visual Impact Assessment (GLVIA), April 2013²¹
 - National Character Area 122, September 2014²²
 - High Weald Parish Landscape Character Maps, August 2018²³
 - The Council's Planning Position Statement for proposed developments which may impact on air quality in Hawkhurst June 2020²⁴.

Planning History

41. The application site and adjoining Turnden Farmhouse site have been the subject of numerous planning applications, including for commercial storage and equine use. These are summarised in the case officer's report to the Council's Planning Committee (the Committee Report)²⁵ and the various SoCGs. The site has also been promoted for development through the plan-making process. Although it is not allocated for development in the adopted development plan, it is proposed to be allocated for residential development in the eLP as outlined above.

¹⁵ CD12.13

¹⁶ CD12.15

¹⁷ CD12.17

¹⁸ CD16.30

¹⁹ CD14.3.7 and CD14.3.8

²⁰ CD10.10

²¹ CD16.1

²² CD16.2

²³ CD16.4

²⁴ CD12.14

²⁵ CD7.1

The Proposals²⁶

42. This is an application for full planning permission. The proposed scheme has been amended during the course of the application process. In its current form, it is for the construction of 165 new dwellings with associated access, car parking, refuse/recycling storage, landscaping, earthworks and other associated works. The proposed homes would be a mix of 1 and 2 bedroom apartments and 2, 3, 4 and 5 bedroom houses. They would include affordable homes at a rate of 40%, with a 50/50 split of rented and shared ownership. One of the 2-bedroom and three of the 1-bedroom homes would be wheelchair accessible.
43. The majority of the built form would be 2-storeys, although there would be some at 2.5 storeys as well as single storey ancillary buildings, including garages. A range of terraced, semi-detached and detached forms are proposed.
44. Vehicular access to the site is proposed via a new junction to the A229, linking to a new internal highway network that would serve the proposed dwellings. Further off-site highway works are proposed, including carriageway widening to the A229, bollarded traffic islands, a right-hand turn ghost lane into the site, plus an additional right hand turn lane to serve Turnden Lane, a road to the north off the A229.
45. In broad terms the developed site would have two distinct parts, what are referred to in much of the evidence as the *Development Area* and the *Wider Land Holding*, which respectively make up some 39.43% and 60.57% of the site²⁷. As the name suggests, the Development Area is where the proposed housing would be located, positioned between the approved housing development sites at BKF to the north-east and TF to the south-west. Those parts of the site that are not within the Development Area are described as the Wider Land Holding. In broad terms, the Wider Land Holding is located to the south and west of both the application site and the TF site.
46. Earthworks are also proposed including the removal of top and sub-soil from the Development Area. This would be spread across two fields within the Wider Land Holding to the south-west. The material amounts to some 24,403m³, including material from the approved TF development. The soil would be regraded to follow the existing land contours and exclude existing ponds, trees and hedgerows, resulting in an increase in the ground level of up to some 45cm within the area effected.
47. Within the Development Area, the area occupied by houses and roads, excluding open space, would amount to some 4.7ha, giving a density of 35.1 dwellings per hectare. Proposed open space within the Development Area includes:
- A landscape buffer along the A299 leading to a central 'village green' to be used for recreational and play purposes;
 - A multi-functional east to west green corridor with retained trees and hedgerows linking the open spaces within the TF development, accommodating space for play, drainage features, existing and proposed vegetation; and

²⁶ The proposal drawings are listed in Condition 2 in the Annex attached thereto

²⁷ The Development Area and the Wider Land Holding are shown on the plan at CD0.1.07

- A graduated landscaping buffer in excess of 15m from the Ancient Woodland along the southern boundary, including drainage features and additional woodland edge scrub for habitat creation and ancient woodland protection; and
 - Other landscaping, including new planting in the Wider Land Holding to create new woodlands, woodland buffers, flower rich meadows and restored hedge lines, tree lines and a woodland shaw.
48. Several drainage features and ponds would be created within the central green, the green corridor and the edge of the Ancient Woodland buffer, capturing surface water run-off and providing a new habitat.
49. New footpath and cycle routes would connect the proposed development to the TF and BKF developments and the existing public right of way (PROW) network providing routes into Cranbrook, Hartley and beyond.
50. Proposals for the Wider Land Holding include:
- The field immediately to the west of Turnden Farmhouse comprising of a newly planted woodland, crossed by permissive paths connecting with PROW WC115;
 - Publicly accessible land, with permissive paths set within meadow grassland, scrub to the field margins, and field trees in the field immediately to the south-east of and abutting the residential development of Hartley; and
 - The southernmost field located between Hennicker Pit and the Crane tributary valley would be subdivided by new hedgerows with hedgerow trees aligning to historic field boundaries. Stockproof fencing and gates would be installed to support grazing by livestock. A permissive path is also proposed through these fields, connecting the Development Area and the BKF site with WC115. Along the northern edge of the field new areas of woodland would connect Hennicker Pit to woodland south of the TF development.
51. The application is accompanied by a Landscape & Ecological Management Plan (LEMP) which contains actions for management of the land.
52. An Environmental Statement (ES) and various associated addendum under The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 were submitted in association with the application²⁸. Comments from key consultees, including statutory consultees, are contained in Core Documents 6.1 to 6.27. The Planning Inspectorate undertook a review of the ES, including addendums, in accordance with Schedule 4, Part 2 of the EIA Regulations on 21 July 2021 and concluded that the ES is adequate. No legal points have been raised over the adequacy of the ES. I have taken the ES, the wider application submissions and the consultation responses into account in producing this report and in making my recommendation.

Other Agreed Facts

53. In addition to the Council and the applicant, under Rule 6 of the Inquiries Procedure Rules, there were three other main parties to the Inquiry, Natural England (NE), the High Weald AONB Unit (the HWAONB Unit)²⁹ and the Campaign for the Protection of Rural England Kent (CPRE Kent). A suite of

²⁸ CD5.0 to CD5.12 inclusive

²⁹ While there is also reference to the HWAONB Partnership, as there appears to be no significant difference between the 'Partnership' and 'Unit' for the purposes of my report, for the sake of clarity I use the latter only herein

SoCGs between the Council and the applicant, between those two parties and each of the three other main parties, and between the applicant and Kent County Council (KCC) were produced prior to and during the course of the Inquiry³⁰. Although the detailed content of each of the main SoCGs differ somewhat, there is broad agreement regarding the site description, the proposal and the policy context, as well as some agreement on other matters of detail.

54. Notably, these include that the applicant and Council agree that the Council could not demonstrate a Framework compliant supply of deliverable housing land and that supply amounts to 4.89 years. The three other parties have not disputed this figure. NE and CPRE Kent also acknowledge that the proposed development would contribute to meeting the Council's housing requirements and would deliver affordable housing, and subject to planning permission being granted, the site is available.
55. The summaries of cases of the parties set out in the following sections are based on the closing submissions and on the written and oral evidence, with references given to relevant sources, up to the point at which I closed the Inquiry.

The Case for Natural England

Matters of Uncommon Ground³¹

56. NE disagrees with the applicant and the Council in respect to whether:
- There is a need to bring forward and test proposed site allocations through the local plan, rather than the development management, process. Whether determining the application ahead of the adoption of the Local Plan risks undermining the plan-led approach to sustainable development, having regard to Framework para 49;
 - The eLP should be given little weight in the determination of this application, having regard Framework para 48, given its current stage and the unresolved objections to relevant policies;
 - The proposed development would, due to its size and scale, result in significant harm to the HWAONB. Whether or not its significant impacts on the HWAONB could be overcome through the proposed mitigation;
 - The proposed development would have significant in combination landscape and visual effects on the HWAONB when considered in the context of adjacent approved development and whether this has been adequately assessed;
 - The proposed development would conserve or enhance the HWAONB as required by Core Strategy Policy CP4 and eLP Policies EN19 and STR8; and whether it complies with Framework paras 174(a)/(b) and 176;
 - There are exceptional circumstances, or whether it has been demonstrated that this proposal is in the public interest, to show compliance with Framework paras 177, including (a)–(c);
 - The components of natural beauty of an AONB are expressed differently across the area of the AONB and whether each area has its own combination of features and qualities which gives rise to local distinctiveness. Whether an assessment of the impact of development on 'individual' components of an

³⁰ CD9.1, 9.2, 9.8, 9.18, 9.19 & CD9.20

³¹ Adapted from Section 8.0 of the SoCG - CD9.2

AONB disaggregates the landscape such that the unique combination of qualities manifest in a particular area have been properly appraised. Whether the full extent of any detrimental change to an area as a result of development has been appraised. Whether it is necessary to consider the effects of the proposed development on the wider area and on its special qualities defined by its components of natural beauty which derive from the combination of landscape, historic and ecological features;

- The need for major development in this location has been properly identified;
- The robust assessment of alternatives to major development in an AONB should be undertaken through the local plan process;
- BNG should be used as part of an exceptional circumstances case under Framework paras 177, or whether the BNG proposed in this matter otherwise constitutes exceptional circumstances; and
- The proposals are not in conformity with the development plan.

Introduction

57. NE requests that the Secretary of State refuse planning permission for this application. It considers that the evidence to the Inquiry confirmed that there are no exceptional circumstances or sufficient reasons in the public interest justifying the grant of permission, including because the proposed major development would cause significant harm to the landscape and scenic beauty of the HWAONB.

The Call-In Request

58. NE states that its decision to seek the call-in was not undertaken lightly. It required the approval of its Chief Executive. There have been less than ten occasions when NE has even raised the prospect of calling in planning applications on the grounds of landscape harm, which it says underlies the strength of its long-standing concerns regarding these proposals.

59. Part of the reason NE sought the call-in was the potential significance to the weight afforded to protected landscapes in future decision-making. NE's concerns about the approach taken by the Council in this matter align with the findings of the Glover Review³², which identified the concern that insufficient weight is being given to the need to conserve and enhance the landscape and scenic beauty of AONBs.

60. Although the Government is yet to set out its response to the findings in the Glover Review, NE say that those findings followed a comprehensive body of work which reviewed a very large amount of submissions and involved liaison with central Government. The conclusions of the Glover Review include the finding that "the NPPF should make a reality of its promise that 'great weight' should be given to national landscapes by issuing new advice", and that the reviewed evidence highlighted "the risk that the 'exceptional circumstances' provision in the [NPPF] which was intended to limit development in national landscapes is being used to argue for major development instead, on the grounds that no other sites outside AONBs are available".

61. NE confirmed that, firstly, its case does not make an in principle objection to all

³² Reference is made to para 20 of the call-in letter

major development in the AONB whatsoever the circumstances. Both the call-in request and NE's statement of case explained its specific concerns about the proposed development. Those concerns were presented through the independent evidence of Ms Farmer, NE's landscape witness. NE rejects any suggestion that an in principle approach has prevented appropriate regard being given to the merits of the application.

62. NE has a statutory role, which, it says, makes it particularly well-placed to provide views about the impacts of development on the landscape and scenic beauty of AONBs. That, it advises, is exactly what it has sought to do, not just with this application, but also through its positive engagement with the eLP. NE's ongoing objection to the allocation of major development in the eLP has followed this engagement, and the consideration of the specific sites proposed to be allocated, including the application site. Its ongoing objection to these major allocations, NE maintains, necessarily meant that it did not accept the findings of the HDA Landscape and Visual Impact Assessment³³ (LVIA). It adds that its specific objections to this proposal underlined its objections to the development strategy of the eLP and supported its request that the Council reconsider the merits of that strategy.
63. Secondly, NE says that its statement of case also makes no argument that major development should only be considered through the plan-making process. NE maintains that its plan-making objection relates only to prematurity.
64. NE adds that its overriding concern has remained that the development would be significantly harmful to the HWAONB. In that regard, NE does object to the principle of this major development. That is because of the harm it considers that would be caused by the scale and extent of the housing proposed in this location, including in accumulation with the housing already, and recently, approved at the BKF and TF sites.

Effect on the High Weald Area of Outstanding Natural Beauty

The Application Site and its Place in the Crane Valley

65. The site sits on the south-east facing side of the Upper Crane Valley, in what NE considers to be an important gap between Cranbrook and Hartley. The Crane Valley itself sits within LCA 4, Cranbrook Fruit Belt, which is typified by the same valleys and ridges as seen in the Crane Valley. There is a long history of settlement evident in the HWAONB, with connection between those settlements frequently seen in routes and roads running along ridgelines.
66. NE consider that Cranbrook has a tight-knit, nucleated form, centred on the crossing point of the Crane Brook, while Hartley is a ridge top / ribbon settlement, which extends along the A229. It maintains that the Crane Valley contains several of the important characteristics which contribute to the special significance of the HWAONB, including its scattering of dispersed farmsteads, including the former farmstead at Turnden Farm, as well as field patterns, pastures, and hedgerows, which NE says remain discernible on or within the vicinity of the site.

³³ CD14.3.9 & CD14.3.9a

67. NE states that, given the intervisibility of the site with the wider Crane Valley, the Crane Valley itself is an appropriate landscape receptor for the purposes of Ms Farmer's evidence. NE maintains that Mr Duckett, the Council's landscape witness, agreed that as a landscape receptor, the Crane Valley is not dissimilar to sub-area Cr2 as identified in the LUC Sensitivity Study³⁴, and is smaller than the "wider AONB" which he assessed through his evidence. NE say that the choice of the Crane Valley as a relevant receptor was an appropriate and reasonable judgement for Ms Farmer to make, and also draws upon, for example, LCA 4, which describes the Crane Valley as "an integral part of the green infrastructure of [Cranbrook] cutting through the built-up area forming a key element in the setting of the town." The site forms an important part of this green infrastructure in NE's view.
68. According to NE, Ms Farmer's evidence is also that, even following the introduction of new housing at the BKF and TF sites, the application site would remain strongly influenced by the Crane Valley. And that it would continue to be intervisible with, and strongly influenced by, the opposite side of the Valley, remain bounded to the south by the Ancient Woodland along the Crane Brook, and retain views in the lower sections of the site up and down the valley. NE maintain that it would continue to be a key element in the green infrastructure setting of Cranbrook.
69. In contrast, Mr Duckett and Mr Cook, the applicant's landscape witness, considered that the Development Area of site would be strongly influenced by the consented development at the BKF and TF sites. Mr Cook even suggests that the TF development would be perceived as part of Cranbrook, due to its intervisibility with the BKF scheme, notwithstanding the former's closer proximity to Hartley. While not set out in his proof of evidence, NE note that it may have been a necessary judgement for him to make given his conclusion that the application site, if left, would detract from the local landscape. While not expressly stated, NE considers that the effect of Mr Cook's judgement is that the site is effectively an infill site.
70. However, NE maintain that Mr Cook's conclusion is not supported by any sensible appreciation of the site. Nor is it supported by Mr Duckett, who considers that TF would become part of Cranbrook only once the application site fills the gap between the BKF and TF sites. Additionally, Mr Duckett's evidence is that the new housing at TF would have a dispersed character. NE consider that, while he qualified his evidence to an extent in cross-examination, to mean that the TF development would have elements of separation which are retained, on no view did he support the more extreme position taken by Mr Cook.
71. In contrast, Ms Farmer's evidence is that the TF development would retain a dispersed character. NE maintain that her evidence was not subject to the same late qualification as provided by Mr Duckett, and that the farmstead character of TF reflects the intent of the applicant when seeking permission for that scheme.
72. The dispersed character of the TF development will, in NE's view, be consistent with its historic use. The new houses would replace the former farming and storage buildings, but like the former buildings, the new houses would be set within the adjacent fields. The new houses within the TF development would,

³⁴ CD12.22

- according to NE, by this means, be consistent with the historic dispersed settlement pattern in the gap between Hartley and Cranbrook. NE note that research prepared for the HWAONB Unit on Historic Farmstead and Landscape Character concluded that "the character of historic farmstead sites has shown that many farmsteads are, and were, more akin to hamlets than single farmsteads", and consider that would be the case with the TF development.
73. NE maintains that the separation between Cranbrook and Hartley has long been identified as of importance, and make reference to the LUC Sensitivity Study, which states, "Retention of openness around the Turnden farmhouse would help to preserve its rural setting, and to retain a degree of separation between Cranbrook and Hartley". That this should be recognised by LUC is not surprising in NE's view as the HWAONB Management Plan:
- Has as one of its five defining components of character "Settlement", that being "dispersed historic settlement including high densities of isolated farmsteads and late Medieval villages founded on trade and non-agricultural rural industries" (underlining added by NE); and
 - In respect of settlement, has as the first two key characteristics, those of "High density of historic farmsteads, with a long continuity of settlement in the same place; their position strongly influenced by topography and routeways", and "Separation between settlements formed by fields associated with individual historic farmsteads" (underlining added by NE).
74. The new housing at TF will be visible from the application site, as were the former farm and storage buildings. Importantly in NE's opinion, however, the retention of the fields of the application site would enable the historic dispersed settlement pattern to continue to be appreciated.
75. The BKF site is now the subject of a further reserved matters application. In NE's opinion, there was general consensus that it is within the Council's gift to seek appropriate landscaping along the boundary of the BKF site with the application site. NE considers that Mr Slatford's evidence in chief, the applicant's planning witness, that any landscaping has to be "within" the scope of the parameters plan is fine so far as it goes, so long as it is understood that condition 5 of the permission for the BKF development provides the developer of that site and the Council with flexibility. NE takes the view that Condition 5 does not provide any absolute restriction on the nature or disposition of green infrastructure, stipulating as it does that reserved matters must be in "general conformity" with certain documents, including the parameters plan.
76. In any event, NE consider that Mr Cook and Mr Duckett relied on the northern portion of the hedgerow boundary between the BKF site and the application site to filter views to the proposed development from the A229. Self-evidently, in NE's view, the same hedgerow could serve this purpose further south, and be bolstered as necessary, should the application scheme not come forward, and should the Council wish to further filter or screen views of the housing at the BKF site from the wider Crane Valley.
77. Mr Cook's view that the site would, if left to its own devices, be detracting to the local landscape character is a matter that NE considers that the Secretary of State will be able to judge, having regard to the development that is proposed at the BKF and TF sites, but it is a starting point which NE finds surprising, to say the least. NE consider the site to be an attractive rural landscape, with managed

grassland, boundaries of ancient woodland and hedgerows, and with elements of the tranquillity so prized within the AONB. Mr Cook confirmed in cross-examination that the "derelict" elements of the application site described in his evidence related only to the, temporary, fence boundaries. NE say that it can otherwise be seen from the aerial photographs in Mr Duckett's appendices that the quality of the grassland on site has improved since the cessation of the former commercial equestrian use, which was also Ms Farmer's evidence. To say that this is a detracting landscape is, in NE's opinion, to materially underestimate its value.

78. NE considers that, in effect, Mr Cook agreed that his conclusion that the Development Area of the application site has a low susceptibility to housing depends on his conclusions as to the present quality of the site, including his conclusion that it would have an urban fringe character. Ms Farmer disagreed and if her conclusions on these matters were adopted, NE consider that it would follow that new housing on the application site would be out of character and harmful to the HWAONB.

Landscape and Visual Effects

79. Having regard to the above matters, NE consider that the proposed development would have a significantly harmful characterising effect on the Crane Valley. Its detracting and harmful impact would be experienced on the opposite valley side, and up and down the valley. The qualities of the Crane Valley, including of course those representing the special qualities of the AONB, would be eroded, in combination with the consented development at the BKF and TF sites.
80. Significantly, in NE's view, the development would fill the gap between the edge of Cranbrook and Turnden Farm, and fundamentally compromise the separation between Cranbrook and Hartley. NE maintain that Mr Duckett was prepared to accept that the perception of separation would be affected, albeit he described this change as "not great", which NE considers to be an unsustainable conclusion. NE maintain that it is obvious that the coalescence of Cranbrook with the Turnden Farm development would compromise the separation of Cranbrook and Hartley, the result, it says, would be significant harm to the HWAONB.
81. The actual and perceived coalescence between Hartley and Cranbrook would be further exacerbated along the A229 in NE's view. In cross-examination, Mr Cook explained that the perception of separation between Hartley and Cranbrook would be retained by the green "corridor" fronting the A229, sitting between the proposed housing and the road. NE maintain that this does not amount to any sensible form of separation between the two settlements at all, it is simply, as Mr Cook described, a green corridor, and a narrow one at that. Such a corridor would not act to prevent or moderate to any material degree the coalescence between the two settlements.
82. NE considers that there would be actual and perceptual impacts of coalescence along the A229. In cross-examination, Mr Duckett was taken to the LVIA and the related photomontages, which set out the applicant's views as to the visibility of the proposed development from the A229 at VP 1, which is in the vicinity of the area of land proposed to be the new Goddard's Green for the BKF development. The LVIA's conclusion was that there would be views from this location of the proposed development and the landscape beyond. NE maintains that, even accounting for the additional landscaping proposed for BKF in this location, Mr

- Duckett agreed this would be the position. NE considers that it would obviously be the case that the views from this location would be of the settlement of Cranbrook extending into the Crane Valley towards Hartley.
83. Along the A229, the access works for the proposed development, which would provide views of the proposed housing in the site, to widen the road to allow for the proposed right hand turn and for associated street furniture, would in NE's opinion materially diminish any sense that "Mr Cook's green corridor" functions to separate Cranbrook and Hartley. Additionally, given the context of the development at Orchard Way on the opposite side of the A229 and the nearby site access for the TF development, Ms Farmer's assessment that this would all materially contribute to the perception and appreciation of coalescence is obviously correct in NE's view.
84. NE does not dispute that there would be benefits arising from the proposals contained in the LEMP, and from the green infrastructure proposed in the Wider Land Holding. Indeed, in some respects these are welcomed by NE. In its view, Ms Farmer properly and fairly accepted, in terms of the quantum of green infrastructure proposed, save in respect of grassland, that there would be the benefits identified by Mr Cook.
85. NE maintains that that does not, however, lead to the conclusion that the effects on landscape character are of any less significance. It considers that a similar point can be made in respect of the design of the proposals. Ms Farmer was asked a series of questions about the quality of the design of the proposed development. However, NE contends that, if at the very start of a process a site is identified as unsuitable for development, it cannot be made suitable by even the best of designs. Well-designed development, it says, must still be in the right location. Mr Slatford's agreement that Framework para 130 would likely not be satisfied if it is concluded that the proposed development resulted in significant landscape effects illustrates exactly this point in NE's view.
86. NE says that Mr Duckett agreed that the most significant impact on the landscape from the development proposals would result from the introduction of the built housing. Such housing would represent a permanent and irreversible change to the landscape. When considering the impacts of the housing, Mr Duckett's conclusion is that the harm arising from the development would be substantial/moderate adverse on completion, reducing to moderate adverse 15 years post completion. He then further adjusted this level of harm downwards, stating that having regard to the landscape enhancements to the Wider Land Holding, the level of harm would reduce to minor adverse / neutral.
87. It is NE's view that no explanation is provided in Mr Duckett's evidence for this further adjustment, save for his statement that he has had regard to the overall wider landscape enhancements. NE states that, as Ms Farmer explained, the approach taken by Mr Duckett is flawed. If landscape harm is able to be off-set by wider landscape improvements in this way, any new harmful development could be rendered acceptable simply by enlarging the application site and making unrelated landscape enhancements on the balance of that site. NE adds that, this is not to say that landscape enhancements should be ignored; plainly they can in appropriate cases be taken into account as benefits of a particular proposal as part of a planning balance. Nonetheless, it considers that what such enhancements cannot do is factor into the actual assessment of the level of

landscape harm that arises. The 'flawed approach' reflected in Mr Duckett's proof of evidence at para 10.7.1 should for these reasons be ignored in NE's view.

88. According to NE there would also be adverse visual effects arising from the above matters, in views from the A229, but also from VPs 3, 4 and 6³⁵. NE maintains that, as Mr Cook agreed, it is necessary to consider the AVRs³⁶ for both the winter and summer views. Ms Farmer's evidence, based on the available visual material and her assessment of the impact of the development, is that the views of the proposed development from VP 6 would be particularly harmful. They would also result in any perception of separation between Cranbrook and Hartley being removed in NE's view, in addition to the harm arising from the views of housing through and over the trees, extending up and along the valley sides. NE contend that the result would be that Cranbrook would appear to extend in a linear fashion along one side of the valley, eroding the existing tranquil rural character and the legibility of the settlement pattern.

Conclusions on Landscape and Visual Effects

89. NE considers that in sum there are material flaws in the assessments undertaken by both Mr Cook and Mr Duckett. Notably, it says, their conclusions are both more optimistic than even the applicant's own LVIA, which concluded that there would be moderate to major-moderate adverse landscape effects. In contrast, Ms Farmer's evidence was fair and balanced in NE's opinion. Her overall conclusion, it says, is that the application site is highly sensitive and unsuitable for the proposed development, including due to the cumulative impacts that would arise with the consented developments at the BKF and TF sites, and that the proposed development would cause significant harm to the HWAONB.
90. In NE's submission, Ms Farmer's evidence about the landscape and visual effects of the development should be preferred, and the significant level of harm to the HWAONB she identifies be given great weight.

National Policy Relating to AONBs

91. NE state that the national policy test applicable to this application sets a stringent and high threshold. Under Framework para 177, it must be shown that there are 'exceptional circumstances' and that the proposed development 'is in the public interest'. NE add that it is a test that is of a different order to a situation involving non-major development and requires that the balance be struck differently. In this regard NE also refers to Lindblom LJ in *Monkhill* [2021] EWCA Civ 74, at para 42³⁷.
92. NE says that when applying the test under Framework para 177, it is not sufficient simply to weigh harm against benefits. In this regard it refers to *R (Megavissey PC) v Cornwall Council* [2013] EWHC 3684 (Admin), at para 51³⁸. NE considers that Mr Slatford properly accepted that by suggesting that a decision-maker should start with harm to AONB, he was not also suggesting that what is involved is a simple balancing exercise. NE add that he also accepted a finding of significant harm to the HWAONB is likely to lead to the para 177 test

³⁵ There is a map showing the viewpoints at Appendix 12 of Mr Cooks' Proof of Evidence

³⁶ Accurate Visual Representation

³⁷ CD20.8

³⁸ CD20.7

- not being satisfied. In NE's submission, when what is in issue is the delivery of the scale of housing proposed in this case, such a finding would be, if not the only rational finding, certainly one that was at least highly likely.
93. NE contends that, notwithstanding the applicant's position that that a basket of ordinary or garden variety benefits is capable of demonstrating exceptional circumstances, none of the AONB appeal decisions relied upon by Mr Slatford illustrate this position. Two of them, it adds, involved cases in which the housing shortfall relied upon by the Inspector was described as severe, in those cases at 2.48 years and less than two years, one involved a housing supply of 4.12 years but the provision of extra care housing in respect of which there was a "critical" and "substantial unmet need", and one involved particular reliance upon the failure to bring forward a new plan which was in effect the condition of the existing plan having been found to be sound³⁹.
94. The applicant and the Council agree that the Council's present housing supply position is that it can demonstrate 4.89 years' supply. NE states that Mr Hazelgrove, the Council's planning witness, agreed that the present shortfall is properly capable of being described as slight, as did the Inspector in the Hartley decision⁴⁰. According to NE, this is quite simply not anywhere near the same order as the other decisions before the Inquiry in which development in the AONB has been found to be acceptable.
95. NE state that what the Council and applicant say in response is that there is a substantial need for market and affordable housing, which it does not dispute. It is, NE states, a point recognised in national policy, which seeks to boost significantly the supply of housing. It follows, in NE's view, that the presence of this substantial need is not itself exceptional, as Mr Hazelgrove agreed. NE add that, as Mr Hazelgrove also agreed, the considerations in Framework para 177 are just that; they do not require a yes / no answer, but rather the application of planning judgement.
96. Ultimately, NE state, the determination to be made is whether there are exceptional circumstances. According to NE, the difficulty for the applicant in relying upon a need which exists up and down the country, is the absence of such exceptionality. It adds that, if housing need of this nature can ultimately be a decisive consideration in the present application, even if not singularly decisive, then it follows that the same would apply for any housing scheme, anywhere in the country. In this regard, it is notable in NE's view that, while the Inspector in the Horsham decision⁴¹ set out that the factors relevant to the Framework para 177 test do not have to be 'unlikely to recur in a similar fashion elsewhere', she also took into account when making her overall assessment of exceptional circumstances that the housing need matters relied upon, while weighty considerations, were 'not unusual'.
97. NE say that, both Mr Hazelgrove and Mr Slatford agreed that that the approach to alternatives must be taken seriously. NE adds that its case quite simply is that it has not been demonstrated that the 165 homes sought by this application cannot be provided outside the AONB, or that the need for them cannot be met in

³⁹ CD19.1, paras 5, 29 and 90

⁴⁰ CD19.8

⁴¹ CD19.13

another way. In NE's view, the difficulty with Mr Slatford's reliance on the local plan evidence base is that this is subject to testing at the local plan examination and assumes that the Council's plan will provide for its full Objectively Assessed Need (OAN). NE contend that, if that is not the decision made, and Mr Hazelgrove confirmed that this is a matter in respect of which objections have been made to the plan, his confirmation that there are sites outside of the HWAONB which are possible for residential development comes to the fore.

98. NE add that this also answers the applicant's reliance upon paragraph 89 of the Steel Cross decision⁴², where the Inspector as a matter of his planning judgement concluded that if all available sites fall collectively short of the full OAN, then the existence of other sites do not amount to alternatives. That, NE says, was a judgement, moreover, made in the context of that appeal and the recent failure to bring forward a new plan to allocate housing, which is not a feature that applies in this case.
99. NE maintain that Mr Slatford properly confirmed, insofar as there are landscape enhancements going beyond mitigation, and BNG, that the applicant relies on these as free-standing benefits outside of para 177(c) of the Framework. In determining the weight to be given to these matters, NE says the Framework is clear that great weight is to be given to conserving and enhancing landscape and scenic beauty in AONBs, while the conservation and enhancement of wildlife, albeit important, does not attract this same weight.
100. NE says that Mr Hazelgrove agreed that this distinction in Framework para 176 is relevant to the weight to be given to BNG. He was taken in re-examination to references in the HWAONB Management Plan which refer to the importance of biodiversity in the High Weald. So they are, in NE's view, but it remains the case that it is the contribution of BNG to landscape and scenic beauty that is afforded great weight under the Framework, and not the fact of this provision by itself.
101. In sum, NE maintains that the provision of housing in this matter quite simply does not distinguish this development and demonstrate the requisite level of exceptionality, including when account is taken of the associated benefits that would come alongside this housing. The fundamental point of principle remains, in NE's view, that this proposed development is located in the wrong place and would result in significant adverse harm to the HWAONB. It adds that, whatever view is taken of need and benefits, it is right that particular consideration and great weight is paid to the significant harm arising from the proposed development. When that is done, NE's submission is that the only proper conclusion to reach is that the required exceptional circumstances are quite simply not established.

Prematurity

102. NE submits that even apart from the clear reason for refusing permission provided in application of Framework para 177, the proposed development should be refused planning permission on the grounds of prematurity. The approach taken by the Council in the Council's Development Strategy Topic Paper⁴³ was, in NE's opinion, to rely upon the test in para 177 in order to determine the

⁴² CD19.1

⁴³ CD14.2.2

suitability of the proposed HWAONB major development allocations in the eLP. That Topic Paper, NE says, relies upon the same housing need and similar assessments of landscape harm and lack of alternatives to conclude that the proposed major allocations are acceptable.

103. In NE's submission, it is inevitable that if this application gains the support of the Secretary of State and is approved, that the reasoning and arguments relied upon in this matter will determine exactly the same points as are in issue in the eLP. This, it adds, would have the effect of pre-determining decisions about the scale and location of new development that is central to the eLP, it being the Council's case that it cannot meet its housing requirement without major allocations in the HWAONB. NE maintain that Mr Hazelgrove's answer that each allocation will be considered on its own merits downplays the significant overlap in the arguments made in support of all of the major allocations in the HWAONB in the Development Strategy Topic Paper, including the proposed allocation of the application site.

The Development Plan and the Planning Balance

104. If having found that exceptional circumstances do not exist for the purposes of Framework para 177, it would in NE's submission follow that the proposed development would conflict with relevant policies in the development plan directed at conserving and enhancing the AONB. Those policies are agreed to be up to date and entitled to be given full weight in NE's view.
105. NE adds that Mr Slatford agreed that so far as the eLP is concerned, the proposed policy which allocates the site should be given only limited weight, while Mr Hazelgrove suggested that it should be given moderate weight, in light of the eLP having now been submitted for examination. NE say that Mr Hazelgrove agreed, however, that if the Secretary of State were to agree with Ms Farmer's evidence that the proposed development would result in significant harm to the HWAONB, that this would amount to a significant objection to this emerging allocation policy. The net result would be the same in NE's view. It adds that, if following detailed assessment at the Inquiry, the proposed development was determined to be in conflict with national and existing policy, a proposed allocation in the eLP could on no view save the application and result in the grant of permission.
106. NE concludes, having regard to the significant harm that would be caused to the natural environment, as well as the fact of the proposed development being outside the LBD, the proposed development is contrary to both national policy and to the development plan. For these reasons, and the matters explored in evidence at the Inquiry, it asks the Secretary of State to refuse permission for this application. NE contends, it is not exceptional, and it is not in the public interest.

The Case for the High Weald AONB Unit

Matters of Uncommon Ground⁴⁴

107. The HWAONB Unit disagrees with the applicant and the Council in respect to whether:
- The LVIA produced in support of the application provides a reliable assessment of effects on the HWAONB landscape;
 - The grassland surveys that support the application and the proposed eLP allocation of the site have been correctly carried out and the findings are considered to be reliable;
 - The Biodiversity Metric 2.0 is suitable for calculating measurable BNG in this case and whether it has been correctly used particularly in relation to grasslands on site; and
 - The proposals for landscaping/ecological enhancement, and management would deliver HWAONB Management Plan objectives, including those relating to Ancient Woodland, and constitute exceptional benefits to the HWAONB.

The Time Depth of the High Weald

108. The HWAONB Unit says that the High Weald is an outstandingly beautiful landscape cherished by people and celebrated for its scenery, tranquillity and wildlife. Its ridges and valleys are clothed with an intricate mosaic of small fields interspersed with farmsteads and surrounded by hedges and abundant woods, all arranged around a network of historic routeways. It is one of the best surviving Medieval landscapes in North West Europe and has remained a unique and recognisable area for at least the last 700 years.
109. It is clear, according to the HWAONB Unit, that Turnden itself has a history stretching back to at least the 8th Century and forms part of the typical Wealden story of people outside the area travelling into it for grazing livestock, foraging and accessing other resources, which led to the establishment of 'dens' of which Turnden was one. Its relationship with the prehistoric routeway, now Hartley Road, the A229, together with its relationship with the Crane Brook was accepted by Dr Miele, the applicant's heritage witness, as part of the medieval framework of the farmstead. This is a landscape that has been settled for over a thousand years and used for grazing livestock, raising crops and utilising the woodland and water resources to support the livelihood of the residents of TF and the other farmsteads around it.
110. This 'time depth' is, in the HWAONB Unit's view, an essential quality of the HWAONB and gives meaning to the relationship between its main physical landscape components of geology, watercourses, routeways, settlement, fields and woodland. The HWAONB Management Plan explains how the dens developed into farmsteads and formed the distinctive dispersed settlement pattern of the High Weald which underpins the structure and special character of this AONB.
111. The HWAONB Unit says that layered on top of this dispersed settlement pattern is that of the later medieval towns, villages and hamlets, of which Cranbrook and Hartley are the closest to this site. Whilst there were clearly links between these later settlements and the farmsteads, the HWAONB Unit considers

⁴⁴ CD9.19 – SoCG, Section 7.0

that they are two distinctly different forms of settlement. It adds that the HWAONB Management Plan emphasises the need to retain the separation between these settlement types so that future generations can read the landscape and understand how it came to be and how it has been used over the centuries.

112. The HWAONB Unit maintains that many AONB Management Plans focus on the scenic or visual qualities of their landscapes, but in the High Weald its outstanding qualities lie in its time depth and cultural heritage, and this is why it is covered in some depth in the Management Plan. Whilst Framework para 176 acknowledges the importance of cultural heritage in AONBs, the HWAONB Unit considers that the way that it then deals with landscape, ecology and heritage as separate aspects disadvantages the HWAONB where they are so intrinsically linked.

Witness for the HWAONB Unit

113. The HWAONB Unit maintains that much was made during the Inquiry by the applicant's and the Council's advocates of its landscape and biodiversity witness, Ms Marsh, living within the parish of Cranbrook and how that might affect her evidence. The HWAONB Unit considers that she was open in her proof of evidence about her place of residence, that it was over a mile away, not within sight of the application site or in any way effected by the development, and that therefore she did not consider that she had a conflict of interest under the Landscape Institute's Code of Conduct.
114. The HWAONB is a very large area and Ms Marsh has worked within it for nearly 30 years as a lead officer. Her evidence, the HWAONB Unit say, is based on that experience and knowledge of the High Weald and its history and her professional qualifications in landscape and ecology. In the HWAONB Unit's view, if she has a more in-depth local knowledge of this site and the surrounding area, that can only be an advantage and give her views more weight compared to other witnesses who have only visited the site a handful of times.
115. Ms Marsh has also been referred to by the applicant's advocate as an 'outlier' in her evidence. If that is true, the HWAONB Unit considers that it reflects the holistic approach she takes to conserving and enhancing the HWAONB. It adds that she does not look at it with the narrow perspective of a landscape architect, who is only interested in what he can see, or a historian who is mainly concerned with what is written down, or an ecologist adding up numbers in a BNG calculation. She sees the landscape, history and ecology as all facets of the same natural beauty of the High Weald and treats them accordingly as part of an interconnected whole. Great weight should therefore be accorded to her evidence in the HWAONB Unit's view.

Design Evidence

116. The HWAONB Unit considers that the evidence of Mr Pullan, the applicant's design witness, made a great deal of the compliance of the design with detailed advice in the High Weald Housing Design Guide⁴⁵ (the Housing Design Guide) and that he and Mr Cook considered that this meant that the proposed development was in character with the HWAONB and would not cause harm.

⁴⁵ CD12.15

117. The Housing Design Guide was produced by the HWAONB Unit to help developers, designers and planning officers to ensure that any necessary housing development conserved and enhanced the HWAONB. It is structured to ensure that the most important and longest lasting design decisions are taken first before progressing to more detailed matters. The first step is the setting of the High Weald, as it puts it at the beginning of DG1, "the relationship of new housing development to its 'parent' community, in terms of siting, scale and response to setting".
118. The HWAONB Unit considers that Mr Pullan accepted that, if this stage is not addressed adequately, then adherence to the more detailed advice in the Guide would not result in a scheme that conserves and enhances the HWAONB, but that the design team were aware of the draft allocation for this site and he considered that to be the starting point for the quantum of development, and that it was not the role of the designers to challenge this but to work creatively within these parameters.
119. On that basis, in the HWAONB Unit's view, one must look elsewhere for evidence about where the appropriate siting, scale and response to setting was considered. It adds that Mr Duckett agreed that this was in the work undertaken by his company, HDA, to inform the eLP⁴⁶.
120. The HWAONB Unit adds that Mr Pullan also confirmed that the architectural style of the scheme was driven by the local vernacular of the historic core of Cranbrook and that he considered the design to be "urban with pockets of lower density, but not rural".
121. It is clear, in the HWAONB Unit's view, that the applicant considers the scheme to be an urban extension of Cranbrook, ignoring the historic rural fieldscape of the site and contrary to the HWAONB Management Plan objectives for settlement and fields. The HWAONB Unit considers that the impact of such a scheme on the characteristics and special qualities of the HWAONB is therefore likely to be significant and adverse as Ms Marsh explained.

Landscape Evidence

The Hankinson Duckett Associates LVIA of Proposed Allocations in the AONB

122. Following the eLP Reg 18 consultation the Council commissioned HDA to undertake a LVIA of 21 potential allocation sites in the HWAONB, including the site at Turnden. The HWAONB Unit provided a critique of this work⁴⁷, which in respect to the application may be summarised as follows:
- The description and assessment of Turnden omits positive features and reinforces negative ones;
 - Especially notable is the focus on derelict and disused pony paddocks, a theme Mr Duckett re-emphasised in his evidence;
 - No mention is made of the perception of rural tranquillity experienced by users of the footpath through the site, or of the extensive long views from the footpath out to the Greensand ridge. The valuable relatively

⁴⁶ CD14.3.9 & 9a

⁴⁷ CD14.1.5, electronic p25-30

undisturbed nature of the soils and species diversity of the grassland appears not to merit inclusion;

- Unsubstantiated claims are made such as 'the proposals are in keeping with Cranbrook's existing settlement pattern' with no reference to the historic farmstead and fieldscape pattern that actually comprises the site;
- Benefits are claimed without a balancing view of what will be lost. For example, new woodland screening would apparently be 'beneficial' for people using the rights of way when in reality the planting would obscure views across the site and out to the Greensand ridge; and
- Similarly, new woodland and wildflower meadows are said to 'replace disused pony paddocks', even though we are told there was no specific application scheme before the authors of the assessment, and no mention is made of the existing biodiversity of these fields.

In the HWAONB Unit's words, 'unsurprisingly given this bias', the conclusion is that development would not result in significant effects on the HWAONB.

123. In addition, the HWAONB Unit considers that the assessment does not provide any analysis of whether the siting and scale of development is the most appropriate response to its setting as required in the Housing Design Guide. The HWAONB Unit maintains that if it had done this based on a robust understanding of the historic farmstead and fieldscape setting, then it could not have concluded that this scale of development in this location was an appropriate response to its context.

Separation Between Settlements

124. With regard to the separation between Hartley and Cranbrook, during the Inquiry, the HWAONB Unit felt that there was a confusion around where the current edge of Cranbrook is, varying from the War Memorial to the sign for Cranbrook at the entrance to TF, and how this would be impacted by the consented schemes and the application proposal. The HWAONB Unit leaves it to the other Rule 6 advocates to draw their conclusions on this matter. For the AONB Unit the main concern is the gap around TF itself and its separation from those other types of settlement, Hartley and Cranbrook.

125. The Management Plan is clear that the separation between settlements in the High Weald is formed by fields associated with individual farmsteads. These historic farmsteads are surrounded by their own fields resulting from Medieval farming in severalty - which is land held by individuals rather than in common. This characteristic is emphasised in the High Weald Housing Design Guide, which says that developments should not subsume farmsteads surrounded by their farmlands.

126. In the HWAONB Unit's view, the applicant's and the Council's witnesses say that TF no longer exists because there are no historic buildings remaining on the site. This, it maintains, contrasts with the position taken by the Council in the appeal the Gate Farm appeal⁴⁸ where the Council's witnesses argued strongly that the site should be treated as a farmstead even though the remaining buildings were modern. The Inspector in that case said "the site has been

⁴⁸ CD19.8

acknowledged historically to have been a farmstead and I accept the likelihood of such a previous status. Further, the planning character of the appeal site is undoubtedly consistent with a wider prevailing pattern of farmstead settlement and of similar accompanying landscape”.

127. The same is true of the Turnden site in the opinion of the HWAONB Unit. There is, it says, no dispute that Turnden was a farmstead in the past, and the Inquiry heard significant evidence to that effect – not least the Singleton Report⁴⁹. The HWAONB Unit maintains that it is also clear that it had an important role to play in the historic use of the fieldscape around it and the local landscape of the Crane Valley. It adds that to suggest that it should no longer be treated as a farmstead due to a fire which destroyed the farmhouse in 2019 is to deny over a thousand years of history. In the view of the HWAONB Unit, it is an important component of this landscape and some of that significance will still be legible once the consented scheme has been implemented due to its farmstead type design and the retention of its fields all around it.
128. However, if the proposed development proceeds, the HWAONB Unit considers that TF would no longer be legible as a farmstead because it would be subsumed into the urban sprawl of the combined BKF / TF development, becoming the eastern edge of Cranbrook. It adds that the AONB landscape history of the Crane Valley will no longer be recognisable to anyone, whatever their level of expertise, because it would have been obliterated.

The Fieldscape

129. The HWAONB Unit agrees with Dr Miele in that dispersed farmsteads and their field systems are the same, one is part of the other. The fields would not be there without the farmstead in the HWAONB Unit’s view, they are in a sense part of the settlement pattern because they attest to the use people have made of the landscape down the ages. The HWAONB Unit maintains that this inter-relationship between the different elements of what made up the holdings of BKF, Hennickers and Turnden is why the Crane Valley must be seen as a whole rather than carving it up into artificial parcels and then considering impacts on those parcels in isolation. It adds that this is simply not how the High Weald landscape works.
130. The HWAONB Unit contends that, whilst Ms Farmer appreciated this and treated the Crane Valley as a whole, Mr Duckett and Mr Cook preferred to look at the ‘development site’ and the ‘wider holding’ separately as if they had no relationship to anything outside those boundaries. It adds that they were also only concerned with, in Mr Duckett’s words, what “the ordinary man or woman in the street can see”, that which is discernible and tangible and that mostly from public VPs. In the HWAONB Unit’s view, Dr Miele accepted that this was not an adequate way to ensure the conservation and enhancement of the cultural heritage of the HWAONB and considered that the time depth of the High Weald is important because it is identified in the Management Plan, even when you cannot see it. However, when it came to the details of the fieldscape on the development site, in the HWAONB Unit’s view, he too was only concerned with what can be seen now rather than the clues it provides to how the landscape was used in the past.

⁴⁹ ID22

131. The HWAONB Unit says it has never suggested that it is 'fossilised', details of the landscape evolve over the centuries. It adds that hedgerows and woodlands expand when the agricultural use is less intensive and contract or fade when a more intensive use occurs such as the equestrian use most recently on this site, but clues to the historical use of the site lie in the ground and in the landscape, sometimes as retained hedgerows and shaws, sometimes as gappy hedges or single trees and sometimes only as ephemeral ditches and hollows. The HWAONB Unit maintains, however, that to the experienced eye of a landscape historian such as Dr Bannister⁵⁰ they tell a story of the High Weald which, once explained, can be appreciated by all its residents and visitors.
132. Even to the non-historian, the fieldscape within the development site is still recognisable in the HWAONB Unit's opinion. It adds that, whether the four fields which form the top part of the development site, which Dr Bannister categorised as 'consolidated strip fields', are or are not such a field type is in a sense academic. The HWAONB Unit says, Dr Miele acknowledges, at para 5.28 of his proof of evidence, that it is possible to correlate the fields shown in 1799 with those mapped later in the 19th and 20th Centuries. Using the 1950 map and the 2020 aerial photograph these same four fields are recognisable in the view of the HWAONB Unit, albeit with some boundaries only represented by a ditch or remnant hedge. It acknowledges that those boundaries had changed in appearance over the years but maintains that they are still the same fields known in 1810 as the House Field and the Cow Field and the two fields occupied by Mr Larkin, adding that just as a person changes over time but remains recognisable, so has this fieldscape.
133. The HWAONB Unit considers that its evidence explained that what is significant about the High Weald is the extent to which the medieval landscape pattern has endured and can be recognised despite changing agricultural practices over hundreds of years. In its view, this distinctive High Weald character will be lost here if the development goes ahead. The scheme, it adds, would cause material harm to the HWAONB.

Urban Influences

134. Yet instead of recognising the time depth of this landscape, the HWAONB Unit says that the Secretary of State is being asked by the applicant and the Council to consider this site as part of an urbanised landscape, somehow part of Cranbrook which has been described by Mr Cook as the 'dominant' settlement. It adds that the Secretary of State has been asked to consider the consented development at the BKF and TF sites as part of 'the baseline' and encouraged to conclude that the 'horse has already bolted' as far as the historic character of this land is concerned, and that one more development between those already permitted would not make any difference to its character.
135. However, in the HWAONB Unit's view, it is necessary to look at the reasons why those two schemes were permitted. Regarding the BKF site the Inspector examining the Site Allocations LP, said "the proposed allocation is in a self-contained landscape area which facilitates a sustainable extension to Cranbrook with the lowest achievable impact on landscape. The selection of the allocation site, which is largely self-contained in landscape terms serves to moderate the

⁵⁰ See for instance CD6.5.1 Appendix 2, CD16.22 and CD16.31

harm that development of this scale in any alternative site would cause to both the AONB and the historic town centre”⁵¹. Whether one agrees with this assessment or not, the HWAONB Unit considers that it is clear that that Inspector was greatly influenced by what he saw as the ‘containment’ of the site and that there was no thought in his mind that this would be phase 1 of a larger scheme. It adds that, if he had considered that this scheme would exert what Mr Cook calls ‘a strong urban influence’ on the Crane Valley, then surely, he would not have concluded that it would have the “lowest achievable impact on landscape”.

136. In respect to the TF scheme, the HWAONB Unit states that at the time the application was submitted in August 2018 the listed farmhouse still remained on the site as did the modern farm buildings and stables associated with its previous mixed equestrian and business use. The new owners, Berkeley Homes, put forward a scheme to restore the farmhouse and build a further 36 dwellings to replace the existing buildings. In the Committee report for that scheme⁵² it says the design intent has been drawn from the Council’s Farmstead Assessment Guidance, as follows:

- A design concept of a multi-yard farmstead with the working buildings and smaller cottages set around a series of linked yards and courtyards, subservient to the main Turnden farmhouse; and
- Each yard has a collection of buildings around it, structured to provide a hierarchy of buildings that might have previously had a defined use for example; workers cottages, barns, stable blocks, storage sheds and farmhouses ...

137. The HWAONB Unit says that the clear intention was to design a scheme that respected the farmstead history of the site and the dispersed rural settlement character of its surroundings. A statement was included with the application saying that the land around the application site would be retained in equestrian or agricultural use⁵³. Mr Pullan in his evidence also pointed to the applicant’s vision for this site, which was “to provide a new high quality, sustainable development that is sympathetic to its rural location, designed to assimilate with the surrounding countryside, and provide in a farmstead style form which seeks to provide an attractive place for residents to live.”

138. The HWAONB Unit adds that this farmstead character is also stressed in the most recent planning application on this site to replace the burnt farmhouse and add three new dwellings. The associated officer’s report quotes the applicant’s Heritage Statement, which says that “The proposed Replacement Farmhouse, provides a genuine attempt to reference the past with the form, scale and tile hung design approach of the original structure recreated”⁵⁴, The HWAONB Unit goes on to say that the Council’s Conservation Officer agrees with this, subject to details, and that she also agrees with the conclusion that the development would not harm any of the designated or non-designated heritage assets identified in the report, as the farmstead character of the former farmstead would be maintained as proposed.

139. The HWAONB Unit contends that this same applicant is now suggesting that

⁵¹ CD11.13 para 74

⁵² CD18.2 para 2.04

⁵³ CD7.1 para 7.55

⁵⁴ ID58, electronic pages 7-8

that development forms part of Cranbrook and exerts, with the BKF development, a strong urbanising influence on the current application site. It maintains that, if this is true, then it means the applicant seriously misled the Council in its justification for that scheme, thereby undermining the applicant's credibility in promoting the design of its new site.

Views

140. The HWAONB Unit states that its evidence focuses on time depth, physical landscape components and settlement pattern rather than visual amenity, in part at least because it is the physical tract of land that is designated, but also because it believes that the visual aspect is over-emphasised in the LVIA submitted with the application. It adds that this visual bias was also amply demonstrated in Mr Duckett's and Mr Cook's evidence.
141. However, the HWAONB Unit touches on two visual matters, containment and views from the site to the Greensand Ridge.
142. The HWAONB Unit states that the word 'containment' was used by Mr Duckett to describe both the physical characteristic of the site, being in a valley, and in terms of woodland or topography obscuring views. It adds that he uses both to suggest that the development would not be widely seen or be seen as glimpses of settlement in a settled landscape, as if this reduces its impact on the HWAONB landscape as a resource, whereas in the HWAONB Unit's view it does not. However, in terms of visual amenity, it adds that the valley itself is within the HWAONB so even if he is right and there are no views from the wider landscape, the impact on the valley itself is still important. Whilst topography is likely to stay the same, the HWAONB Unit says that vegetation is subject to change, either through human interventions or through natural processes. It also states that neither Mr Duckett nor Mr Cook noticed Ash Dieback on site and took no account of the increasing risk from the disease on the visibility of the development, a disease which the Woodland Trust estimates will affect 90% of ash trees in England, and which is already extensive in Kent. Its implications for visual 'containment' are clear in the HWAONB Unit's opinion as trees affected have little or no foliage and would not be effective at screening views of the development, while any replacements will take many decades to become useful for screening.
143. Furthermore, the HWAONB Unit contends, this valley is not in fact topographically contained because it has ridges only on three sides, the fourth side is open to views across to the Greensand Ridge 12 miles away. The HWAONB Unit says that Mr Duckett accepted that these views from PROW WC115 are of local importance, which is evidenced by their inclusion in the views document produced for the eC&SNP⁵⁵. It adds that they would be blocked by the proposed woodland planting adjacent to Hartley Road and in the lower field. The rarity of such views in the heavily wooded High Weald makes them all the more precious to local people in the HWAONB Unit's view.

Impacts on AONB Special Qualities

144. While it applauded Mr Cook's attempt to assess the application proposal

⁵⁵ ID11

against the HWAONB Management Plan in principle, in the HWAONB Unit's view it falls short of a genuine assessment of the effects of the scheme. It adds that even though it is EIA development, Mr Cook accepts that he has not undertaken a full LVIA, and that he has not applied this methodology of assessing impacts to his section on the Management Plan. Instead, the HWAONB Unit says that his assessment takes the form of 'comments' on how the scheme might impact on characteristics and objectives in the Management Plan. It adds that not only do these comments display a lack of understanding of what the HWAONB Management Plan is trying to achieve, the fact that he has not referred to this assessment in his summary chapter shows how little weight he gives it when considering the impact of the development on the HWAONB. Instead, in the HWAONB Unit's opinion, he chose to base his assessment on the Cranbrook Fruit Belt, a Landscape Character Assessment produced for a different purpose and which does not in our view fully represent the HWAONB qualities of this part of the High Weald.

145. The HWAONB Unit maintains that the HWAONB Management Plan articulates AONB landscape character and special qualities at an AONB scale. What is important in terms of impact on the HWAONB, in the HWAONB Unit's view, is a site's contribution to this character. The HWAONB Unit considers that neither Mr Duckett's nor Mr Cook's assessment of effects on the HWAONB is based on this understanding and so they do not accurately reflect harm to the character of historic landscapes or the separation between settlements. The HWAONB Unit adds that, if harm to these aspects and other key characteristics of the AONB had been properly assessed, a neutral or beneficial impact could not have been concluded, and rather, the impact would be found to be significant and adverse.
146. Mr Cook and Mr Duckett are, in the HWAONB Unit's opinion, also overly optimistic about any mitigation or benefits arising from the landscaping proposals.

Ecology and Biodiversity Evidence

147. The HWAONB Unit considers that landscaping proposals to be intrinsically linked with the ecology case, so it deals with these matters together. It says that 88% of the site is grassland, which are the fields surrounding the TF, so its evidence focused on this habitat, albeit that it also comments on the other proposals, in particular those for woodland and hedgerows.

Existing Grassland

148. The HWAONB Unit says that the fields around the farmstead, have been used for grazing livestock for hundreds of years. The Council's biodiversity witness, Mr Scully, says that "Historical mapping indicates that the site appears to have been continually used as pasture since the mid 19C with only one field put to orchard for a short period starting in the 1930s"⁵⁶. The HWAONB Unit adds that, he agreed that the historic aerial photographs in Appendix 2 of Mr Duckett's proof of evidence show no evidence of the fields being ploughed or used for arable crops.
149. The HWAONB Unit maintains that these are not fields that have been ploughed

⁵⁶ CD23.2.4, para 4.3

and resown with a commercial grass crop so their soil biodiversity will be good and their seed bank will remain undisturbed. It adds that even Mr Goodwin, the applicant's biodiversity witness, only suggested that they might have been over sown with ryegrass, that is additional seed scattered on top of an existing pasture. Yet all of the grassland has been characterised by the applicant as the lowest possible quality in ecological terms. The HWAONB Unit states that even the adjustment from the Phase 1 survey conclusion of 'improved' grassland to the National Vegetation Classification (NVC) conclusion of 'poor semi-improved' grassland made no difference to the score inputted to the Metric, which remained as G4 Modified Grassland – the lowest score that can be attributed to this habitat. The HWAONB Unit considers that it cannot be right, as a matter of common sense, to give these pastures the same score as one that has recently been ploughed up and sown with a few fast growing species.

150. The HWAONB Unit states that, despite admitting that the baseline was critical to the BNG Metric score, Mr Goodwin did not request detailed survey data from BSG Ecology, neither detailed species lists nor abundance scores for individual fields. It adds that he acknowledged he did not undertake a detailed survey himself, and that most of the areas were mown when he visited this summer. It also says that while he 'looked at different parts' he could not confirm that he had walked all of the fence lines and edges where mowing or grazing was absent to check what species were flowering. The HWAONB Unit says that in spite of these matters, Mr Goodwin concluded that all fields were homogenous, of the lowest habitat distinctiveness and poorest condition.
151. The HWAONB Unit contends that this 'downgrading' of ecological quality by the applicant reflects downgrading of landscape quality. It adds that Mr Cook and Mr Goodwin both emphasised a negative perception of the fields as derelict and disused based on their use for horse grazing, but the HWAONB Unit maintains that by 2018 the aerial image shows that the small paddock enclosures were no longer visible. The grassland had recovered and the fields looked just like the green permanent pasture of the surrounding landscape in the HWAONB Unit's view. It maintains that Ms Marsh's ecology evidence shows that by 2021 at least 5 out of the 10 species characteristic of the Weald's distinctive MG5 grasslands were locally abundant on site. All parties agree that the grassland is semi-improved, but it is the HWAONB Unit's position that the variety of species is increasing and that those currently present justify the selection of 'other neutral grassland' as the baseline. Whatever the condition, and whether ancient woodland is excluded or not, the HWAONB Unit considers that the Metric output score will, on this basis, show a net loss of biodiversity.

Soil

152. The HWAONB Unit says, the Inquiry heard that the soil biodiversity reflected the above ground habitat and, therefore, was accounted for in the Metric, which it contends is not mentioned in the material that accompanies the Metric. Soil type, it adds, is mentioned but not soil biodiversity.
153. Whilst plant health is closely linked with soil biodiversity, it is also highly dependent on the amount of soil disturbance in the HWAONB Unit's view. It adds that the site's pastures have not been ploughed, so those soils have been undisturbed for hundreds of years. The HWAONB Unit considers that it was generally accepted by all the biodiversity witnesses that the condition of the

pastures in 2018 was a result of intensive equestrian use, including over-grazing of above-ground vegetation and a high density of horse manure in small paddocks. Whilst these conditions may inhibit some plant species, in the HWAONB Unit's view, there is no evidence that they are detrimental to soil biodiversity. Indeed, the Soil Compatibility Report⁵⁷ shows high levels of organic matter within the soil (6.6 – 7.3%) levels, the HWAONB Unit says, any regenerative farmer would be very happy with and which also indicate a considerable loss of soil carbon to the atmosphere if they are disturbed.

154. The HWAONB Unit states that Mr Scully could not point to any consideration by himself or by the Council of the impact of the soil redistribution proposals on soil biodiversity or the likely success of the grassland creation proposals. In its view the section he was taken to in re-examination only considered the landscape impact of the soil movements. The HWAONB Unit considers that soil biodiversity is vital to above ground biodiversity and carbon storage and the effects of the scheme on it should have been considered.

Grassland Creation

155. Whilst high levels of organic matter are generally a good thing, showing healthy and biodiverse soil, high phosphorus levels are not helpful if the aim is to increase species diversity in grassland in the HWAONB Unit's view. It adds that, as Mr Goodwin rightly said, under high phosphorus conditions desirable flowering plants may be out-competed by more vigorous grasses and ruderals, such as docks.
156. The Soil Compatibility Report shows phosphorus levels on the development site, or donor site, of 132 milligrams per litre, an index of between 5 and 8. The HWAONB Unit adds that on the field where it is proposed to create a 'wildflower meadow', the receptor site, these phosphorus levels are lower – 57.9 milligrams per litre – an index of between 3 and 5. However, the HWAONB Unit says, these are still much higher than the levels recommended by NE when assessing the suitability of grasslands for enhancement under the Higher Stewardship programme⁵⁸ where the recommended levels are index 0-1, or 2 in exceptional circumstances.
157. Instead of using the expert guidance on the High Weald's website to formulate a plan to gradually reduce the phosphorus levels, the HWAONB Unit states that the applicant proposes to strip soils and subsoils off the development site, mix them and then 'smother' the existing grassland and its invertebrates on the receptor site with the spoil to a depth of 45cm.
158. The HWAONB Unit states that the suggestion in the Soil Compatibility Report is that this would reduce phosphorus levels on the receptor site, but as established with Mr Goodwin in cross examination, the proposed mix of 1/3 subsoil with 2/3 top soil would not achieve this. It adds that, mixing 2 litres of top soil at 132 milligrams per litre with one litre of sub soil would result in material with an average of 88 milligrams per litre, still about 50% higher in phosphorus than the existing soils on the receptor site.
159. The HWAONB Unit maintains that while Mr Goodwin suggested other

⁵⁷ CD5.6.17

⁵⁸ CD16.21

measures, such as deep ploughing the receptor site and sowing yellow rattle to inhibit grass growth, these measures do not require the addition of soil from elsewhere. The proposals for depositing soil from the development site are, in the HWAONB Unit's view, not driven by the wish to decrease nutrient levels in the receptor site, but a convenient and cheap way to get rid of spoil.

160. Regarding the proposed seed mix for the new and enhanced grassland, the HWAONB Unit states that Kate Ryland of Dolphin Ecological Surveys' comments on the original planning application include that "There appears to be no consideration of using locally sourced, native origin plants or seed of appropriate provenance. The HWAONB Unit provides comprehensive and freely available information about where to obtain Weald Native Origin Seed that can be used in grassland creation schemes along with plenty of other locally appropriate habitat creation and management advice."⁵⁹
161. This was part of her lengthy and detailed response on the HWAONB Unit's behalf suggesting improvements to the Landscape Statement and the LEMP. The HWAONB Unit adds that on the face of it this appeared to be a suggestion that the applicant had taken on board, yet the seed lists included in the updated landscaping proposals and LEMP, whilst headed 'Weald Native Origin Seed', are actually a commercial seed mix containing plants such as poppies and cornflowers that are specifically discouraged by the providers of Weald Native Origin Seed.
162. The HWAONB Unit acknowledges that this could be addressed through conditions but adds that that is not the point; the point, in its view, is that the application documentation is at best incompetent and at worst deliberately misleading. On this basis it questions how this can give confidence that the landscaping and ecological proposals are carefully thought out and appropriate to the nationally designated landscape of the High Weald.
163. Overall, the HWAONB Unit contends that there has been an undervaluing of existing grassland and an overly optimistic approach to creating and enhancing future grassland. In its view, the use of such evocative terms as 'wildflower meadow' and 'species-rich grassland' implies a much higher quality end product than is proposed. The HWAONB Unit adds that, while Mr Goodwin accepted that what is being aimed at is neutral grassland in moderate condition, even that modest aspiration would be difficult to achieve given the very high phosphorus levels on the site and would be further impeded by the proposals for relocating spoil. In any event, it adds that, it is unlikely to be better than what is there already and is certainly not going to result in exceptional benefits to the HWAONB.

Other Habitats

164. The HWAONB Unit noted that Mr Goodwin expressed surprise that the landscape proposals for woodland and hedgerows were not supported by the HWAONB Unit as he considered that they met many of the objectives and actions in the HWAONB Management Plan. It adds, however, that the Management Plan covers a wide area and not every action is appropriate for every circumstance. As an example, habitat connectivity is supported in general in the Management

⁵⁹ CD6.5.1, page p4

Plan and is particularly appropriate on farm holdings where hedge and woodland restoration can help native species move around the landscape. It is less helpful, the HWAONB Unit contends, on a site where it is proposed to build 165 houses, with about 500 people, 300 cars and about 60 additional cats. It adds that connecting these urban influences and domestic predators with sensitive wildlife habitats, particularly ancient gill woodland, can have a detrimental impact on the natural environment. This would not be supported by the HWAONB Unit or the Management Plan.

165. The proposals for other habitats included woodland creation in the form of a new block adjacent to Hartley Road and the reinstatement of a shaw nearer to the Crane Brook. In both cases it is intended to plant new stock imported onto the site. The HWAONB Unit contends that while planting trees may be necessary in other parts of the country where the existing levels of woodland are very low and soils less suited to growing trees, the High Weald is an area that has been heavily wooded since the last ice age, continues to have one of the highest levels of woodland cover in England and grows trees really well.
166. The HWAONB Unit says that on this site there is the Ancient Woodland along the Crane Valley and Hennickers Pit and woods running through the centre of the site, as well as mature oaks in the hedgerows, and all are easy sources of tree seeds. It adds that natural regeneration can happen at no cost wherever management is withdrawn and can be used to create hedges, scrub or woodland and maintains that it can already be seen along the field edges and fence lines where the mower has not reached, and tree saplings are springing up on their own.
167. In HWAONB Unit's opinion, woodland and hedges created through natural regeneration will be genetically suitable and result in a more natural and gradual mosaic of different types of habitat, all appropriate to the soils and conditions of the site. It adds that they do not need weeding, watering or plastic tree guards, and most importantly there is no risk of importing diseases from infected root stock or soil brought in with new plants. This method of woodland creation is not just supported by the HWAONB Unit but by most nature organisations, including Kent Wildlife Trust. The HWAONB Unit also states that, given that the applicant has repeatedly justified the landscape and ecology proposals on the basis of the involvement of the Consultancy arm of this Trust, it is surprising that the natural regeneration approach was not embedded into the Landscape Statement or the LEMP.
168. The HWAONB Unit goes on to say that Mr Scully called woodland and hedge planting 'bread and butter' landscaping proposals, so even in non-wooded landscapes these proposals are not exceptional. In the heavily wooded High Weald they do not, in the HWAONB Unit's view, even merit inclusion in a basket of benefits.

The Metric

169. The Committee Report for the application proposals says, "The details of the proposal, as a major development within the AONB, is considered to amount to exceptional circumstances, and demonstrates that the development is in the public interest to override the presumption against major development in such areas" and that "This includes the provision of 21.6% Biodiversity Net Gain". In the appraisal, the Report states that "the scheme will result in a net gain of area

habitats of 21.60% and linear habitats of 12.54%. This figure includes the Ancient Woodland in the baseline but with no allowance for betterment. Ancient woodland should be excluded from Metric calculations and treated separately but in this case doing that would merely inflate the area net gain figure to around 50%. It is possible to challenge some values attributed to existing habitats and the likely outcomes for new/enhanced habitats but as can be seen the proposal exceeds the proposed mandatory net gain of 10% by a further 10 to 40%”.

170. These figures are based on the Defra Metric, which the HWAONB Unit says is still evolving, has not been tested in the real world and even Mr Goodwin admits still has things wrong with it.
171. The HWAONB Unit maintains that the area habitats figure of 21.6% is highly dependent on the accuracy of the assumptions made about the existing grassland and the proposed grassland enhancement and creation. It adds that the applicant has chosen to allocate the existing grassland the lowest possible score, even though it is clearly not the lowest quality of grassland habitat possible on this site. The HWAONB Unit says that the applicant has also assumed that the measures proposed to create and enhance the grassland on site would be successful, in spite of the high nutrient levels in the soil and the amount of soil disturbance proposed. The HWAONB Unit considers that this is unlikely and that the score of 21.6% can only be achieved if the applicant’s assumptions are correct. It adds that any increase in the score given to the existing grassland or decrease in the score given to the created or enhanced grassland, will result in a net loss of biodiversity.
172. Changes in measurements of the different habitats also have a big impact, in HWAONB Unit’s view, as demonstrated by Mr Goodwin in the gain of 10 biodiversity units just by re-measuring the amount of scrub proposed on the site. It considers that this demonstrates how sensitive the Metric is to very minor differences in inputs and means that no weight should be given to its outcomes.
173. The HWAONB Unit says that Mr Scully confirmed that he provided the 50% figure quoted in the Committee Report based on his calculation if ancient woodland is excluded, although he was unable to share that calculation with the Inquiry. The HWAONB Unit maintains that the calculation is actually closer to 40% per as Ms Marsh’s oral evidence. It adds that the Council’s Planning witness, Mr Hazelgrove, clarified orally that he did not ‘endorse’ the figure of 50% quoted in his Committee Report and considered that it ‘artificially inflated’ the BNG, contrary to Mr Goodwin’s evidence and the Metric guidance, which the HWAONB Unit states, says that ancient woodland should be excluded from the calculation. The HWAONB Unit contends that this indicates three things:
- The figure of 50% was incorrectly calculated by the Council’s Landscape and Biodiversity Officer and then misunderstood by its Planning Officer so that Members were given misleading information;
 - The fact that the inclusion or exclusion of land where nothing is being proposed can make such a huge difference to the output is another example of the unreliability of the Metric – nothing is changing on the ground and yet the BNG figure can double; and
 - The 50% figure is treated by the Council case officer as if it is a buffer to uncertainty, that minor variations in the inputs do not matter because the BNG

would be so greatly exceeded. But if the score can vary by 10-40 above the BNG figure, then it can also vary by the same amount below; if the inputs for grassland were wrong then the exclusion of ancient woodland from the calculation magnifies the net loss to minus 35%⁶⁰.

174. Overall, the HWAONB Unit considers that the Metric cannot be relied upon to demonstrate measurable net gain as required by the Framework. It has a long way to go before it is fit for purpose to support the Environment Bill, and even then, it will just remain one tool in the ecologist's toolbox and should never be considered on its own without the application of professional judgement and common sense, a fact accepted by all the ecology witnesses. Unfortunately, in the HWAONB Unit's view, it is human nature for non-specialists to latch on to a number and assume they know what it means, without understanding all the caveats and subtleties. The frequent quoting of BNG figures in the Committee Report, the applicant's promotion material and the letters of support submitted⁶¹ suggest that it is being used in this simplistic way when the reality on the ground is likely to be very different, and in the HWAONB Unit's view would represent a net loss to biodiversity.

175. The HWAONB Unit states that the applicant and the Council have both suggested that securing a particular form of management on this Wider Land Holding through the LEMP and S106 Agreement would be a benefit and would protect the remainder of the site from excessive horse grazing in the future. It adds that Ms Marsh's oral evidence explained that the fields and permanent pasture had survived centuries of changing agricultural practice, and recovery from the recent horse grazing was relatively fast. She also explained that, if the development were not to go ahead, the site could be managed through a range of options at near zero cost to the owners, all of which could include some element of natural regeneration and re-wilding, which would increase tree cover and enhance biodiversity naturally. The HWAONB Unit contends that the generic, and in some cases damaging management proposals for the site should not be included in any basket of benefits.

Conclusions on Ecology and Landscape Proposals

176. Overall, the HWAONB Unit's case is that the applicant's claims for landscape and ecology enhancements cannot be relied upon and should not be given any weight in the decision-making process. At best they are generic responses which do not take into account the special character of the HWAONB. It adds that, most of what is being proposed is very similar to that proposed for a 2,000 home development near Rugby, as referred to by Mr Goodwin in oral evidence, which is a very different and undesignated Midland landscape. At worst, in the HWAONB Unit's view, the proposals could result in a net loss to biodiversity contrary to adopted development plan policy and Framework para 180.

177. The HWAONB Unit contends that the proposed development would certainly result in harm to the landscape quality and cultural heritage of the HWAONB and this harm would not be moderated by the proposals set out in the Landscape Statement or the proposed management in the LEMP. Indeed, it adds, these proposals may be harmful in themselves to the High Weald landscape and

⁶⁰ ID43, page 12

⁶¹ ID28

certainly should not be considered as benefits, even ordinary ones.

Conclusion

178. The HWAONB Unit states that to make best use of Inquiry time the Rule 6 parties agreed to avoid duplicating evidence, such that it only gave evidence on landscape and ecology. Nonetheless, it adds, as a planning Inquiry, ultimately the evidence must be viewed through the prism of the planning system.
179. The HWAONB Unit says, accordingly, it listened with interest to the planning evidence and in particular to the various interpretations of what Mr Slatford agreed to be the main planning policy, Framework para 177, which says that, when considering applications for development in AONBs, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest.
180. The HWAONB Unit adds that it was put to the Inquiry on behalf of the applicant that none of the circumstances needed to be exceptional in themselves but that a collection of very ordinary circumstances can be bundled up and a conclusion made that the sum total of those is exceptional. The HWAONB Unit presumes this case was made because it is accepted that it may be concluded that none of the so called 'benefits' of this scheme are in themselves exceptional.
181. The HWAONB Unit contends that that approach cannot possibly have been the intention of Government in drafting Framework para 177 or its predecessors. In its view this interpretation of the policy would lend weight to the conclusions of the Glover Review that the policy and / or guidance on major developments in AONBs needs to be strengthened. AONBs are nationally important landscapes, equivalent in value to National Parks, that we hold in trust for future generations to enjoy. The HWAONB Unit maintains that where we have to sacrifice parts of them it should be worth the cost to those future generations, for truly exceptional reasons, not due to a collection of generic and commonplace benefits that could be achieved anywhere in the country.
182. On the subject of housing need, the HWAONB Unit's representation on eLP Policy STR1 points to Framework para 11b (i) which says that strategic policies should as a minimum, provide for OAN unless "the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area". The Planning Practice Guidance (PPG) for AONBs states that "The National Planning Policy Framework makes clear that the scale and extent of development in these areas should be limited, in view of the importance of conserving and enhancing their landscapes and scenic beauty. Its policies for protecting these areas may mean that it is not possible to meet objectively assessed needs for development in full through the plan-making process". The HWAONB Unit states that, if the eLP Inspector accepts its case that the housing provision number should be reduced to reflect the fact that nearly 70% of the Borough is in the HWAONB then the argument for allowing such major developments as proposed at Turnden would fall away.
183. The HWAONB Unit considers that we are not in normal times, we are in a climate and biodiversity emergency and our decisions should reflect this. AONBs are key to meeting these challenges, it adds but they cannot do this if the pressure for more housing trumps all the benefits that protected landscapes

provide to biodiversity, to carbon sequestration, and to the natural beauty of a historic landscape that future generations deserve to enjoy. For these reasons the HWAONB Unit asks the Secretary of State to refuse planning permission.

The Case for CPRE Kent

Matters of Uncommon Ground⁶²

184. CPRE Kent disagrees with the applicant and the Council in respect to:
- Whether sufficient weight has been given to the eC&SNP, or to the analysis of potential residential development sites undertaken as part of the Neighbourhood Plan process;
 - Whether sufficient weight has been afforded to alternative sites identified within the Local Plan Process, both within and outside the designated area;
 - The appropriate weight to be given to the need to increase the housing land supply, including affordable housing;
 - The extent to which the five-year housing supply position is improving within the Borough and the extent to which the eLP impacts this position;
 - The degree to which the proposed development would be reliant upon the private vehicle;
 - The degree to which the proposed development causes landscape and visual harm to the HWAONB;
 - The impacts from the development on the transport network in terms of capacity and congestion at the Hawkhurst junction, Goudhurst and Staplehurst;
 - The appropriate weight to be afforded to the economic and the social benefits of the proposed development;
 - The degree of harm caused by the proposed development to heritage assets; and
 - Whether the air quality impacts of the development have been sufficiently accounted for.

Introduction

185. The case against the proposed development is a convincing one in the view of CPRE Kent such that planning permission should be refused.
186. It adds that the applicant fielded a raft of new experts who, in lengthy and glossily presented proofs of evidence and presentations to the Inquiry, sought to demonstrate that, far from causing limited harm to the HWAONB landscape and the historic environment, no harm at all would be caused by it and it would bring nothing but benefits to the community, but this evidence was not persuasive.
187. CPRE Kent considers that Cranbrook is a very special place, and its setting is a very special area, both are worthy of protection and applicable planning policy requires that they should be protected. In its view, it is abundantly clear from the evidence that the local community values highly the historic character of the town and the natural beauty and historic character of its setting in the HWAONB. It adds that it is also abundantly clear that the community shares the Council's

⁶² Adapted from Section 8.0 of the main SoCG and Air Quality SoCG - CD9.18 and CD9.8

objective of providing adequate housing in Cranbrook & Sissinghurst Parish, especially sufficient, genuinely affordable new homes, on sustainable sites. CPRE Kent says that the difference of view is a simple one, the Council believes that Turnden is the most suitable site for housing to add to those already allocated, while the community believes, on the available evidence, that it is one of the worst of the sites potentially available.

Urban Design

188. Mr Pullan, the applicant's design witness, invited us to conclude that Turnden would be better designed than the existing post-War housing estates in Cranbrook. CPRE Kent says it would hope so on the basis that those estates are not shining examples of urban design and expected standards have risen since the 1960s.
189. Mr Pullan suggested that there was currently the impression of continuous development along the route by road from Cranbrook to Hartley, but in CPRE Kent's opinion, this was shown not to be the case by presenting him with photographs of the A229 in the vicinity of the proposed site entrance.
190. CPRE Kent considers a clear design fault with the proposed development to be the inclusion of a dedicated access road additional to the access road for the TF development. Two access roads are, in its view, unnecessary for 205 dwellings and would cause entirely avoidable harm to the landscape and historic environment. CPRE Kent believes that, had the applicant produced at the outset a master plan for the development of the land in its ownership at Turnden, it is inconceivable that two access roads would have been included, such that the situation faced results from what it sees as the opportunistic approach, first seeking and obtaining permission for the arguably less controversial Phase 1 development and then applying for permission for Phase 2, following the destruction by fire of the listed building and its de-listing, which CPRE Kent says removed at least one obstacle to this development, namely the need to protect the significance of that building. It adds that as a commercial risk management strategy, that approach is entirely understandable, yet as a means of optimising development design at Turnden and minimising its impact on the landscape, it is deficient.

Landscape

191. CPRE Kent states that Ms Farmer for NE and Ms Marsh for the HWAONB Unit provided detailed evidence of the harm to the HWAONB that would be caused by the development, in terms of impact on the natural beauty of the HWAONB, historic landscape features and settlement patterns, etc, and the lack of countervailing benefits. In its view great weight should be attached to their evidence. CPRE Kent adds that Ms Farmer was unduly criticised for not engaging in fine detail of the precise design and landscaping of the development. It adds that, while these matters are relevant, the majority of the harms she identified were the inevitable result of the location, scale and development footprint of the proposals.
192. In CPRE Kent's view, Ms Marsh's detailed knowledge and understanding of the key features of the AHWONB landscape, as they apply to this site, and the impact the development would have, shone through her evidence. CPRE Kent adds that the attacks made on her professional competence and integrity, and the

suggestions that she was swayed by personal considerations, were unedifying. It goes on to say that she is a public servant, doing her job as co-director of the HWAONB Unit, to protect the HWAONB and see that the adopted management plan is followed. It adds that she has lived and worked in the HWAONB for 30 years and knows it intimately, the fact that this site is a mile or more from her home, on the other side of a hill, is irrelevant and raised by the applicant to attempt to discredit her evidence.

193. CPRE Kent states that the applicant's witness, Mr Cook, on the other hand invited us to conclude that the development would cause no harm at all to the HWAONB, despite its converting almost 7ha of agricultural land into a housing estate, spreading spoil over several more hectares, removing existing hedgerows beside the road and creating yet another access road to the A229. In CPRE's view this is an absurd position, as 165 homes and their associated hard landscaping cannot be hidden in this landscape; they would be in plain sight, visible from the A229, from the PROW WC115, across the site, from the BKF site, before and after it is developed and from the PROW WC116, on the opposite side of the Crane Valley. CPRE Kent adds that Mr Cook sought to show that the development would be barely visible from some of these locations or would sit in front of existing or baseline development, which is not the same thing, but in its view, this is not convincing. CPRE Kent considers that much of the existing settlement of Cranbrook is well-hidden in the landscape, whereas the proposed development would not be hidden and nor would the BKF development, any more than Greenway / Goddards Close is now. In CPRE Kent's consideration, a rural landscape, as viewed, for example from WC116, would be transformed into an urban one.
194. The CPRE Kent states that much of Mr Cook's case turned on alleged urbanisation of the landscape in the baseline, relying on three developments, that existing at Goddards Close / Greenway and the planned development at the TF and BKF sites. The first, dating back 50 years or more, is something of an eyesore in CPRE Kent's view, particularly when viewed from the PROWs, but it is reasonably well hidden from the A229 and High Street and so impacts little on the approach to Cranbrook. It is several hundred metres from Turnden, across what are now green fields. The TF scheme is a small development of 36 new homes on what was, at the time the initial planning permission was granted, a farmstead, where development is confined to the footprint of the buildings at the farmstead. The loss of Turnden farmhouse to fire and its subsequent de-listing may, CPRE Kent adds, mean that it is now a former farmstead. The more recent planning permission to build a new "farmhouse" and three more new homes extends the footprint of new development on this site slightly, but in CPRE Kent's view it remains firmly anchored in the farmstead site. In that sense it respects existing settlement patterns. While the applicant suggests that a development of that scale / type could not be a farmstead development, CPRE Kent contends that if the footprint of farm buildings can be developed into 36 homes, why not? They were quite big sheds in its view, as is the case on many farms nowadays.
195. CPRE Kent states that during the Inquiry there was much discussion of whether Turnden was an "isolated" farmstead at the time permission was granted. It adds that the applicant accepts that it is not part of Hartley, from which it is separated by the "green gap". CPRE Kent says that it is certainly now separated from Cranbrook by the greenfield site of this development. CPRE Kent also asks, how isolated does an "isolated farmstead" have to be? Isolated or not,

- without this development, it considers that the site is not part of Hartley or Cranbrook. CPRE Kent go on to say that that would change if this development were to go ahead, as the applicant agrees, and the urban area of Cranbrook would extend to the south-western edge of the TF development.
196. CPRE Kent says that the BKF development was held to satisfy the requirements of what is now Framework para 177 in the circumstances in which outline permission was granted in February 2020, notwithstanding that it was a major development in the HWAONB, which would alter the character of the landscape. It would undoubtedly, in CPRE Kent's view, impinge upon the rural character of the Crane Valley, extending to the north-east boundary of the TF site, a consideration to which Mr Cook, Mr Duckett and, in a different context, Dr Miele, attached considerable weight in their analysis.
197. Essentially, in CPRE Kent's opinion, those witnesses' argument is that the landscape of the Crane Valley has already been partially urbanised and any incremental impact on the landscape caused by this development is therefore less than it would have been in the absence of the BKF development. It adds that this approach to assessing harm is incompatible with the protection of the natural beauty of the HWAONB, in accordance with the legislation and the Framework. CPRE Kent maintains that, when the natural beauty and character of some part of a distinct area of AONB landscape is sacrificed to development, in exceptional circumstances, what remains of that landscape should be regarded as *more* precious and worthy of protection, not less so. The approach advocated by the applicant's and the Council's witnesses leads, in CPRE Kent's view, inevitably to a progressive lowering of the threshold for urban expansion in the HWAONB, as a settlement expands, such that it should be emphatically rejected.
198. CPRE Kent states that Mr Cook suggested that only a landscape historian would notice the harm to the medieval landscape caused by the development. It adds that the evidence of its witness Ms Daley⁶³ on landscape shows that she, at least, appreciates the history of the countryside she enjoys as a Cranbrook resident and this is supported by the evidence of Ms Gill and Ms Bell, local residents who addressed the Inquiry. Indeed, the level of support for eC&SNP policies protecting the Crane Valley, existing settlement patterns and green gaps and historic landscape character, recorded in Ms Warne's planning evidence⁶⁴, shows in CPRE Kent's view how highly these landscape characteristics are valued by the Cranbrook community.
199. Regarding the 'green gap' between Cranbrook and Hartley, CPRE Kent says it has consistently argued that it would be effectively eliminated by the development. It adds that Mr Cook's oral evidence was that, to the north-west of the A229, the gap represents the fields between Goddards Green farmstead and Turnden Road, "washing over" the short row of houses which is Orchard Way. All the landscape experts accept this. It is also uncontroversial in CPRE Kent's view that, on that side of the A229, Hartley continues as far as Turnden Road, but no further, while Orchard Way is not to be regarded as part of Hartley or Cranbrook. CPRE Kent goes on to say that, on the south-east side of the A229, it is common ground that the gap is currently the fields between the War Memorial and the start of the "ribbon development", which is where Hartley starts. It adds that,

⁶³ NB while primarily a transport witness, Ms Daley's Proof also refers to landscape matters

⁶⁴ CD23.3.3, ID49 and ID50

once the BKF development is built, that gap would be reduced by the built footprint of that development.

200. CPRE Kent states that once the TF development is built, however, development would be continuous along the south-east side of the A229 all the way to the western edge of that site. It adds that all that would remain "green" is the narrow corridor of field before the ribbon development starts, which is to be planted with trees. Leaving aside the argument that this "green gap" is too narrow to represent a true separation of the two settlements along that side of the road, in CPRE Kent's opinion, there would be a discontinuity between that gap and the gap on the north-west side of the A229.
201. Consequently, CPRE Kent considers that there would be a short, narrow isthmus of development linking Cranbrook and Hartley on the north-west side of the A229 between Turnden Road and the entrance to the TF site. The applicant's evidence is that the green gap also includes the narrow strip of land, of varying widths between 50-80 metres, not much more than a generous front garden in CPRE Kent's view, that would run along the road frontage of the developed BKF site, TF site and the application site. CPRE Kent adds that the additional three houses recently permitted at the TF site would nibble slightly into this strip. In its view, that would be an artificial construction of settlement and landscape that could be understood only by an expert, whereas the general public would see almost continuous development on one side of the road and the field and orchard of Goddards Green on the other side.

Historic Environment

202. In CPRE Kent's opinion Ms Salter, the Council's heritage witness, gave clear evidence of the harm that would be caused to the character of the Cranbrook Conservation Area and certain listed buildings closer to the development, namely The Cottage, Goddards Green and Goddards Green Barn. It adds that she was firm in her view that the degree of harm was at the higher end of less than substantial harm in the case of the Conservation Area and towards the lower end in the case of the listed buildings, and she considered that the green wedge of the Crane Valley, reaching to the Conservation Area, was an element of its setting which was important to the significance of the Conservation Area.
203. CPRE Kent submits that Ms Salter's evidence should be accepted. In its view she is an experienced conservation officer and her view on the effect of the development has been consistent throughout. Furthermore, it adds that she has had to consider many other proposed developments in the setting of the Conservation Area, including those at the BKF and TF sites, and the approach she has taken has been a careful and consistent one. CPRE Kent maintains that one of the features of the proposed development which Ms Salter identified as harmful to the Conservation Area was the addition of yet another access road to the A229, an entirely avoidable harm which could be mitigated by combining the access with that to the TF site.
204. Ms Salter considered that the harm to the significance of Goddards Green and its associated barn was less severe, chiefly due to them being separated from the site by the road. CPRE Kent says that this may seem surprising, as the road has been there, as a feature of the landscape, since Jutish times. It adds that livestock may not often be driven along or across it these days, but that hardly seems sufficient to discount half the rural setting of this farmstead.

205. Mr Page, CPRE Kent's heritage witness, gave evidence supporting the Conservation Officer's comments on the planning application concerning the harm to heritage assets, specifically in relation to the Conservation Area. Referring to the Conservation Area Appraisal he pointed out that the character of the Conservation Area is defined by its relationship to the landscape and the degree to which the landscape reaches the town. CPRE Kent considers that relationship to setting is the first distinctive feature of the Conservation Area, the first element listed in Chapter 3 of the Conservation Area Appraisal, a point Mr Page maintained on cross-examination. He accepted that this development would not lead to substantial harm to, or total loss of a designated heritage asset, a view which he also maintained on cross-examination. Ms Salter identified in re-examination those matters in Mr Page's evidence with which she disagreed. They are not, in CPRE Kent's submission, material. It considers that the important point is that both Mr Page and Ms Salter agree that the harm to the significance of the Conservation Area is serious and should be given weight.
206. Dr Miele took a different view. CPRE Kent says that his approach focussed heavily on the impact of the BKF development, interposed between the Conservation Area and the development such that it would prevent harm arising, or in other words if you could not see the development from the Conservation Area, how could its setting be harmed? CPRE Kent contends, however, that this is to take an entirely static view of the issue, which in its opinion does not accord with Historic England guidance. It adds, if the experience of entering or leaving the Conservation Area is affected by urbanisation, harm to its significance can arise, and does arise in this case.
207. Dr Miele also suggests that seeing something is not enough to create a meaningful and material setting relationship, which CPRE Kent considers is an opinion that appears to negate the principles of LVIA. It adds that there are four types of heritage value that an asset may hold: aesthetic, communal, historic and evidential value, which are all adversely affected by the proposed development; visual, that is aesthetic appreciation, is a major contributor to understanding this setting.
208. CPRE Kent also states that Dr Miele suggested that there was no economic connection between Turnden and Cranbrook, but did not offer any evidence that Turnden was less connected with the town, economically, than any of the other farmsteads surrounding Cranbrook.

Transport

209. CPRE Kent acknowledges that its witness, Ms Daley, made no pretence of being an expert on transport, but adds that her clear and straightforward evidence, based on 30 years of living and bringing up a family in Cranbrook, showed how little use of public transport residents of the development could be expected to make. It contends that commuting to work by bus is simply not feasible and cycling is for the foolhardy only on these roads. CPRE Kent maintains that Ms Daley also showed how likely it was that Turnden residents would make most of their local journeys by car, adding that it is a stiff walk to and from the town centre from the site, with a hill to climb on the way back, not much reduced in length by the proposed route through the BKF development, along busy roads with narrow pavements. She also submitted that the prospective closure of The Weald Academy in 2022 would lead to all children in Cranbrook requiring non-selective secondary education, including residents at Turnden, to travel to

another town for their schooling. CPRE Kent says that even if a dedicated bus service were to be provided for them, many additional car journeys would be generated by this change and that the closure of the Weald Academy would make Turnden an even less sustainable development than it would otherwise have been.

210. CPRE Kent says that Mr Bird, the applicant's transport witness, considers a development to be sustainable if it is *possible* for residents to make some local journeys on foot or by bike. In CPRE Kent's view, this is a very low threshold and tends to demonstrate that, for transport purposes, "sustainability" is a tick-box exercise, saying little if anything about the environmental impact of a development. It adds that Mr Hazelgrove made a similar point when he said that it was sufficient for the development to be sustainable that residents were not reliant on their private cars, even if it could be expected that most of their journeys would be made by car. CPRE Kent considers that it is all too clear from the Travel Plan that this would indeed be the pattern of transport use by Turnden residents. It adds that, even if the Plan is fully achieved, after five years 62.34% of all trips would still be made by private car⁶⁵, improving by as little as 1% per annum from the baseline. These projections, CPRE Kent presumes, take into account the willingness of country dwellers to walk further than town dwellers to access their local services. If this development is "sustainable", in CPRE Kent's view, it is at the lowest level of sustainability to pass the test.
211. CPRE Kent goes on to say that at least one point of connectivity between the proposed development and that at the BKF site may be problematic owing to a strip of unregistered land, the owner of which is unknown. Mr Hazelgrove suggested that this may be resolved through the use of compulsory purchase powers, whereas Mr Slatford said the loss of one point of connectivity would not be material. CPRE Kent comments that, whilst the details regarding this issue are still emerging, there must be a degree of uncertainty with respect to providing all the required pedestrian and cycle links between the two developments.
212. CPRE Kent refers to Mr Bird's written evidence identifying a "solution" to the increased traffic the development would cause through Hawkhurst crossroads, in the form of improved traffic signalling, which would reduce queuing times by at least as much as the development would increase them. While CPRE Kent welcomes this, it adds that it would be paid for by money that would otherwise have paid to improve local bus services, so it would not in CPRE Kent's view contribute to the sustainability of the development. It adds that Mr Bird's suggestion that the improved signalling would reduce bus journey times and improve service reliability had not, it appeared, been tested with KCC or local bus operators.
213. CPRE Kent further comments that, should the Hawkhurst Golf Club development of 374 new C2 and C3 homes, a community building and a new relief road⁶⁶, be permitted on appeal, the case for the improved signalling may fall away. It adds that while it is certainly the case that traffic flows through the crossroads would be radically altered, in that event, either the money spent on new signalling would be wasted, producing no lasting public benefit, or the

⁶⁵ CD5.4.3, Table 1

⁶⁶ CD22.1 and CD22.2

applicant would be relieved of its financial obligation by the fortuitous circumstance of permission being granted for another, unconnected development.

Air Quality

214. CPRE Kent considers that air quality is a subject of great technical complexity and that the assessment of it provided by the applicant is clearly inadequate. It adds that for the position to become clear the applicant had to provide two additional reports, Dr Marner's of evidence and rebuttal evidence, which enabled CPRE Kent's air quality witness, Dr Holman, to provide a clear view on the effect of the proposed development on air quality in Hawkhurst.
215. CPRE Kent adds that the air quality objective of relevance for nitrogen dioxide (NO₂) is 40 µg/m³. The Air Quality Assessment (AQA)⁶⁷ predicts that this objective was exceeded at five locations on Cranbrook Road, Hawkhurst in 2019 and this target will not be achieved until 2025. CPRE Kent states that with the development the number of exceedances would remain the same, but concentrations would increase, albeit by a small amount. The impacts are described as moderate or slight but are judged not to be significant.
216. CPRE Kent says that the background concentrations of NO₂ in Hawkhurst are very low. Road traffic on Cranbrook Road it adds is also relatively low, yet NO₂ concentrations in 2019 were approximately 30% above the objective. The traffic is responsible for the majority of the measured NO₂ and therefore, the assessment is very sensitive to any errors in the traffic data in CPRE Kent's view.
217. It contends that health evidence shows that adverse effects occur well below the objective. In 2020 a Coroner concluded, for the first time, that air pollution exposure was a contributory factor in the death of Ella Adoo Kissi-Debrah, a nine year old girl. In September this year, the World Health Organization revised its air quality guideline from 40 µg/m³ down to 10 µg/m³.
218. The Framework states that planning decisions should:
- Prevent development from contributing to unacceptable levels of air quality, para 174;
 - Development wherever possible should help to improve air quality, paras 174, 185 and 186;
 - New development should be appropriate for its location considering the likely effects including cumulative impacts from individual sites and the effects of pollution on health, paras 185 and 186;
 - Planning decisions should sustain and contribute towards compliance with the national objectives for pollutants, taking into account the presence of Air Quality Management Areas, para 186; and
 - Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan, para 186.
219. Core Policy 5 expects all development to manage, and seek to reduce, air pollution levels. The eLP contains two air quality policies, Policies EN 21 and

⁶⁷ CD2.6, including Tables A3.1, 3, 4, 5 and 8

- EN 22. CPRE Kent states that, the overall aim is to improve and maintain levels of air pollutants to reduce exposure to poor air quality. In CPRE Kent's view it requires sensitive receptors to be safeguarded at all times. The Council's Hawkhurst air quality Planning Position Statement states that if there are "only moderate, slight or negligible air quality impacts, applications will be assessed based on the numbers of properties affected, and extent of proposed mitigation".
220. CPRE Kent considers that the areas of dispute between Dr Holman and the applicant's witness, Dr Marner, were uncertainty, cumulative impacts, significance of predicted effects and the need for mitigation measures.
221. Regarding 'uncertainty', CPRE Kent states that the AQA does not adequately consider the uncertainty when concluding that the effects are not significant. It adds that it fails to consider the impacts of the COVID 19 pandemic, which it says is likely to be the most significant uncertainty facing the prediction of air quality for the next few years. For example, it says, there has been a 30% reduction in new car registrations between 2019 and 2020, which will impact on vehicle turnover and hence traffic emissions. Another example, it adds, is whether public transport patronage will return to pre-pandemic levels. In its view, there currently remains a significant number of people working from home, yet traffic levels, at least on average, appear to be close to or above pre-pandemic levels.
222. CPRE Kent also states that another source of unacknowledged uncertainty is the meteorological data used. Data from an observation site 21 km from Hawkhurst was used. Dr Holman and Dr Marner disagreed over the use of numerical weather prediction data. Dr Holman's firm's data is at a 3km by 3km resolution across the UK and shows, in CPRE Kent's opinion, that there can be significant variation in wind speed and direction from one 3km grid to the next.
223. Regarding 'cumulative impacts', CPRE Kent refers to Dr Marner's submissions regarding the cumulative impacts raised by Dr Holman, which show that, without cumulative traffic growth or the proposed development, the objective would be achieved approximately one year earlier. It adds that Dr Marner also showed that the cumulative impact was an additional 2-3 $\mu\text{g}/\text{m}^3$ of NO_2 , such that the residents effected would be exposed to higher concentrations for longer than if the developments did not take place. Framework para 185 and the PPG requires the cumulative effects to be considered.
224. Regarding 'significance of effects', CPRE Kent says that EPUK/IAQM guidance⁶⁸ was used to reach the conclusion that the effects are not significant. This guidance states that it is likely that a 'moderate' or 'substantial' impact will give rise to a significant effect. CPRE Kent states that no explicit consideration appears to have been given in the AQA, in coming to its conclusion, to the uncertainty of the future traffic data, particularly the indirect impacts of the pandemic. In its view, these should have been addressed more fully to provide transparency.
225. Regarding 'mitigation measures', CPRE Kent says that those included in the AQA are standard measures and would not improve air quality impacts in Hawkhurst. It contends that no evidence has been provided that the proposed change to the signalling at the Hawkhurst traffic lights would mitigate the

⁶⁸ CD22.3

impacts. Dr Holman did not agree with Dr Marner that it is highly likely that these changes would improve air quality within the Hawkhurst Air Quality Management Area (AQMA), and she thought it impossible to predict or guess the impacts. National planning policy requires adverse impacts to be mitigated.

226. Framework para 186, CPRE Kent says, requires planning decisions to provide opportunities to improve air quality and the development plan, via Core Strategy Policy 5, requires all new development to seek to reduce air pollution levels. The development would, it contends, result in a deterioration, albeit small, in air quality in Hawkhurst and is not consistent with national and local planning policy because the moderate impacts on air quality could cause significant effects on human health and no measures have been shown to mitigate these impacts. In addition, CPRE Kent states that planning policy requires development to seek opportunities to improve air quality but adds that this has not been done. In determining whether or not there would be a significant effect, in CPRE Kent's view, the applicant has failed to consider the uncertainties in the assessment, especially those resulting from the COVID-19 pandemic. The eLP explicitly states that sensitive receptors will be safeguarded at all times.
227. CPRE Kent considers that Dr Marner said in cross-examination that the staff and customers of the several retail and business premises in close proximity to the relevant receptors could be ignored, as the relevant air quality regulations did not apply to them. It adds that when the coroner considered the death of Ella Adoo Kissi-Debrah, he considered the WHO guidelines not whether the regulations apply or not. CPRE Kent contends that more individuals than the residents of the two identified homes would suffer a health risk due to the development.

Planning

228. CPRE Kent supports NE's objection to this development on planning grounds. It does not accept that the requirements of Framework para 177 have been satisfied such that permission should be refused. In its view, neither the applicant nor the Council have demonstrated that circumstances are exceptional or that the development would be in the public interest.
229. CPRE Kent contends that it pointed out throughout the Inquiry that the use of the word "exceptional" in para 177 is deliberate and should be given its ordinary meaning. The need for new housing in Tunbridge Wells, and more locally in Cranbrook, is not in its view exceptional, nor are the alleged benefits of the development. Rather, it adds, where benefits have been identified, these have been the exact opposite of exceptional, they are ordinary and routine and, in many cases, amount to little more than necessary mitigation. There are, it says, reasonable alternative and less harmful ways of meeting the local housing need in Cranbrook.
230. For these reasons, CPRE Kent says that it remains firmly of the view that the harmful impacts of the development significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the adopted development plan and the Framework.
231. In CPRE Kent's view, NE's planning witness, Ms Kent, provided in her proof of Evidence a very clear and comprehensive demonstration of the reasons why planning law and policy require that permission for this development should be

- refused. With reference to Ms Kent's cross examination, CPRE Kent adds that it is not for it to say what NE's policy is, or should be, but observes that there is nothing to suggest that NE has a rigid policy on the subject of major development in AONBs in general, or the HWAONB in particular. Indeed, CPRE Kent says that it is clear from NE's statements and evidence that it was fully aware of the legal context on which their policies on development in the AONB are to be applied. It adds that it is equally clear that, in choosing to object to this development, NE carefully considered the features of the development which they considered most material, namely its location and scale and the inevitable harm that such a development would cause to the HWAONB.
232. Furthermore, in CPRE Kent's opinion, there is a body of evidence to show that NE should be sceptical about claims by developers or local planning authorities that the requirements of Framework para 177 are met to justify major developments in AONBs. CPRE's periodic reports on the amount of development in AONBs, most recently *Beauty Still Betrayed: The State of Our AONBs*⁶⁹, show a persistently high level of development in AONBs, especially on greenfield sites.
233. In this regard CPRE Kent quote from the 2021 report's conclusion: *"The case is clear: our Areas of Outstanding Natural Beauty are facing needless and increasing pressure from housing developments. This pressure is being seen predominantly in the south east and south west of England where local authorities struggle to balance to meet the required housing targets imposed on them by central government, and the protection of AONBs under their care. However, it is evident from this report that reaching numerical housing targets is prioritised over protecting these precious landscapes. Developers are also applying sustained pressure on local authorities through an increasing number of planning applications being submitted on greenfield AONB land and local authorities continue to grant a high proportion of these applications in pursuit of housing numbers. However, the developments are land hungry, and are not helpful in reducing the impact of the affordable housing crisis. These results are a far cry from the 'highest planning protections' that AONBs are meant to enjoy".*
234. CPRE Kent says that more and more development is being permitted in AONBs throughout the country and the HWAONB is one of those worst affected. The report covers the period April 2017-August 2020. Tables A1 and A2 show that, during that period, of all AONBs the High Weald has had the highest number, 932, of permitted housing units on greenfield sites over 10 dwellings, and the second highest number, 1012, of housing units on greenfield and brownfield sites over 10 dwellings. While CPRE has not separately measured major development in AONBs, CPRE Kent considers that it seems clear that what should be exceptional is becoming commonplace.
235. CPRE Kent's planning witness, Ms Warne, is not a professional planner, she is a Parish Councillor who for the past four years has chaired the Cranbrook & Sissinghurst Neighbourhood Plan Steering Group. In her evidence, CPRE Kent says, she explained the detailed and painstaking work the Steering Group has undertaken and commissioned to produce a Neighbourhood Development Plan that would reflect the needs and expressed wishes of the local community and therefore be supported in a referendum and be consistent with the strategic

⁶⁹ CD16.7

- planning policies of the Council. She explained the many ways in which the Steering Group had sought to inform and engage with the community in the neighbourhood planning process.
236. CPRE Kent states that Ms Warne described in some detail the dialogue with the Council's Planning officers and other circumstances which led the Steering Group and Parish Council to conclude that it would be expedient to consult on a draft Neighbourhood Plan which did not include site allocations, despite the detailed work they had undertaken, with the professional advice and support of AECOM, to identify more than 50 potential sites for development in the Parish. They had selected a shortlist of 20 of those sites for further consideration, based on their assessment of their suitability, and the application site did not even meet the criteria for shortlisting. CPRE Kent says that it was rejected, in particular, on the grounds of its harmful impact on the landscape.
237. CPRE Kent goes on to state with reference to Ms Warne's oral evidence that, from this shortlist of 20 sites, three options for site selection were identified, all of which would have more than met the housing allocation now proposed for the Parish by the Council in the eLP. It adds that the application site was included amongst those sites on the basis that it was known that the Council intended to propose the site for allocation in the Reg 18 eLP. Ms Warne told the Inquiry that *with a fair wind* a Neighbourhood Plan for Cranbrook & Sissinghurst, incorporating site allocations based on one of those options, which more closely aligned with the community's preferences and which did not include the application site, could by now have been adopted.
238. Ms Warne's evidence, CPRE Kent contends, shows that reasonable alternatives to the development were identified and that while most of them may be in the HWAONB, none would be so harmful to the landscape and several might be thought to be more sustainable. In its view she also demonstrated that the work undertaken by the Steering Group and AECOM, which included site visits to all sites considered, was no less thorough than the site assessments undertaken by the Council for the purposes of the eLP.
239. CPRE Kent accepts that the site assessment work by the Steering Group and AECOM was incomplete when it was discontinued in summer 2019 and note that circumstances have changed since then. It adds that some of the alternative sites are not available, while others have been the subject of planning applications which have been refused. However, CPRE Kent maintains that in detailed cross-examination Ms Warne maintained, based on her close knowledge of each site, that there was sufficient potential for development on alternative sites to substitute for the proposed development. Due weight, it adds, should be given to her evidence and the work it is based on.
240. CPRE Kent says that Mr Hazelgrove takes the view that the correct place to consider alternative sites is within a local plan process. It adds that it wholeheartedly agrees and submits that this is exactly why Framework para 177 states that permission for major development should be refused except in exceptional circumstances. In CPRE Kent's view, this recognises that the local plan process is the correct way to grapple with complex issues such as borough-wide site alternatives. It adds that there needs to be truly exceptional circumstances if any area of AONB is released to major development, without the in-depth and transparent scrutiny of an examination in public.

241. CPRE Kent considers that Mr Hazelgrove's evidence appear to take the view that a full and detailed review of alternatives was not possible in the context of a planning application, despite the clear requirements of Framework para 177(b). CPRE Kent maintains that, in the context of its own view that to rely on the eLP evidence base and proposed strategy to meet the para 177(b) would be flawed, given it has yet to be examined or found to be sound, Mr Hazelgrove offered the view that the eLP sites and strategy should be preferred, as they had been prepared by professional planners. CPRE Kent adds that Mr Hazelgrove accepted that AECOM, who had undertaken the eC&SNP site assessment, were also professional planners, yet both he and Mr Slatford, the applicant's planning witness, agreed that the review of alternative sites could be no less thorough than for a Local Plan, if it was to satisfy para 177(b).
242. CPRE Kent adds that, Ms Warne also explained that, following thorough consideration of the many responses to the Reg 14 eC&SNP, the Steering Group intend to proceed with a Reg 16 consultation on an amended draft Plan. The policies in this Plan concerning the protection of the Crane Valley from further development, the protection of the historic landscape and the protection of the historic settlement pattern and green gaps between settlements, which were contained in the Regulation 14 draft, will, CPRE Kent says, be carried forward, unaltered in their essentials, to the Reg 16 draft. In its view, this development is consistent with none of these policies. It adds that weight should be given to the eC&SNP, because in all relevant respects it reflects the considered view of the community, obtained through a very thorough consultation, that this development is wrong for Cranbrook.
243. CPRE Kent maintains that, underpinning both the Council's and applicant's case that there are exceptional circumstances in the context of Framework para 177(a) is the requirement to meet the local housing need. It is common ground that, in the eLP, this is currently informed by the standard method. However, CPRE Kent submits that it will contest this at the eLP examination⁷⁰ on the basis that the constrained nature of the Borough provides compelling justification to depart from this starting point.
244. CPRE Kent says that it is also common ground that the current five-year supply deficit is just 0.11 years against the standard method target. It maintains that Mr Hazelgrove and Mr Slatford agreed that this figure reflects a continued improvement in the supply over previous years. CPRE Kent also states that it amounts to the highest annual rate of delivery within the Borough on record, which it sees as a particularly impressive feat against a background of the pandemic and national lockdowns.
245. CPRE Kent queries the proposed affordable housing tenure split which would deliver an affordable rent offering that is below the Council's Affordable housing SPD requirement. Mr Hazelgrove's view, as set out at para 5.24 of his proof of evidence, was that this tempered the weight that should be given to the applicant's stated benefit arising from the over-provision of affordable housing.
246. Overall on the need for both market housing and affordable housing, CPRE Kent states that Mr Hazelgrove and Mr Slatford agreed that this was a pressing need across the country. When suggested that this meant a localised need was,

⁷⁰ CD9.7.3, p2

therefore, not exceptional in itself, CPRE Kent maintains that Mr Slatford agreed that it was not the need for housing in itself that equated to exceptional circumstances, rather it was a contributory factor, alongside other benefits.

247. With respect to those wider benefits, it remains CPRE Kent's position that these are normal, rather than exceptional. Elements such as construction workers generating additional expenditure in the local economy and children's play areas do not really amount to significant benefits in its view.
248. CPRE Kent accepts that the provision of market and affordable housing is clearly a benefit of the proposal and that there are certain other benefits to the scheme. However, the case being advanced is that any number of these unexceptional benefits can be added together until the package being offered is deemed exceptional, but in CPRE Kent's view, it is not. It adds that if the benefits of this unremarkable development were to be considered exceptional, this would simply erode the safeguards to the HWAONB secured by Framework para 177 allowing what should be the exceptional loss of AONB to major development to become commonplace.

Hawkhurst Golf Club

249. The Golf Club site is located in the HWAONB, some 5km from Turnden. The planning application for that site is opposed by the Council, rightly in CPRE Kent's view. It is the subject of an appeal the Inquiry for which recently concluded. That site is not allocated in the eLP. It does not appear to CPRE Kent that there are any outstanding highways issues associated with that proposal. Should permission be granted for that development, the consequences would, in CPRE Kent's view, be highly material to the decision to be taken in this case.
250. CPRE Kent considers that the Hawkhurst Golf Club development would dwarf all other proposed development sites in the eastern part of the Borough and in terms of new homes, it would make up, several times over, the current shortfall in five-year housing land supply in the area. It adds that it would equate to more than double the housing allocation for Hawkhurst and more than 45% of all housing allocations for the eastern part of the Borough in the eLP and it would provide almost as many new homes as the application site and the BKF and TF sites combined.
251. CPRE Kent maintains that, if the Hawkhurst Golf Club development were to be permitted, its size and proximity to Turnden and Cranbrook would, amongst other things, call into question the weight to be attached to the benefit of the housing to be provided at Turnden, a factor which has been highly material to the Council's support for the present application. In that event, CPRE Kent suggests that the Council would need to reconsider the housing site allocations in the eLP, at least for the eastern part of the Borough. CPRE Kent states that Mr Hazelgrove accepted that, if permission were to be granted, it would be taken into account by the Inspector examining the eLP. It adds that he thought that, at most, it might affect allocations in Hawkhurst, but CPRE Kent disagrees.
252. In CPRE Kent's submission, this eventuality should be born in mind when deciding the current planning application and a way found to take into account the possibility of such a material change in circumstances. CPRE Kent contends

that it has identified a solution as set out in its submissions on these proposals⁷¹.

Conclusion

253. In conclusion CPRE Kent offers a headline summary of each of the five matters about which the Secretary of State particularly wished to be informed.
254. *Government policies for conserving and enhancing the natural environment* - CPRE Kent considers that this development would be inconsistent with the applicable provisions of Framework Chapter 15, in particular for the reasons given by NE and the HWAONB in their submissions and the evidence of their witnesses. It contends that Considerable weight should be given to this consideration.
255. *Government policies for delivering a sufficient supply of homes* - CPRE Kent states that the provision of 165 new homes in a suitable and sustainable location in the eastern part of the Borough is consistent with Framework Chapter 5. It adds, however, that Turnden, is neither suitable nor sustainable in any meaningful sense. It also considers that there are alternative ways of providing a similar number of homes in the area, more sustainably and at the expense of less harm to the natural and historic environment, such that little weight should be given to the benefit of the housing that would be provided on this site.
256. *Government policies for conserving and enhancing the historic environment* - This development would, in CPRE Kent's view, be inconsistent with Framework Chapter 16, for the reasons given in its own submissions and those of the HWAONB Unit and by their witnesses, as well as by the Council's Conservation Officer, Ms Salter. CPRE Kent contends that considerable weight should be given to the harm to the historic landscape, the Cranbrook Conservation Area and the listed buildings identified in the evidence.
257. *Government policies promoting sustainable transport* - CPRE Kent states that Mr Bird's evidence was that the site is "sustainable", but the practical evidence of Ms Daley shows that the development would have little impact on the use of sustainable transport, even if all the proposed links through the BKF site can be provided. Accordingly, in its view, negligible weight should be given to this consideration.
258. *Consistency with the development plan and the weight to be attributed to the policies in the emerging development plan* - CPRE Kent considers that the proposed development is inconsistent with the development plan and that little weight should be given to the inclusion of the site in the eLP, in view of the stage it has reached and the objections voiced to such allocation.
259. CPRE Kent also requests that air quality is taken into account in the determination of the planning application. In its assessment the proposed development would increase air pollution in what is soon to be designated an AQMA, with the result that permitted limits to NO₂ concentrations would be exceeded for longer than would otherwise have been the case. This, in CPRE Kent's view, would be inconsistent with national and local planning policies. It adds that both future uncertainties and developing understanding of risks to human health point to a precautionary approach to this matter and considerable

⁷¹ ID56

weight should be given to it.

260. CPRE Kent concludes that permission for this development should be refused for the reasons summarised here, as set out more fully in the submitted evidence.

The Case for Tunbridge Wells Borough Council

Introduction

261. The Council considers that this is a rare scheme delivering a package of exceptional benefits on a site located adjacent to the settlement boundary of a tier 2 settlement which would deliver much needed housing and above policy compliant affordable housing in the town of Cranbrook, an area that suffers from an ageing population and declining affordability⁷², and which delivers landscape enhancements which Mr Duckett says would breathe life into the site, biodiversity enhancements, develops only 20% of the overall land area and, ultimately, provides a robust and defensible settlement edge in perpetuity.

Starting Point for Determination

262. The Council states that the decision-maker must:
- a) Have regard to the statutory development plan (section 70(2)) of the Town and Country Planning Act 1990 (the 1990 Act);
 - b) Have regard to material considerations (section 70(2)); and
 - c) Determine the appeal in accordance with the development plan unless material considerations indicate otherwise (section 38(6) of the Planning and Compulsory Purchase Act 2004).

Development Plan & Policy Weight

263. The judgment of the Supreme Court, in *Suffolk Coastal DC v Hopkins Homes Ltd; Richborough Estates Partnership LLP v Cheshire East Council*⁷³ confirms that legislation gives primacy to the development plan. However, the Council does not have a 5-year housing land supply and its policies are, therefore, deemed to be out of date. There is no challenge from any party to the current published position of a supply of 4.89 years. The Council is not delivering a sufficient supply of homes and does not have a Framework compliant supply of deliverable housing sites. It has taken action to address this in the form of the work to prepare its draft local plan⁷⁴ which seeks to meet its housing needs in full.
264. However, the Council adds, an analysis of weight to policy still needs to be undertaken and Mr Hazelgrove carefully considered this in his written evidence, assessed the policies for consistency with the Framework⁷⁵ and was mindful of the findings of the Inspector in the Gate Farm, Hartley appeal⁷⁶, which in the Council's view is a highly relevant decision letter.
265. In short, whilst the strategy of the Core Strategy is consistent with the Framework in directing development to the most sustainable locations and

⁷² CD9.7.1, para 150

⁷³ CD20.11

⁷⁴ ID64

⁷⁵ CD23.2.1, p117-127

⁷⁶ CD19.8

protecting natural and built assets, the Council states that many of the policies are based on, or link back to, the out-of-date housing requirement and the too tightly drawn LBDs.

Emerging Local Plan

266. The Council is committed to plan led development. It says that it has invested significant resources into its Local Plan and made substantial progress with several important stages completed, including the submission of the Reg 19 version of the eLP to the Planning Inspectorate on 1 November 2021.

267. The Council says that it has taken its time, despite the pressure, because it wants to get this right, and that it has consulted properly, considered representations properly, worked with objectors and statutory consultees. In a constrained Borough, in its view, it should be commended for the significant effort that has been required to find the land it has that would provide the supply it needs in full. The new Local Plan, the Council says, would allocate sites in the best possible locations with the right infrastructure to support them and which cause the least harm in an area which is acknowledged to be constrained.

268. Mr Hazelgrove's position is that the eLP now carries moderate weight as it is at an advanced stage.

Draft Neighbourhood Plan

269. Evidence about the eC&SNP was given by Cllr Warne who is a Parish and a Borough Councillor. She was on the Board of the Crane Valley Land Trust (CVLT) which, as the Inquiry heard on Day 1 from Mr Kemp, attempted to purchase the application site at approximately the same time as the applicant. She has resigned from the Board but is still a member of the CVLT, as is Philippa Gill who spoke against the application at the Inquiry. The Council's states that she did not accept that the "appearance of bias" which prompted her to resign from the Board also applied to her membership. It adds, however, she did accept that, as she had been on the Board, and part of the decision-making body seeking to buy the application site, her views about the site could be influenced by that background. She spoke against the application at the Planning Committee⁷⁷.

270. The eC&SNP has reached Reg 14 stage. Whilst a draft Reg 16 version was submitted to the Inquiry, the Council states that it does not exist in the public domain and that it has provided the Steering Group with detailed notes as to its continued concerns, heavily based on feedback received from Examinations of other Neighbourhood Plans in the area⁷⁸.

271. The Council maintains that the eC&SNP has made slow progress compared to other Neighbourhood Plans. Lamberhurst, Goudhurst and Benenden all started at around the same time as Cranbrook and Sissinghurst but have all progressed faster. The Benenden Neighbourhood Plan allocates sites and has been through Examination.

272. The Council says that there is a spectrum of opinion as to what happened when, why and how in relation to the progress of the eC&SNP and its failure to

⁷⁷ CD9.7.6, p2

⁷⁸ ID54

allocate sites⁷⁹. It sees this is a distraction for the decision-maker and is not relevant. It adds, however, that it is important to note that, in its view, it has a record of working with local groups to assist and support them with Neighbourhood Plans and this is reflected in the fact that four have now been made. The Council maintains that with the background and experience of dealing with other steering groups to inform judgement, it considered that the eC&SNP Steering Group were wavering and struggling with the process, and the lack of progress which could have seriously impacted the much needed local plan, the Council lost confidence in the Neighbourhood Plan allocating appropriate sites within the relevant timeframe.

273. The Council contends that had the draft eC&SNP allocations the Inquiry was told about, for the first time, during Ms Warne's oral evidence been progressed, most would have failed. The Council maintains that Mr Hazelgrove's evidence shows⁸⁰ they were either unsafe in highways/pedestrian terms, had been refused planning permission, had received poor feedback at pre-application stage, had been refused on appeal, had been recommended not to be developed in the HDA LVIA⁸¹, were poorly located in sustainability terms, and / or were identified as not suitable, available, achievable in the Strategic Housing and Economic Land Availability Assessment (SHELAA)⁸². It adds that the list of draft proposed sites also failed to include a current and future allocation, Corn Hall.
274. The Council contends that the sites that Ms Warne claimed could have been allocated to meet Cranbrook's need would not have been allocated. Mr Hazelgrove's consideration of the yields identified in the AECOM report produced for the eC&SNP assessed against more recent information than AECOM had in June 2019 was that the sites being proposed, without the application site, could have yielded only 21 dwellings⁸³. The Council add that, in any event, the application site was found by AECOM not to lead to any significant negative effects⁸⁴. Contrary to CPRE Kent's Closing Submissions, the Council considers that Ms Warne got nowhere near to demonstrating that there was sufficient potential for development on alternative sites to substitute for the proposed development.
275. Her comments were, in the Council's view, generalised and all disposed of by Mr Hazelgrove in his oral evidence. For example, it adds that, he was clear that he could see no way of accommodating 30 dwellings at site 125, there was no way of accommodating an access at site 133/71 without removing the important wooded island and site 409 is not available. Furthermore, it says, responses like "there is a farmgate access" at site 32 does not overcome an objection regarding safe site access for 70 dwellings and statements relating to her grandparents cycling on Hartley Road in the 1950s are not relevant to safe accessibility today.
276. The Council contends that what Mr Hazelgrove actually said was that alternatives to the allocation of the Turnden site were best addressed through the Local Plan process, whereas he did not state that a full and detailed review of alternatives was not possible. It adds that he stated that a Borough-wide review

⁷⁹ CD23.6.5, See Appendix 1

⁸⁰ ID52 and ID53

⁸¹ CD14.3.9 and CD14.3.9a

⁸² CD14.2.8

⁸³ ID52

⁸⁴ ID47, p27

would not be reasonable and relied on case law to support his approach at the planning application stage. In any event, the Council says that the evidence of a Borough-wide review exists in the form of the SHELAA, while Ms Warne had not even considered / put forward an alternative number. It adds that the highest she could put it was that there were still sites that could “contribute”. The Council considers that this is not the same as meeting needs without the site at Turnden and that she accepted that “things had moved on” since AECOM did its draft analysis.

277. The Council states that the timing of the publication of eC&SNP VPs⁸⁵ appears to coincide with the draft allocation of the application site. In any event, they form part only of a Reg 14 version of the eC&SNP. The Council adds that the draft eC&SNP policies relied upon by CPRE Kent have received significant comment from the Council. Whilst it is claimed that these policies have overwhelming support from the community, the Council notes that the consultation response rate actually represented approximately 2.6% of the population of Cranbrook.

278. In the Council’s view, the eC&SNP carries “very minimal” weight in the determination of this decision.

Government Policies for Conserving & Enhancing the Natural Environment

Effect on the HWAONB

NE’s Position

279. The Council says it has liaised closely with NE throughout the eLP preparation process. It considers that it has done more than liaise – when advised that it should commission an LVIA of the sites it was considering allocating for major development through its eLP, the Council did so.

280. By commissioning the LUC Landscape Character Assessment, the LUC Sensitivity Study and then commissioning the HDA LVIA⁸⁶ and assessing the site specific LVIA for this application, the Council considers that it has not ignored a single step in the PPG⁸⁷.

281. HDA were commissioned in November 2019, so the study had already started before the application site LVIAs were completed. The Council states that it could not have been influenced or informed by any LVIA work done by the applicant. It adds that this was an entirely independent piece of work by landscape professionals for a specific purpose as required by NE. The work was not, in its view, tainted by knowledge of any planning application or any strategy of the Council as Mr Duckett confirmed in oral evidence. This was a high-level LVIA and the Council considers that NE and the HWAONB Unit were aware of this having been consulted. The aim of the study was to provide “*clear and concise advice*”.

282. The original project brief and the subsequent proposed methodology were shared with NE and the HWAONB Unit for comment. The Council says that if NE had considered the methodology flawed in any way or the study not detailed enough for the purposes for which it had advised it was commissioned, it was

⁸⁵ ID11

⁸⁶ CD12.8, CD12.22, and CD14.3.9 & 14.3.9a respectively

⁸⁷ Paragraph: 037 Reference ID: 8-037-20190721

given every opportunity to say so. It adds that, survey sheets for the field work and proposed site assessment templates were also shared with NE and the HWAONB Unit and, again, had there been concerns with the approach or the way key components were being assessed, there were opportunities to intervene. The Council states that the project took as long as it did because NE was so involved in the process, so it found it surprising and unreasonable to hear NE's witness criticise the report at the Inquiry.

283. NE's comments on the Reg 19 pre-submission eLP, dated 4 June 2021⁸⁸, recognise and "welcomes" the level of effort and consideration to address its previous concerns using the HDA LVIA⁸⁹. NE also state that it is "pleased" that the work fed into the process to delete a number of major development site allocations including the Hawkurst Golf Course site. This, in the Council's view, endorses the effect of the HDA LVIA.
284. The Council considers that the criticisms of the report mostly relate to Ms Farmer's professional disagreement. For example, she disagrees in relation to noise being a detracting feature or the detracting features associated with equestrian use. It adds that she accepted in cross examination that a high-level report, as signed off by NE, would not mention every aspect of every site and that she accepted that certain criticisms⁹⁰ are not substantiated when the report is read properly in context. The Council also considers that she maintained an inexplicable position with regard to the "perceived gap between Cranbrook and Hartley". In the Council's opinion Figure C2⁹¹ of the report shows the "essential separation to settlement" and the position of the report, and Mr Duckett, is that the site can be developed without compromising any perceived gap.
285. Lastly, the Council states that Ms Farmer misinterpreted the conclusions of the Inspector in the Gate Farm appeal⁹². This is an important appeal decision in the Council's view because it relates to the same local planning authority, is fairly recent and considers the same LVIA. Once the details of that particular scheme were explained to her in cross examination, together with the recommendations of the HDA report, in the Council's opinion it was clear that the proposed mitigation measures, which included retaining the northern field parcel as open space, were not secured. It was also clear in its view that the quantum of housing recommended in the report had been significantly exceeded. Furthermore, contrary to the report's recommendations, the design was not farmstead-led. The Council states that Ms Farmer accepted that not all the recommendations of HDA were part of that planning application appealed and therefore, in its view, her conclusion that Inspector Rose called "into question the reliability of the judgements within the HDA assessment" was wrong. As a matter of fact, the Council contend, that that Inspector could see the key headline recommendations of that assessment were not part of the proposals and his overall conclusions show that he did not question the reliability of the judgements within the HDA assessment at all.
286. With regard to weight ascribed to the HDA LVIA, the Council quote the Gate Farm decision letter ... *the CLVIA still retains some significance to the appeal and*

⁸⁸ CD14.1.4

⁸⁹ Page 3 "Overarching Comments"

⁹⁰ For example, para 84 of her proof of evidence

⁹¹ CD14.3.9a, electronic page 3

⁹² CD19.8

*cannot be unduly discounted. The context is of an up-to-date, professional assessment of the potential to accommodate major development in Cranbrook and elsewhere ...*⁹³

287. The Council also state that the effect of that LVIA work is reflected in its Development Strategy Topic Paper⁹⁴ which is part of the evidence base for the Reg 19 Plan. It sets out that the net effect of further work post the Draft Local Plan has been to “*substantially reduce the extent and quantum of sites in the AONB ... the number of allocations in the AONB has reduced from 49 to 32, while the total number of dwellings proposed for allocation is now...a reduction of 47%*”. It also sets out that the “*number of major developments is reduced ... to 11*” (from 21). The Council adds that, the amount of developable land allocated is about a third of 1% of the total AONB area within the Borough.
288. The Council considers that there was a suggestion put to Mr Hazelgrove in cross examination that if NE agreed with the HDA report they would not continue to object to the planning application and to the allocations, which the Council sees as disingenuous. It adds, for NE to advise the LVIA approach but then write on 4 June 2021 that “*Natural England has an in-principle objection to major development within the High Weald AONB ...*” suggests that ‘NE’s U-turn’ on the usefulness of such LVIA’s was because it simply did not like the results. In the Council’s opinion, NE would never have agreed with the HDA assessment unless that assessment recommended no sites could accommodate major development. Indeed, the Council states that, Ms Kent accepted the same in cross-examination when she agreed that “whatever HDA had said”, the position of NE and her position would still be to object.
289. In the Council’s view, if, as NE wrote on 4 June 2019 “*LVIA’s do not provide adequate assurance that the effects of the development on the landscape and scenic beauty of the nationally designated and sensitive landscape of the High Weald could be sufficiently mitigated*”, it is perplexing as to why it advised that approach and why NE agreed the methodology of the report. NE did not require an LVIA for any of the non-major allocations in the eLP, which the Council considers demonstrates the HDA LVIA’s purpose.
290. The Council commends the HDA LVIA to the Secretary of State as an independent piece of work produced outside the remit of an Inquiry, requested by NE and informed by NE. It adds that it is a document to which significant weight can be given.
291. The Council considers that NE has an in-principle objection to major development in the HWAONB but communicated its final position after the HDA LVIA had been completed. It did not undertake its own LVIA and objected to this proposal before seeing the applicant’s LVIA. It adds that such a blanket approach to responding as a statutory consultee is unreasonable particularly in light of the background to the HDA LVIA. The Council maintain that the confused position of NE was accepted by Ms Farmer who said, “*I can see why you would come to that conclusion*”.
292. Ms Kent’s oral evidence included that major development in the AONB should

⁹³ CD19.8, para 98

⁹⁴ CD14.2.2, including para 6.159 and 6.167

be dealt with through the local plan process and not through planning applications. However, the Council says that Framework para 177 provides the tests for planning applications and its development plan policies allow for consideration of major development in the HWAONB.

293. The Council considers the position of NE in this case is one of principle not substance. It adds that NE's position is more confused given that it withdrew its objection to the BKF planning application apparently because the site had been allocated. Allocation is not, as Ms Kent accepted, a reason for a statutory advisor not to object. If harm to landscape was significant, NE could continue to object. The Council adds that the evidence of Ms Farmer has been produced to back up the objection to the proposed development now under consideration which was not warranted based on the Council's evidence base and the detailed LVIAs produced for this application. Furthermore, in the Council's opinion, NE's in-principle objection is contrary to government policy.

Prematurity

294. The prematurity argument raised by NE is not sustainable in the Council's view. NE's approach, it adds, is that not meeting both elements of Framework para 49 is not fatal because of the word "unlikely". The Council considers that, whilst that may be correct technically, it is still "unlikely". The Council says that NE's argument does not meet both parts of the test and there is no reason why its case as put during the Inquiry should overcome the "unlikely" hurdle.
295. The position taken by NE, in the Council's opinion, is that granting planning permission for this application would have a "domino effect" on the other major development allocations objected to by NE. The Council says this is wrong for a number of reasons:
- (a) As Mr Hazelgrove stated, each allocation will consider the site-specific aspects as did the Council in assessing each site separately;
 - (b) Table 3⁹⁵ makes clear that in considering detrimental effects and the extent to which that could be moderated, the *"merits of each proposed allocation are considered as part of the site-specific assessments"* and that these had *"particular regard to the impacts on key components of the AONB and the extent to which these are proposed to be moderated or enhanced"*. Whether or not impacts on key components have been moderated or enhanced can only be achieved at a site-specific level: for instance, whether or not detrimental effects at Turnden are moderated does not have a bearing on whether the detrimental effects on a site in Hawkhurst are;
 - (c) Table 3 also makes clear that the cumulative effect on individual settlements has been considered. Again, granting permission for 165 houses in Cranbrook cannot possibly provide a precedent for the consideration of whether there is a cumulative effect on Hawkhurst or Pembury for example;
 - (d) Lastly, of the sites that NE objects to⁹⁶ (9 in total although 3 only amount to major development if considered together in the Council's view), AL/RTW 17 (Longfield Road) has planning permission, AL/CRS 1 (BKF) has planning permission, AL/CRS 2 (Corn Hall) is already allocated and the principle of the

⁹⁵ CD14.2.2, p51

⁹⁶ CD 14.1.4, p2

acceptability of allocation was determined against a lower housing needs figure 5 years ago; AL/HA 4 was refused planning permission and has been appealed with the appeal due to be heard in early 2022 and a decision due long before this site could be allocated, AL/BM 1 has planning permission and is being built out. Therefore, what is left is the consideration of this site at Turnden and 220 dwellings at three sites in Pembury, AL/PE 1-3, which individually are not considered by the Council to be major development. Mr Hazelgrove explained to the Inquiry that the grant of planning permission for 165 houses at Turnden cannot possibly impact on the site at Hawkhurst, AL/HA 4, or the 220 homes at Pembury which is the opposite side of the Borough⁹⁷; and

- (e) The grant of planning permission would be in accordance with the strategy of the submitted eLP and not contrary to it⁹⁸.

296. The Council contends that there is no impact on the Local Plan as a result of 165 homes in Turnden and the Prematurity argument is not made out.

HWAONB Unit's Position

297. The HWAONB Unit has, in the Council's opinion, taken an extreme approach to this application from the outset. Despite having knowledge of the application and despite being given 7 days' notice of the Officer's Report recommending the grant of planning permission, the HWAONB Unit formally complained the day before the Council's Planning Committee was due to determine the application. The Council adds that, due to the formal complaint of a "compliance breach", NE was required to consider whether to investigate the matter but declined to do so. The Council sought external legal advice to confirm that it had not breached any statutory duty in determining the application and responded robustly. The complaint was eventually withdrawn but email correspondence continued to criticise the Council regarding "quality of decision making" but refused to properly engage with Mr Scully⁹⁹ in the Council's view.

298. The Council adds that the extraordinary chain of events has never happened before at the Council. Mr Scully has worked at the Council for over 20 years and has worked with Ms Marsh at the HWAONB Unit for a considerable time. It adds that Ms Marsh did not forewarn Mr Scully or any planning officer at Tunbridge Wells of the complaint. It was deeply concerning for officers and Members and the Council can think of no other reason for the complaint other than to de-rail the planning application determination process which it says is driven by Ms Marsh's conscious or subconscious position because she lives within 1 mile of the appeal site.

299. In the Council's view, it is highly unusual for a professional witness to give such evidence. Whether aware of it or not, it adds that it is highly likely that evidence will be influenced. The following matters contribute to this contention:

- (a) Ms Marsh has appeared at hearings / Inquiries concerning sites near where she lives previously. Mr Scully gave evidence that she appeared at the Site

⁹⁷ CD 14.2.2, the map on p3 shows the relative locations of Pembury and Cranbrook

⁹⁸ CD 19.3 para 15.52 of the Inspector's Report

⁹⁹ ID17-ID19

Allocations LP hearing in relation to the BKF, she appeared at the Gate Farm Inquiry¹⁰⁰ and she appeared at this Inquiry;

- (b) Ms Marsh did not appear at the Hawkhurst Golf Club planning inquiry¹⁰¹, a development of 374 homes and a major relief road, despite the HWAONB Unit objecting;
- (c) Ms Marsh confirmed that she personally contacted Historic England after they had issued their consultation response (no objection) on 17 April 2020. It is telling, in the Council's view, that the email from Historic England dated 27 May 2020 states *"Please also be aware that I have been contacted on a couple of occasions about my letter of 17 April 2020 and will share my response with those who contacted me"*¹⁰².

300. The Council contends that Ms Marsh's approach to the application and to evidence at the Inquiry, both landscape and ecology, has been tainted by a personal conflict of interest. The Council adds, that CPRE Kent label this contention "unedifying" but the Council's position that the complaint and the failure to engage in properly advising the Council is actually the unedifying behaviour.

Landscape & Visual Effects

Context & Baseline

301. The site is formed of grazing paddocks associated with the former riding stables and equestrian facilities at Turnden Farm. The Council adds that dilapidated timber rail fencing remains, and the removal of the sand school has taken place and it is to be grassed over but with nothing in place to reinstate the topography or wider land. As Mr Duckett stated, there will always be an artificially flat area in that location which is evidence of manipulation of the levels in the Development Area. There is, the Council maintain, no improvement to the quality of the grassland as claimed by NE. Mr Duckett was, it says, clear in oral evidence that there was no "recovery", no "improvement" and that this was an "interim state".
302. The Council also considers that Mr Duckett was clear in his oral evidence that the majority of the town of Cranbrook is on the valley floor on the slopes to the west or east of Crane Brook but that it is important to look closely at the settlement pattern. His rebuttal plan¹⁰³ shows the relationship of the town to the valley sides and demonstrates that there is existing settlement above the 100m contour, and that the quantum of development proposed is, in the Council's view, very similar to that which already exists above the contour.
303. The Council says that the site is well-contained and that Ms Farmer agreed. It adds that the majority of the site is contained by mature woodland, tree belts and boundary hedgerows. The Council says that the suggestion about Ash die-back from the HWAONB Unit was not properly evidenced or assessed and even if it is correct, this makes the proposed management even more important.
304. The Council also says that there are a limited number of views out across the

¹⁰⁰ CD19.8, p25

¹⁰¹ APP/M2270/W/21/3273022

¹⁰² CD6.6.1 and CD6.6.2

¹⁰³ CD23.6.6, p3

Crane Brook valley, while views from the wider HWAONB are contained by the high ground to the site's east, south and west. The Council adds that woodland on low-lying ground contains the site to the north and east, and that this was one of the reasons why the Site Allocations LP Inspector found the BKF site appropriate for allocation¹⁰⁴. Mr Duckett stated in cross examination that this containment is relevant on the application site because it is "part of the character of the site".

305. In the Council's view, the baseline for landscape assessment purposes, as agreed by Ms Farmer, includes the BKF development and the TF development. Mr Hazelgrove confirmed in his oral evidence that, as case officer for the TF application, there was no expectation from the Council that the land around that development would remain free from development. The Council adds, also part of the baseline is linear development on both sides of Hartley Road and beyond TF, and the Orchard Way housing. It adds that once BKF is developed, there would be housing, and the perception of housing, from Turnden to Cranbrook and the developed site would be "*closely associated with built development on two sides of the site and will lie adjacent to the settlement boundary of Cranbrook*"¹⁰⁵. In cross examination Mr Duckett stated there was an "urban influence".
306. There are a number of further detracting features, the Council says, such as noise from the nearby A229, the prominence of paddock fencing and disused stable buildings and modification of site levels.

Sensitivity

307. The Council state that the 2009 Landscape Character Assessment and Capacity Study¹⁰⁶ uses an out-of-date GLVIA methodology, as recognised by Ms Farmer¹⁰⁷, and has been updated by the LUC Sensitivity Study, which was done recently, July 2018¹⁰⁸. The methodology, it adds, makes a real difference; it changes the baseline, and it is odd that NE attempted to rely on such an aged document when it had clearly been replaced. The Council goes on to say that, in any event, notwithstanding the conclusions of a 2009 capacity study using an out-of-date methodology from which Ms Farmer attempted to 'draw bright lines', the bulk of the BKF site is in its area C2¹⁰⁹ as is the TF site such that that area should now be read as developed and renders the 2009 Study further outdated.
308. In the Council's view, the report to which much more weight should be given is the LUC Sensitivity Study. It adds that this is part of the layering of assessments that local planning authorities are advised to obtain¹¹⁰. It adds that this was obtained, not to inform any particular development, and not with the prospect of providing evidence at an Inquiry in mind. The Council contends that it is independent and impartial. It adds that Ms Farmer agreed that for the purposes of this study, the proposals are "small-scale development"¹¹¹.
309. In Sub Area Cr2 of the LUC Sensitivity Study, in which the site lies, the

¹⁰⁴ CD11.13, para 74

¹⁰⁵ CD23.2.2, para 3.1.3

¹⁰⁶ CD12.23

¹⁰⁷ CD23.5.1, para 63

¹⁰⁸ CD12.22, para 1.6

¹⁰⁹ CD12.23, figure 9

¹¹⁰ PPG Paragraph: 037 Reference ID: 8-037-20190721

¹¹¹ CD12.22, Table 2.2, p16

authors have concluded that for small-scale development, the range of Sensitivity is between Medium High and High¹¹². The Sensitivity conclusions provide: *“Adjacent to the allocated AL/CR4¹¹³ development on the edge of Cranbrook, around Turnden, and in remaining open gaps along Hartley Road, proximity to existing/intended development means that sensitivity is slightly lower”*. The Council maintains that, despite Ms Farmer’s evidence, plainly this is the area which has been given the lower sensitivity rating in the table. The Council adds that there is no other explanation, and it is the obvious interpretation. The Council also says that the Guidance on “potential mitigation/enhancement measures” relates to openness around the Turnden farmhouse. However, that was written before the farmhouse was burned down and de-listed. Whilst Ms Farmer stated that this still meant that the Sensitivity Definition “High” applied, the Council states that she also had to accept that the way that Table 2.1 was drawn, meant that the Sensitivity Definition “Medium-high” also applied¹¹⁴.

310. This accords, the Council adds, with Mr Duckett’s conclusions for the Sensitivity of the Development Area as Medium/High¹¹⁵.

AONB Special Qualities

311. The HWAONB Management Plan¹¹⁶ provides the definition of the natural beauty of the High Weald and all five defining components of character that define the natural beauty of this AONB are relevant in the determination of this application. The Council submits that, in order to assess whether a proposal conserves and enhances the HWAONB, it must be relevant to assess the defining components and how the site contributes to them. Ms Farmer disagrees but, on her analysis, which the Council says is also contrary to GLVIA¹¹⁷ in assessing specifics of a site, all development in the HWAONB would be unacceptable because it is a uniformly attractive landscape.

312. In relation to the key component of Natural Beauty, Geology, page 24 of the Management Plan says that the HWAONB is *“characterised by a deeply incised, ridged and faulted landform...from them spring numerous gill streams....”*. The Council says that the site makes a “moderate contribution” to this key characteristic¹¹⁸ and the changes in level across the development are gradual and stepped in concert with the general landform and therefore comply with Objective G2’s proposed actions in avoiding substantive alterations to landform in development. Objective G1 seeks to restore the natural function of water courses and bodies. The proposals would restore ditch lines and water courses across the site adding, in the Council’s view, connectivity and improving biodiversity.

313. The Council states that settlement is a further component of Natural Beauty and the objectives are to protect the historic pattern and character of settlement. It adds that the proposals meet Objective S2 whose rationale is *“To protect the distinctive character of towns, villages, hamlets and farmsteads and to maintain*

¹¹² CD12.22, p30 and p126

¹¹³ Allocations of BKF and Corn Hall

¹¹⁴ CD12.22, p15

¹¹⁵ CD12.22, p29

¹¹⁶ CD12.13

¹¹⁷ CD16.1, para 5.41

¹¹⁸ CD23.2.2, para 9.2.2

the hinterlands and other relationships (including separation) between such settlements that contribute to local identity". Indicators of Success include *"Physical and perceived separation between settlements maintained"*. Mr Duckett has assessed the relationship between Cranbrook and the neighbouring hamlet of Hartley and finds that the proposals do not affect the existing separation between the TF development and the ribbon development extending north out of Hartley.

314. The Council says that, whilst the sense of separation would be largely unaffected because the mature hedgerows and trees are retained, the proposed housing fronting the development would be set back behind the retained roadside hedgerow by between 50-80m, maintaining the sense of separation. It adds that, the new housing proposed in the Development Area would be no nearer to Hartley than the development permitted at the TF site.
315. Mr Duckett stated that the HDA 'identified gap' is the essential gap between settlements and that it is unaffected by built development of any sort¹¹⁹. In the Council's view, once one moves beyond that there is an effect of Orchard Way on the scene. It adds that it is the Orchard Way development that is the "anomaly in the settlement pattern" due to its arrangement and suburban character. The Council goes on to say that a new woodland is also proposed between the TF development and Hartley to reinforce the physical sense of separation. It contends that, contrary to the HWAONB Unit's submissions, the landscape strategy enhances the legibility of the historic landscape with the restoration of woodland shaws and historic field hedgerow pattern. The Council adds that, as set out in GLVIA¹²⁰, perception is relevant, and Mr Duckett was clear that both the gap and the perception of the gap would be retained.
316. Mr Duckett considered the Historic Landscape Characterisation and the AONB Parish Plans and assessed the map regression and the historical aerial photographs. The site has, in the Council's view, undergone substantial change in terms of its landscape structure with some modification to site levels, in contrast to other landscape surrounding the site¹²¹. It adds that, Ms Farmer accepted that there had been a loss in discernability of the field boundaries in certain fields.
317. The Council goes on to say that the Wider Land Holding provides the opportunity to restore and enhance a considerable area of landscape between Hartley and Cranbrook as high quality rural countryside. It adds that through the long term management of the Wider Land Holding via the LEMP, this would ensure the separate identities of the two settlements, providing a "full stop" to development that would be maintained in perpetuity.
318. Among the top five issues noted under Settlements in the HWAONB Management Plan is "Declining affordability". Both the market housing and the 40% affordable housing contribute towards alleviating this issue. Another issue listed is "Generic layout and design of new housing developments failing to respond to, or reinforce AONB character". The Council considers that Mr Pullen's evidence demonstrates how carefully the Housing Design Guide¹²² has been followed.

¹¹⁹ CD14.3.9a, p3, figure C2, Essential separation to settlement

¹²⁰ CD16.1 PART 1, para 2.2

¹²¹ CD23.2.2, para 10.9.1

¹²² CD12.15

319. The Council states that routeways are also relevant and the vision of the HWAONB is to promote a landscape in which the character of the distinctive lanes and rights of way is protected, and a balance achieved between the comparative quietness and rurality of the roads of the High Weald and their function as communications central to the economic and social wellbeing of the area. It adds that, the proposals maintain the footpath alignment and the landscape enhancements would maintain rurality and additional permissive routes would enhance the social wellbeing of the community by extending the network, and Tanner's Lane would be reinstated.
320. The fourth component of Natural Beauty is Woodland. The key characteristics include that there is a "*High proportion of ancient woodland*" and that "*there is a mosaic of many small woods and numerous linear gill woodlands*". Objective W1 is to maintain the existing extent of woodland and particularly ancient woodland. The Vision discusses that the Ancient Woodland in the High Weald should be "*managed in a sustainable way...*". The Council says that Objective W2's rationale is to extend the area of "*appropriately managed woodland (including restoring plantations on ancient woodland)*". It adds that the top five issues include invasive and damaging species including, rhododendron.
321. The Council says that the proposals provide for the managed development of woodland across the southern and western portions of the Wider Land Holding, including the adjacent off-site Ancient Woodland adjacent to the Crane Brook which is currently unmanaged. This can only be positive, in the Council's view, and amount to long term enhancement for the HWAONB through reinstated shaw woodland and introducing additional blocks of woodland.
322. The last component is Field and Heath. The High Weald is characterised by small, irregularly-shaped and productive fields often bounded by hedgerows and small woodlands, and typically used for livestock grazing small holdings; non-dominant agriculture.
323. The Council considers, however, that the site simply does not contribute to this component. It says that a small-scale field pattern with irregularly shaped fields bounded by hedgerows does not remain on the site. Mr Duckett undertook a historic landscape assessment and concluded that there was a lack of historic hedgerow boundaries within the site and a lack of coherent fieldscape. The Council maintains that the internal fieldscape is not defined by hedgerows, it is compartmentalised by paddock fencing and some remnant hedging and woodland. During his oral evidence Mr Duckett pointed out that historic plans do show a more divided and small-scale landscape. The Council maintain, however, that when he walked the site, even with his expertise and knowledge of the plans, he could not "*pick up hedgelines or fieldscape*". He "*looked for dog legs*" (to which Dr Bannister refers) but could not find any. He looked for "*intactness in the fieldscape and the things that represent it*".
324. Mr Duckett also compared the oblique aerial photograph from 1929 with the vertical aerial photos from 1940, 1990, 2014 and 2020. By 1940, he said there was loss of trees and loss of historic hedges and then a gradual diminution of hedgerow structure and stated, "*to my mind the coherence of the fieldscape is waning*". His view is that the "*field structure is not there*". He spoke of what an ordinary person would find on the Site. The Council contend that a ditch here and a remnant hedgerow there does not amount to intactness in the fieldscape

such that anyone other than a landscape historian could discern it. In the Council's view, it is wrong to suggest that Mr Duckett was "only" concerned with what the "ordinary man" can see, as he also said he could not see it. The Council says that his evidence was that there had to be something "tangible" and Mr Duckett could not find it.

325. The Council notes that in its closing submissions the HWAONB Unit states that the position of the Council contrasts with the position it took at the Gate Farm appeal. However, the Council states that in that case there were historic buildings left on that site and it had been in use for grazing recently. It adds that, in any event, that Inspector disagreed with the Council's position¹²³.
326. The Council maintains that the landscape proposals actually restore the historic field pattern to the south-east of Hennicker Wood, enrich the agricultural landscape within the south-west field with species rich meadow, field trees and scrub, and establish new woodland adjacent to Hartley Road. Woodland links, it adds, can be enhanced between Hennicker Wood to the Crane Brook Ancient Woodland. Livestock grazing of pasture and low intensity sheep grazing of the meadows would also be introduced. The Council contends that, by removing the paddock fencing and equestrian paraphernalia and introducing these features, the proposals would enhance the HWAONB.
327. The Council considers that the ditch and historic hedgerow alignment dividing the proposed open spaces to the western boundary would restore historic character. The enhancements proposed for the Wider Land Holding would, it adds, restore the field boundaries evidenced on the 1810 tithe map to the south-eastern fields and reinstate the wooded shaw linking Turnden Wood to the Crane Brook.
328. In the section "Other qualities" of the Management Plan, page 58, it is set out that the HWAONB is characterized by perceptual qualities, features and cultural associations that enrich character components, enhance health and wellbeing, and foster enjoyment and appreciation of the beauty of nature. The proposals would, in the Council's opinion, enrich character components, enhance health and wellbeing and foster enjoyment and appreciation of the beauty of nature. The Management Plan also says the HWAONB is also a stronghold for characteristic species, page 41, improving wildlife is part of the Vision, page 5, and BNG is specifically mentioned on page 16. The Council contend, as follows, that this key element of the beauty of the AONB is significantly enhanced.

HWAONB Unit Landscape & Visual Impact

329. The Council states that, in terms of the HWAONB Unit's landscape evidence, Ms Marsh, a landscape ecologist rather than landscape architect, has not undertaken her own LVIA nor has she provided any methodology for how she assessed landscape and visual effects. It adds that the GLVIA is clear as to the importance of transparency¹²⁴ and in its view Ms Marsh's evidence cannot be properly understood or traced such that the Council submits that it is not credible.
330. The Council adds that, despite that failing in her own evidence, Ms Marsh

¹²³ CD19.8, para 18

¹²⁴ CD16.1 Part 1, para 2.24

stated that in respect of the professional judgements of Mr Cook and Mr Duckett, both landscape architects, theirs were not within the range of reasonable judgements and were “fundamentally wrong”. The Council also says that she disagreed with Ms Farmer as to whether planting and landscaping was exceptional, could see no benefits from the proposals at all and had completely failed to assess the proposals against landscape character assessments, despite the Council’s LCA being adopted as an SPD¹²⁵ and Core Strategy Policy CP4 (2)¹²⁶ requiring the same. It adds that Ms Marsh also failed to assess the scheme against the objectives of the HWAONB Management Plan, is the only witness who maintained the position that the recent aerial photography showed a surviving fieldscape visible on site although the LUC Sensitivity Study also states that there are no historical surviving field boundaries¹²⁷, is the only witness who maintains that the soil distribution is a major adverse impact. In the Council’s opinion, she represents an outlier amongst the landscape witnesses.

331. The Council adds that Ms Marsh also took the position that, in relation to Viewpoint 3, the year 2 view would better reflect the natural beauty of the HWAONB and that that natural beauty was better served by seeing a 180 house development at BKF rather than planting visible at year 15. This, the Council contends, rather demonstrated the extraordinary interpretation of natural beauty of the HWAONB from Ms Marsh.
332. The Council states that, her evidence, whilst on paper in agreement with NE because the HWAONB Unit objects to the proposals, is not in the same category of professionalism or reasonableness of other landscape witnesses at the Inquiry.
333. With regard to Framework para 177, the Council says that the HWAONB Unit provides no evidence, but that Ms Marsh did say that in her view, in order for exceptional circumstances to be met, it would mean that proposals met and exceeded the aspirations of the HWAONB Management Plan. The Council maintains that, whether this is a reasonable position or not, the proposals do meet and exceed the aspirations of the HWAONB Management Plan for all the reasons above.

Conclusions on Landscape & Visual Impact

334. The Council commends Mr Duckett’s evidence and adds that he noted the trenchant criticism of his approach by Ms Marsh, yet he gave the landscape evidence relevant to AONB impact in the Steel Cross appeal and the Court of Appeal¹²⁸ took no issue with the reasoning of the Inspector in that case, which found favour with Mr Duckett’s assessment and approach. To assess landscape and visual impact in relation to distinct areas is, in the Council’s view, a recognised approach. In this regard the Council says that there has been no “carving up” of “artificial parcels” or parcels considered in “isolation” as alleged, Mr Duckett’s approach is a proper one to take. It adds that his evidence is reasoned, transparent, reasonable and completely independent.
335. The Council considers that the visual impacts of the proposed development would be minimal due to the site’s containment and there is no iconic view of the

¹²⁵ CD12.8

¹²⁶ CD11.4, p36

¹²⁷ CD12.22, p125

¹²⁸ CD19.1 and CD20.5 respectively

Greensand ridge. Mr Duckett considered the landscape as a resource separately from the visual assessment and, in the Council's opinion, fully explained containment of the site both in physical and visual terms. The proposed development would, it adds, have a negligible impact on the visual amenity of the wider HWAONB and would have a very limited visual effect on local views from public rights of way¹²⁹.

336. In terms of landscape character, the Council maintains that, whilst there would be a localised adverse effect on the Development Area, effects within the site would reduce to Minor adverse/Neutral after 15 years with the residual effects on the Wider Land Holding being Moderate beneficial and on the wider HWAONB largely Neutral. It adds that the allegation by NE that Mr Duckett's approach to assessing harm was "flawed" because the approach could justify inappropriate development by enlarging application sites fails to recognise that this is a landscape led design which comprises 80% of the application site. That is unusual in the Council's view. It goes on to say that GLVIA¹³⁰ refers to mitigation offsetting or compensating for identified harm, which is provided by the landscape proposals within the Development Area and, in addition, enhancement which improves the landscape resource or visual setting of the site or wider area over and above the baseline condition are an integral part of the scheme and can "*legitimately be assessed as part of the proposal*". In the Council's opinion the scheme for the wider site does that and it is not flawed to consider that in the overall balance of effects. Mr Duckett's conclusions, it adds, are broadly consistent with those of the Council's Landscape and Biodiversity Officer, also a chartered landscape architect, who also supported the proposals in their final form¹³¹.

337. The Council states that the conclusions of a number of landscape professionals have been put forward in this case, including those of Mr Scully, Mr Duckett and Mr Cook, while detailed LVIA work produced by the applicant and the Council, demonstrate the extremely limited harm. It adds that there is no contrary LVIA work produced by a Rule 6 party and it submits that the conclusions of Mr Cook, Mr Duckett and Mr Scully are to be preferred.

Effect on Biodiversity

338. Section 40 of the Natural Environment and Rural Communities Act 2006 places a duty on all public authorities to have regard, in the exercise of their functions, to the purpose of *conserving biodiversity*. Section 41 provides for a duty in relation to particular species of the greatest conservation importance. The PPG sets out that a "*key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector, which should be seeking to make a significant contribution to the achievement of the commitments made by government in its 25 year Environment Plan*"¹³².

339. The Council adds that, the most recent revisions to the Framework strengthen provisions relating to biodiversity. Its para 8(c) requires "*improving biodiversity*" rather than "*helping to improve*" as part of the environmental objective. The Council considers that the approach to BNG in the Framework is outlined in para

¹²⁹ CD23.2.2, Table of Visual Effects p41

¹³⁰ CD5.7.1, para 4.32-4.36

¹³¹ CD6.14.3

¹³² 009 Reference ID: 8-009-20190721

180(c) and states that when determining planning applications “*opportunities to improve biodiversity in and around developments should be integrated¹³³ as part of their design, especially where this can secure measurable net gains for biodiversity*”.

Biodiversity Net Gain – the Metric

340. The Council says that, whilst Mr Scully and Mr Goodwin both agree that that the biodiversity Metric is a proxy for ecological value, and both respectively recognise that professional judgement also plays a part in assessing BNG, it is agreed with NE that the Biodiversity Metric version 2.0 is the appropriate method for calculating whether this proposal delivers BNG. This must be right, the Council adds, as achieving net gains for biodiversity requires an objective, pragmatic and standard method for its measurement.
341. The Council goes on to say that it is also agreed that there is currently no planning or legislative requirement to deliver BNG. Core Policy 4 of the Core Strategy requires only no net loss and the Framework does not provide a minimum. The Council considers, with reference to Mr Scully’s evidence, that the direction of travel is that the minimum requirement in legislation will be 10% BNG. Emerging Policy EN9 requires “*measurable long-term net gain for biodiversity in both area and linear habitats*” and a minimum of 10%.
342. Ms Marsh is correct, in the Council’s view, that Metric version 2.0 is not the only method. The Council adds though that the PPG advises that the Metric can be used, there is no policy or guidance that says it cannot be used and Ms Marsh puts forward no alternative. The Council says that her response to this was that it is not for her to do so, it is for the applicant. In the Council’s opinion however, in the light of the PPG and the advice of NE to use the Metric, this makes no sense.
343. It adds that her evidence displays an in principle objection to the Metric despite the fact that this is the standard method being used and advised to be used. Mr Scully stated that he found it hard to accept that position because NE has been “developing this tool for years, there have been pilot projects and there have been rigorous evaluations, consultation exercises, meetings, training events, it has evolved and has been refined”. The Council adds that Mr Scully recognises that it is not the whole answer, and he was clear that he wants to make sure that it works properly and that its use has led to a “step change” in what the Council is seeing provided with planning applications. This, the Council considers, is already, prior to the legislative changes, resulting in further gains to biodiversity which would not be achieved but for the use of the Metric. Given the position of NE, the applicant, the Council and Kent Wildlife Trust, and the guidance in the PPG, the Council considers that Ms Marsh is an outlier with respect to the principle of the tool.

Use of the Metric

344. The Council says that further to Ms Marsh’s in principle objection to the use of the tool, she also criticizes the way that it has been used. It adds that it is worth noting that NE has not challenged the way that the Metric has been used nor has NE challenged the BNG figures the applicant has put forward. The applicant’s use

¹³³ Replacing the word “encouraged”

- of the Metric has been reviewed by Mr Scully and by Kent Wildlife Trust. The Council considers that they have both found the way it has been used to be robust and independently verifiable as Ms Marsh states it should be.
345. The Council says that while Ms Marsh criticises the surveys, those undertaken by BSG Ecology in the ES were also reviewed by an ecologist instructed by the HWAONB Unit¹³⁴. It adds that there has been no update to that May 2020 report, which concluded that the surveys appeared on the whole “*to be robust, thorough and to follow accepted good practice guidance*”, and the applicant’s surveys have also been reviewed by the Council and there has been no challenge to them by NE. Importantly, in the Council’s view, Ms Marsh has done none of her own surveys.
346. The Council says that Ms Marsh’s criticisms of the inputs for the baseline relate to the assessment of the grassland. Mr Scully explained that this has been an ongoing issue for Ms Marsh and, as a result of her comments at the Reg 18 stage, the Council commissioned independent grassland surveys across the Borough. The Council states that the survey was not to inform a particular development or commissioned for a particular result. It was simply to investigate the HWAONB Unit’s concern in relation to possible allocation sites that the grassland was more interesting than the existing phase 1 habitats that the Council possessed.
347. The conclusions are summarized by Mr Scully¹³⁵: “*the habitats identified are considered replaceable and proportionate compensation should be sought through use of an appropriate Biodiversity Net Gain calculator*”. For the application site, the report concluded that the grassland was of “*low botanical interest*”, of “*Low-Moderate ecological importance*” and was B2.2 Neutral Grassland Semi Improved and Modified Grassland of Moderate quality. This, the Council adds, is broadly consistent with the assessment of BSG¹³⁶ that this is Modified Grassland. The applicant’s NVC survey¹³⁷ concluded it was semi-improved just as the comments of the ecologist for the HWAONB Unit suggested. Overall, the Council considers, there is agreement across the surveys that the grassland is semi improved and of low botanical interest.
348. The Council considers that Ms Marsh’s conclusion that the grassland has become slightly more diverse between 2018 and 2020 misunderstands that one survey was an NVC survey and the other was a phase 1 survey – they were two different types of survey and hence produced slightly different conclusions. The Council adds, there is a translator embedded within the Metric and if that translator is used, the grassland is identified correctly from “poor semi improved” into “Grassland Modified Grassland”. The Council contends that is no reason to use a different translator code and it makes no sense to use one when the Metric provides for one. The Council goes on to say that, even if different translator tables are used, the result is still the same. As both Mr Scully and Mr Goodwin explained, the Council considers that Ms Marsh’s claims that this is g3c6 Neutral grassland using the UK Habitats table¹³⁸ cannot be correct because the Habitats

¹³⁴ CD6.5.1 – Kate Ryland Dolphin Ecological Surveys

¹³⁵ CD23.2.4

¹³⁶ CD5.6.7

¹³⁷ CD5.6.12

¹³⁸ CD16.19

- tables exclude species poor swards and would translate to g4 Modified grassland.
349. Finally, the Council says, Mr Scully used his own experience; this was species poor modified grassland and there is absolutely no evidence to suggest otherwise. It was suggested to Mr Scully in cross examination that the differences in opinion with regard to grassland amounted to disagreements between professionals. However, the Council says that he clarified that him, Mr Goodwin, Kent Wildlife Trust and NE have not challenged the grassland inputs, and that he pointed out that if a graph plotted all of the professional's opinions, there would be a cluster on one point and Ms Marsh would be 'out on her own'. The says that she is, again, on grassland, an outlier.
350. The Council states that, despite Ms Marsh's distrust of the professionals using the Metric, Mr Scully said that in his experience, this was one of the better versions of the Metric he had seen. He assessed the work of the applicant and provided 5 sets of comments over 40 pages. He explained that early on in the process he had been a critic and had not "held back". However, in this case, he said that there were considerable changes to the scheme. He has in the past rejected LVIA's and ecological reports and he has also reported an ecologist for gross errors to the relevant supervisory authority. Yet he saw no "gaming" of the Metric in this case, and he explained that he had "scrutinised" it. He also pointed out that Ms Marsh had provided no full Metric of her own, has not undertaken her own full BNG assessment and what she has done is incomplete. The Council maintains that there would be improvements whether grassland is poor or moderate, yet Ms Marsh made no allowance for this and had made no allowance for any improvements to, for example, Ancient Woodland.

Securing the BNG in perpetuity and the LEMP

351. The Council says that Mr Scully expressed surprise at the criticisms of the LEMP and, in particular, planting hedgerows and trees. He said that the planting and proposals are all site specific and there is "nothing random or scattergun" about the proposals. He added that individual features like ditches were carefully protected and each part of the proposal was informed by landscape studies or heritage or ecological guidance or historical mapping. The HWAONB Management Plan¹³⁹ provides for hedges being restored and new hedges being planted as an indicator of success for Objective FH2, at page 49, and the FH2 actions include restoring hedgerows where lost, protecting and managing hedgerows and using historic maps to reinstate hedgerows. The Council considers that Ms Marsh was dismissive of connectivity yet the FH3 rationale included connectivity in "hedges, woodlands, ditches and ponds...". The Council adds that NE also agree that these aspects are positive¹⁴⁰.
352. The Council states that the management of the Ancient Woodland was Mr Scully's suggestion. His evidence is that the LEMP would protect the Ancient Woodland and lead to betterment through management. It is proposed that there would not be general access and that the cultivation and spraying of chemicals and fertilisers within the buffer which currently occurs would cease. In the Council's view Mr Scully disagreed strongly with Ms Marsh's suggestion that this was Ghyll woodland which did not need management as he stated that they

¹³⁹ CD12.2

¹⁴⁰ CD9.2, p23, vi

- are very vulnerable to drying out due to climate change and pressures, and that the buffers would provide additional protection.
353. The Council adds that this is in accordance with Objective W2, on page 43 of the Management Plan, that woodland should be appropriately managed and with the Vision, on page 42, which aims for management in a sustainable way. If management in the HWAONB was not important, the Council contends, it would not be mentioned in the Management Plan at all. In contrast to Ms Marsh, the Council says, that NE, which jointly with the Forestry Commission provide the Standing Advice on Ancient Woodland, agree that it is positive that the scheme includes new woodland block planting and management and enhancement of existing woodland, including ancient woodland¹⁴¹, and NE do not challenge the buffers provided as inappropriate.
354. Mr Scully was not of the view that the proposed soil spreading was a significant issue and felt that planning conditions could deal with soil movement to tie-in with phasing, for instance Condition 21. The Council says that these were all matters that had been considered at the time the application was being assessed¹⁴².
355. Mr Scully was also of the view that conditions could deal with seed mix, planting mix, the proposed hedgerow planting and other planting, and he invited the HWONBP to provide input as late as 28 October 2021 despite what the Council describes as his disappointment that they had not engaged to ensure the best possible scheme on the site in the event that planning permission were granted. The HWAONB Unit, however, has opted not to engage¹⁴³. The Council submits that it appears that, as the HWAONB Unit recognises that many of the criticisms can be resolved by condition, it stubbornly refuses to engage, preferring to repeat that certain aspects of the proposals are not beneficial. In the Council's view that is an unreasonable position.
356. The Council adds that, it would seem that many of the criticisms levelled at the scheme by the HWAONB Unit could have been overcome had it offered detailed advice on species mixes, planting methods and soils treatment but no such advice was forthcoming during many months of consideration. The HWAONB Unit's closing submissions continue this theme in the Council's view: criticism rather than advice. It sees this as underscoring what it considers to be Ms Marsh's objection in principle to the application and a surprising lack of engagement – an advisory body, described as such by Ms Marsh, that has failed to advise.
357. The Council contends that the do-nothing scenario would not secure BNGs and there is no evidence that it would or how it would from Ms Marsh. It adds that there would be no way of controlling grazing/mowing/horsey culture, fertilizer spraying.
358. The Council maintains that Mr Scully is confident that BNG would be achieved and both he and Mr Hazelgrove are completely satisfied that the S106 Agreement and LEMP would secure the gains, which along with conditions would provide for

¹⁴¹ CD9.2, p23, vii

¹⁴² CD6.14.3 – 7 references to soil

¹⁴³ ID57

monitoring visits every 5 years for 25 years and thereafter every 10 years¹⁴⁴ and secure the introduction of livestock grazing in perpetuity. The Council considers that the S106 Agreement guarantees success because it provides for step-in rights. It adds that no alternative arrangement has been suggested by the HWAONB Unit.

359. The Council goes on to say that, as Ms Marsh, Mr Hazelgrove and Mr Scully have all confirmed, biodiversity is part of the natural beauty of the HWAONB. It adds that Ms Marsh has not assessed the biodiversity improvements against the objectives of the HWAONB Management Plan in contrast to Mr Scully¹⁴⁵. In terms of biodiversity, the Council submits that the proposals comply and contribute towards Objectives G1, G2, G3, S1, S3, W1, W2, FH1, FH2, GH3, OQ1, OQ2, OQ3 and OQ4 of the Management Plan.
360. The Council considers that itself, the applicant and Kent Wildlife Trust are all of the view that BNG will be achieved. Both Mr Scully and Mr Goodwin acknowledge the need for professional judgement to be exercised when considering the results of the Metric, and both have done so. NE, the Council adds, is the statutory authority whose remit and purpose is to help conserve, enhance and manage the natural environment for the benefit of present and future generations¹⁴⁶. The Council states that Ms Marsh and the HWAONB Unit are the outliers and that the suggestion that there could be a net loss to biodiversity is not sustained and is not a position taken by the Government's statutory advisor the NE, which accepts that there is BNG arising from the proposals. The Council states that the predicted gains are over 20% on a conservative basis and that this is exceptional in and of itself.

Effect on Air Quality

361. The Council accepted the air quality evidence provided by the applicant as part of the application. It adds that the reports were assessed by Dr Stuart Maxwell who is one of the few Air Quality specialists with a degree in Chemistry as well as Environmental Health and he has been assessing air quality for local authorities for 16 years.
362. The Council has agreed in the SoCG with the applicant that the operational air quality effects of the proposed development are "not significant" and can be mitigated by the conditions proposed. The Council has nothing to add to the evidence on air quality provided on behalf of the applicant and commends it to the Secretary of State.

Government Policies for Conserving & Enhancing the Historic Environment

363. The Council's Conservation and Urban Design Officer, Ms Salter, advised that the significance of four listed buildings would be affected by the proposals and that less than substantial harm, on the lower end of the scale, would be caused. Ms Salter also advised that less than substantial harm would be caused to the significance of the Cranbrook Conservation Area. Whilst she advised that this was on the "higher" end, the Council considers that she was clear in her oral evidence that she did not say "highest", and she clarified that her meaning of

¹⁴⁴ CD 4.12, para 6.8.1

¹⁴⁵ CD23.2.4, Appendix 1

¹⁴⁶ <https://www.gov.uk/government/organisations/natural-england/about#our-vision-and-mission>

“higher” end meant coming out of the mid-point level of the scale. In response to CPRE’s Closing Submissions, the Council asserts that she did not record this as “serious”.

364. The Heritage section of the SoCG¹⁴⁷ records that there is agreement between the Council and the applicant that the site no longer comprises an historic farmstead, that the historic settlement pattern has been altered and is not a designated heritage asset and that the outline planning permission for BKF would result in development that interposes between the Conservation Area boundary and the application site. They also agreed that there are no direct views between the Upper High Street Character Area of the Conservation Area or any of the listed buildings and the development proposals, and that the design reflects the AONB design guidance.
365. Ms Salter did not agree with Historic England¹⁴⁸ that the historic landscape character of dispersed farmsteads surrounded by a network of field systems is a non-designated heritage asset. On that point she agreed with Dr Miele that the High Weald is a very large area of historic landscape and in this case the settlement pattern and the field systems are matters of landscape character and AONB policies and not for assessment against more targeted and detailed heritage policies.
366. Ms Salter did not agree with Mr Page’s assessment of harm to the significance of the Conservation Area, and nor did she agree that the development would “complete any separation of the town with the countryside” and did not place weight on the “green wedge”. She spoke of the pedestrian connections, improvements and access to the Crane Valley and noted the lack of impact on views from the Conservation Area.
367. Lastly, Ms Salter stated that Dr Miele had used established and known methodologies and that the differences between the Council and the applicant on harm to heritage assets was simply as a result of differing professional judgement.
368. The Council adds that Ms Salter did not consider her views to have been “over-ridden” in the planning process. She was well aware of the internal balancing exercise to be undertaken and she was also very clear that harm she identified largely related to character rather than appearance and that there are mitigating elements of the proposals to assist in lowering the impact on both character and appearance where relevant. And that these include the substantial buffer of the green space fronting Hartley Road so that built form would be hidden on the slopes down to the valley, layout and landscaping developed with consideration of the landscape characteristics as well as the prevalent form of buildings when not centred in a town, an assessment of local distinctiveness guiding the choice of architectural detailing and materials, the Crane Valley woodland being enhanced and hedgerows reinstated, reinstatement of shaw and streams, reinstatement of field boundaries with defining trees, retention of wet depression and hollows in the central green area and the new woodland to the south.
369. Overall, the Council states that, Ms Salter concluded that the layout,

¹⁴⁷ CD9.1

¹⁴⁸ CD6.6.2 advice prompted by Historic England being contacted by Sally Marsh

appearance and landscaping sought to minimize impact on significance and respond to local distinctiveness.

370. The Council contends that the advice was taken on board fully in the recommendation to Members¹⁴⁹ and the internal balance undertaken in accordance with Framework para 202 concluded that the benefits in the public interest outweighed the harm. It adds that the relevant benefits were listed at para 10.45 of the Committee Report which also identified the relevant statutory duties and weight to them, at para 10.44, while there is no such assessment on behalf of CPRE Kent.

Government Policies for Sustainable Transport Promotion

371. The Council advises that Cranbrook is identified as a tier 2 settlement in the Core Strategy and is, therefore, an area in which the Core Strategy seeks to concentrate development to support sustainable development. It contains a number of shops and services, including a bank, a leisure centre with swimming pool, a rugby club, a primary school, a supermarket and 2 secondary schools. The Council acknowledges that the High Weald Academy appears to be closing but adds that it is also likely to become a Special Educational Needs Centre, which it says is a matter that is ignored in the Closing Submissions of CPRE Kent.

372. Whilst Manual for Streets 1 states that "*Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes (up to about 800m) walking distance of residential areas*", the Council says that it also states that the greatest potential to replace short car trips is for journeys under 2km¹⁵⁰ and that this was agreed with Ms Daley. Table 3.1 of the SoCG between the Highway Authority and the applicant¹⁵¹ indicates that local facilities accessed via the BKF development are all under 2km save for one nursery school. The Council adds that the following Table 3.2 shows that local facilities accessed via existing footways adjacent to the A229/High Road are all under 2km, and that these were agreed with Ms Daley.

373. The Council also states that there are also improvements that are forthcoming. The TF development planning obligation contains a requirement to build a new bus stop closer to the development. It adds that the current application scheme seeks to widen the roadside pavement, provide multiple pedestrian routes that link Turnden and the BKF development to provide a more attractive¹⁵² and usable route and bus services would improve as a result of enhancements to signals which would reduce delays and allow the introduction of bus priority¹⁵³. The Council contends that there is no need for any concern regarding a small strip of unregistered land within the BKF site. An assessment of the plans¹⁵⁴ shows that only one of four connections could possibly be affected. The Council adds that, if connections were to be compromised, the Council would use compulsory purchase powers as reflected in the eLP¹⁵⁵. Contrary to CPRE's Closing Submissions, there is no uncertainty.

¹⁴⁹ CD7.1, Summary and paras 7.134-7.138, 10.42-10.43

¹⁵⁰ ID31, para 4.4.1

¹⁵¹ CD9.20

¹⁵² ID32 and ID31, para 6.3.1

¹⁵³ CD9.20, para 4.11

¹⁵⁴ ID60 and 61

¹⁵⁵ ID64, paras 4.73 & 4.84

374. While the Council accepts that there would be partial reliance on the car it adds that the options to facilitate a change in habits will be available. It says that a travel plan would be in place and that the position of the site to the tier 2 settlement and the improved pedestrian links leads Mr Hazelgrove to conclude that this is “*strongly sustainable in relation to ... proximity to services and the nature of the route to them*”. Therefore, in the Council’s view, the scheme complies with Framework para 110 (a) and there are no objections from KCC as Highway Authority.

National Policy relating to AONBs

375. The Council states that while NE seeks to rely on the Glover Report, as Ms Marsh accepted, the Framework was amended in July 2021 and, despite the Glover Report pre-dating those changes, no higher test was introduced. The report is, in the Council’s view, interesting but it does not and cannot change national planning policy.

Framework Paras 176 & 177

376. The Council states that further to para 176, the national policy test applicable in a development control context when major development in the AONB is proposed sets a high threshold. Under para 177, it must be shown that there are “exceptional circumstances” and that the proposed development is “in the public interest”. The Council adds that para 177 does not necessarily apply in the plan-making context and so there can be no suggestion that the applicant is gaming the system in making an application prior to the site being allocated.

377. However, the Council adds that it should also be noted that this test is not the most stringent in the Framework and refers to *Compton PC v Guildford BC and Others* [2020] J.P.L. 661 [2]¹⁵⁶, which states that “Exceptional circumstances” was a less demanding test than the development control test for permitting inappropriate development in the Green Belt, which required “very special circumstances”¹⁵⁷.

378. The authority is, the Council says, therefore directly applicable to the exceptional circumstances test of Framework para 177. In respect to exceptional circumstances it provides, that “*The phrase did not require at least more than one individual “exceptional circumstance”*”. The “*exceptional circumstances*” could be found in the accumulation or combination of circumstances, of varying natures, which entitled the decision-maker, in the rational exercise of a planning judgment, to say that the circumstances were sufficiently exceptional...”, para 2. It also stated that the phrase “*had to be considered as a whole and in its context*” and that “*It did not mean that they had to be unlikely to recur in a similar fashion elsewhere*”, para 4.

379. The Council adds that Ms Kent agreed that in principle a collection of unexceptional circumstances could amount to exceptional circumstances. The Council goes on to say that there is no restriction on what kinds of benefits can be put in the basket of exceptional circumstances¹⁵⁸ and refers to BNG as being

¹⁵⁶ CD20.17

¹⁵⁷ Also CD20.4, para 54

¹⁵⁸ CD20.5

'plainly relevant'.

Para 177(a) – The Need for the Development etc

380. The Council maintains that there is no negative impact on the local economy from the scheme only positive ones from construction, employment and new households in the area.
381. The Council's need for housing is identified in the Housing Needs Assessment Topic Paper February 2021 as 12,204 net additional dwellings over a plan period 2020-2038 (678 dwellings per year)¹⁵⁹. This is more than double what the Core Strategy sought to provide at 300 per annum¹⁶⁰. The Council considers that its shortfall is not significant at 0.11 years, but also acknowledges that it has not been able to demonstrate a 5 year housing land supply for over 6 years. It is improving but slowly. With reference to CPRE Kent's closing submissions, the Council adds that Mr Hazelgrove and Mr Slatford agreed a continued improvement in delivery, rather than supply, due to the completion of some big sites. It adds that the improvements result from granting planning permissions in conflict with the LBDs in the development plan.
382. While the parties accept that there is a local and national need for housing, the urgency of that need or the import of that need is not agreed. Whilst the Council's view is that there is an urgent and important housing need, it does not consider that it matters in any event. In this regard it cites *Compton*¹⁶¹ [3]: General planning needs, such as ordinary housing, were not precluded from the scope of "exceptional circumstances ... The phrase was not limited to some unusual form of housing, not to a particular intensity of need...".
383. As to the urgency of that need, the Council says that its need is now. It adds that it matters not whether the housing land supply is 2 years or 4 years because the outcome is the same, there is not enough supply of housing now and that that is pressing. The Council seeks to address its shortfall through its eLP. The strategy is based in part on allocations of major development in the HWAONB. That strategy will be a matter to be considered by the Examining Inspector. The Council says, however, that it is notable that NE objects to the principle of the strategy and yet also seeks to show that the Council does not have a "pressing need" for housing. If NE's complaint is a good one, the need for housing in the Borough becomes greater because there is no strategy that does not rely on major development allocations.
384. The Council goes onto say, as Ms Kent accepted in cross examination, there has been a significant under supply of affordable housing across the Borough and there is a significant need for affordable housing. The Housing Needs Assessment Topic Paper¹⁶² shows that the affordable housing requirement is 391 per annum. The Authority Monitoring Report¹⁶³ shows that delivery has been on average 81.6 affordable homes per year. There is a shortfall of over 300 per year and, based on the current policy threshold of 35%, there would need to be in excess of 1000 new homes per annum to address the identified affordable

¹⁵⁹ CD14.2.4, para 2.16

¹⁶⁰ CD11.4, para 5.133

¹⁶¹ CD20.17, para 3

¹⁶² CD14.2.4

¹⁶³ ID46, Table 26

need, and that is if all developments trigger and provide affordable housing. There are 917 households on the housing need register as at December 2020, an increase from 870 in June 2019. The Council adds that of those, 157 applicants specified that they want to live in Cranbrook and 51 households have a local connection¹⁶⁴. It adds that even the affordable dwellings from the TF and the BKF developments, which amount to 75 dwellings in total including 23 rented, cannot meet that locally identified housing need on the register.

385. CPRE Kent raise that if the Hawkhurst Golf Club¹⁶⁵ appeal is allowed, this would address the Council's 5-year housing land supply and there would be no need for this development at Turnden. The Council state, however, that if it were to be allowed, it would not affect the area's overall housing need, which stands at over 12,200, as a grant of consent for 374 dwellings makes little difference in its view.

386. The Council goes on to say that, it would not address the shortfall of housing in the 5 year supply period because the appeal was by a landowner and not a developer or housebuilder and there was no developer/housebuilder on board, no registered provider identified for affordable housing and no care package in place for the elderly housing; the appeal was in relation to an outline planning permission with a number of reserved matters, which would need to be approved in due course thus delaying development; the site is currently listed as an Asset of Community Value which is likely to delay any sale to a developer / housebuilder¹⁶⁶; and central to the scheme is a "relief road" which is more than 10m wide and would not, at the earliest, be finished before 2025.

387. The Council adds that the scheme is for 374 houses plus a major road, would not be deliverable for some time if it were to be granted planning permission and would not therefore address the need for housing and affordable housing now. By contrast, in the Council's opinion the current scheme is by a reputable housebuilder, is for full planning permission and Mr Slatford confirmed that last occupation could be by May 2025, probably before the relief road is even built in Hawkhurst. The Council adds that, if the development at Hawkhurst Golf Club were to come forward, it would assist in meeting the need for Hawkhurst, also a tier 2 settlement, not Cranbrook.

388. Lastly, the Council considers that, the need for housing is ongoing.

389. It adds that, while it does not accept the point, if a "critical" need does need to be demonstrated, there is an urgent need for housing and a critical need for affordable housing in Tunbridge Wells, and that need exists nationally also.

Para 177(b) – The Cost of, and Scope for, developing outside the HWAONB or Meeting the Need for it in Some Other Way

390. With reference to *SSCLG v Wealden DC* [2017] EWCA Civ 39¹⁶⁷, the Council maintains that there does not have to be a consideration of alternative sites, but if there is a consideration, it says that the policy does not prescribe how alternative sites are to be assessed or how wide the search must be, it depends

¹⁶⁴ CD9.1, para 7.2

¹⁶⁵ CD22.1

¹⁶⁶ A review was requested which was upheld by the Council and there has now been an appeal to the First Tier Tribunal which the Council is defending

¹⁶⁷ CD20.5

- on the circumstances and is a matter of planning judgement.
391. The Development Strategy Topic Paper for the eLP¹⁶⁸, paras 6.133 onwards reveal that, following consultation, a “more rigorous appraisal of the larger sites” was warranted, and the Council maintains that it fully considered the AONB constraints. It reduced the number of allocations in the HWAONB from 49 to 32 reducing the number of dwellings by 47%. The largest single proposal is now for just over 200 dwellings. At para 6.167 it sets out that whilst 69% of the Borough is designated as AONB land, the amount of land allocated for development is 82 hectares which amounts to about a third of 1% of the total AONB area within the Borough. The Council submits that that demonstrates the care and attention it has taken during what it calls an extremely difficult exercise of finding land for housing in a heavily constrained Borough.
392. When assessing major development allocations, the Council says that it took a precautionary approach and assessed each site against Framework para 177 as shown at para 6.125 of the Topic Paper. Table 3 of the Paper sets out that “*As identified in Section 4 and elaborated upon in the ‘Housing Needs Assessment Topic Paper’, there is a substantial local housing need, which it has been found cannot, sustainably, be met without at least some major development in the AONB, which covers nearly 70% of the borough*”. The assessment of need in the Paper also notes the “*very high affordability ratio in the borough that is limiting access of local people to housing*” and the “*high need for affordable homes*”.
393. In terms of 177(b), the Paper concludes from the SHELAA and Sustainability Appraisal¹⁶⁹ noting that both processes have “*given great weight to the conservation and enhancement of the AONB*” that “*The scope for developing outside the AONB has been fully realised*”. It also notes that for settlements like Cranbrook, even within the built-up area, inevitably development will be in the AONB. It adds that, whilst the main urban areas of Royal Tunbridge Wells and Southborough and Pembury are outside of the AONB they “*have developed virtually to the AONB; hence, further growth of these very sustainable settlements would also almost certainly be in the AONB*”.
394. The Council adds that Paddock Wood is the only town outside the AONB but that it has been identified for major urban expansion for 4000 dwellings in addition to the 1000 in the current Site Allocations LP and that is regarded “*as its full potential capacity*”. The Paper also advises that the scope for developing outside the AONB has not been restricted to the Borough and neighbouring authorities have been contacted. Lastly, the Council says that all suitable smaller sites in the AONB are already proposed for allocation.
395. The Council maintains that the SHELAA is a detailed study, assessing 500 sites, based on a robust methodology, compiled by experienced planning professionals and informed by technical consultees like KCC and that Ms Kent made no criticism of the process. If a Borough-wide assessment of alternatives to Turnden is required as part of this planning application, the Council considers that it has been done and thoroughly so. Indeed, it adds, by contacting neighbouring authorities, the decision maker can be satisfied that there have also

¹⁶⁸ CD14.2.2

¹⁶⁹ CD14.1.2

- been attempts to explore sites outside of the Borough.
396. The Council states that, hypothetically, there is an area of land in the Borough which is not designated Green Belt and is not designated AONB. However it adds that, as Ms Kent accepted, in that area of land is agricultural land, farmland, subject to sustainability/accessibility constraints, or not available. The Council goes on to say that just because land is not designated does not mean that it has been put forward by landowners, and that, realistically, there is nowhere else to go.
397. The Council also says that the Topic Paper demonstrates that it is aware of and has considered all constraints, including Green Belt, heritage assets and archaeology. It adds that it has been a difficult exercise, but it has been carefully and properly assessed. The Council states that it takes seriously the subject of development in the AONB, it refused the applications for 27 homes at Gate Farm, for 374 homes at Hawkhurst Golf Club and for 2 at Land Adjacent to Frisco Cottage¹⁷⁰.
398. As for a local alternative site assessment, the Council contends that the proposed sites put forward by CPRE Kent based on a draft 2019 AECOM report, to which it considers no weight can be given, were assessed by Mr Hazelgrove through the documents at ID 52 and 53. He concluded that virtually all were not suitable for allocation. The SHELAA is more recent than the AECOM report, and the Council states that it has been informed by statutory consultees, has considered 500 sites and reflects the assessment of planning professionals, in contrast to the sites Ms Warne puts forward as alternatives. The Council adds that, Mr Hazelgrove has provided an update on planning permissions refused and planning appeals dismissed. It adds that CPRE Kent's alternatives can be safely discounted as 'they fall woefully short'¹⁷¹.
399. The Council says that NE advances no alternatives and with reference to the Sonning Common appeal decision, in which the Council "never really suggested any alternative sites¹⁷²", NE claim that that is a serious shortcoming. However the Council contends that it is not good enough to say that that is for the applicant or that is for the Local Plan inquiry, as the application has been made and requires determination. It adds that NE unreasonably suggest that there is an alternative way to meet need in the face of the extensive work undertaken by the Council without putting forward a single example.
400. Framework para 177(b) is met in the Council's view.
- Para 177(c) – Any Detrimental Effects on the Environment, the Landscape and Recreational Opportunities, and the Extent to which that Could be Moderated*
401. For its reasons outlined above, the Council says that there would be minimal detrimental long term effects on the landscape.
402. The Council adds that there would be no detrimental impact on recreational opportunities or the environment. There is enhancement of recreational opportunities and enhancement to biodiversity in its view.

¹⁷⁰ 20/01991/FULL discussed at ID18

¹⁷¹ CD20.5, para 56

¹⁷² CD19.10, para 115

403. The Council considers that Framework para 177(c) is also met. It states that great weight has been given to conserving and enhancing the HWAONB. It adds that, as biodiversity is part and parcel of the natural beauty of the HWAONB, its enhancement is a matter to which great weight should also be given. In the Council's view the para 177 tests have been met and there is a basket of factors which, when taken together, amount to exceptional circumstances: the urgent need for housing now, the critical need for affordable housing now, the local need for housing in Cranbrook, the delivery of housing not just in numbers but in a location adjacent to the settlement boundary, the above policy compliant level of affordable housing, the provision for wheelchair homes even though not required by policy, the exceptional BNG provision, the 7ha of publicly accessible open space which is "considerable" and above policy compliant, the landscape enhancement and restoration, managed in perpetuity with the provision of interpretation boards and walks.
404. The Council adds that, overall, Mr Hazelgrove said that what is also exceptional is that "it is in the location it is and can accommodate development in a highly constrained area with limited impacts and benefits which would not occur without the development taking place", and that this is "rare" and in comparison with other schemes he has dealt with "this provides significantly more". In the Council's view, the contention of the HWAONB Unit that the benefits are commonplace is plainly not correct given Mr Hazelgrove's experience as a planning officer.

The Planning Balance

405. The Council refers to the s38(6) duty applying throughout and that when it resolved to grant planning permission it did not apply the tilted balance, but Mr Hazelgrove agreed in oral evidence the effect of the lack of a 5 year housing supply and explained that there is a need to assess weight to policies in any event.
406. The Council considers that the proposal complies with the development plan and adds that, as Mr Hazelgrove sets out in his proof of evidence, where the proposal conflicts with development plan policies they are out of date (Policies LBD1, AL/STR1, CP1, CP6 and CP14). While it acknowledges that there is conflict with Policies EN1(4), EN5(1), EN25(2) and CP4(1) and (14) insofar as they relate to heritage assets only, it adds that the Framework allows for a balancing exercise which has been undertaken. The Council also recognises that Mr Hazelgrove notes that there is conflict with Policy EN1(4) but in a limited way. It adds, in particular, that Mr Hazelgrove explained why Policies CP4 and CP12 do not preclude harm.
407. The Council goes on to say that even if it is wrong and there is policy conflict, the benefits, set out above, are exceptional and outweigh policy conflict. By default, if the tilted balance applies, in the Council's view the adverse effects do not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

Conclusions

408. The Council's Planning Committee voted in favour of this scheme by 7 votes to 2. The Portfolio Holder has written to me setting out that the Planning Committee "*gave great thought and consideration*" to the application and that the

resolution to grant “*was and remains the decision of the Council*”¹⁷³. The Council states that its officers and elected members continue to support the application and the site through allocation in the eLP following extensive work and a vast evidence base.

409. In the Council’s opinion, this scheme, in an excellent location, consisting of exceptional benefits and minimal harms and is “rare”. In accordance with the overall conclusions to be drawn from the decision letters of other Inspectors within the evidence, there is, the Council states, also the combination of: (i) need, (ii) low level of harm, and (iii) that the application is in a very heavily constrained Borough. The Council says that it does not routinely grant planning permission for major development in the HWAONB, but that this is different. It is so different in its view that it amounts to exceptional circumstances and is in the public interest.
410. The Secretary of State is respectfully invited by the Council to grant planning permission.

The Case for Berkeley Homes (Eastern Counties) Ltd

Introduction

411. The applicant states that this application for the construction of 165 high quality new homes, 40% of which would be affordable, is:
- (i) On a site which it is agreed is in an accessible location, having regard to local bus routes, schools, shops and services;
 - (ii) On a site that has been allocated in the eLP following an exhaustive and comprehensive search for sites;
 - (iii) Proposed by an applicant which has a well-established track record for delivering high quality developments locally; and
 - (iv) Supported by the Council, both by its officers and its members, after a process of lengthy and careful consideration.

The Site

412. The site sits directly adjacent to the revised settlement boundary of Cranbrook and to the consented BKF scheme. It wraps around the consented scheme for the TF site. Evidence at the Inquiry considered the plans for the development of the neighbouring sites and the applicant emphasises how in its view the three are being designed to be read together, with connections permeating throughout that area and synergies in open space connections. The site is bounded to the north-west by the A229, which is a busy road, and is also contained on that side by the ribbon development that makes up Hartley and some more recent backland development that abuts and overlooks the site.¹⁷⁴
413. The applicant adds that, while the site was once a farmstead, surrounded by small-scale irregularly shaped fields, that is no longer the case.¹⁷⁵ The farmhouse sadly burned down, has been de-listed and is itself to be redeveloped for additional housing.¹⁷⁶ It is common ground between the applicant and the

¹⁷³ ID27

¹⁷⁴ CD23.1.3, p20 & 30-31, and ID9 p13-18

¹⁷⁵ ID9, p31-32

¹⁷⁶ ID58 and ID59

Council that no farmstead remains, and the applicant also refers to *Historic Farmsteads & Landscape Character in the High Weald AONB*¹⁷⁷, which recognises this farmstead as *lost*. Regarding whether any historic fieldscape remains legible on the site, the applicant contends that it is no longer legible or that, when putting the contrary case at its very highest, all that is left are some limited remnant boundaries which are extraordinarily difficult to discern. It adds that Mr Duckett and Mr Cook agreed that, on a scale of 1-10, as to degree of intactness the number would be about 2, and that Mr Cook further qualified this by noting that the position of the hedgerows do not enclose the old field enclosures identified on historic maps.

414. The applicant adds that the LUC sensitivity study in 2018 records in relation to the site "post-Medieval consolidated strip fields are noted in the HLC [Kent Historic Landscape Characterisation dataset of field/land use types] around Turnden, but these are now equestrian paddocks and do not form part of any recognisable historic landscape"¹⁷⁸. The applicant considers that the site is currently made up of derelict horse paddocks and that a number of the historic buildings that made up the farmsteads in the wider locality have also gone.¹⁷⁹ In this regard the applicant quotes further from CD12.22, "Five historic farmsteads are recorded in the sub-area, but only two of these have historic buildings remaining", of which the applicant adds Turnden Farmhouse has now also gone.
415. The applicant goes on to say that Ms Farmer agreed that all the field boundaries in the large field to the south-east have gone and accepts there has been at least "some loss" of the field boundaries in the northern area of the site, within the Development Area. The applicant adds that she suggests, however, that the field boundaries in the Development Area are to some extent 'still legible', while Ms Marsh is the furthest outlier, suggesting the field boundaries in the site are "Historic" and "have remained unchanged since the 1830s"¹⁸⁰ and/or for the past 400 years and/or are medieval¹⁸¹. The applicant contends that the various character maps on which these assertions are based are without any proper evidential foundation.
416. The applicant states that the final pertinent point to the site 'as is' is what it could do if permission is refused. It could, it says, allow non-commercial horse grazing to be undertaken, introducing ticker tape, electric fencing and even temporary horse boxes, further fragmenting the fields. As Mr Slatford confirmed, that is what the applicant would seek to do.

Design

The Development

417. The applicant says that only one, very experienced, professional witness was called to give evidence on design matters, Mr Pullan. The strength of his evidence was, in the applicant's view, wholly reinforced following its testing in cross examination by HWAONB Unit's and CPRE Kent's advocates.

¹⁷⁷ CD16.24, para 3.25

¹⁷⁸ CD12.22, p125

¹⁷⁹ ID21 p13

¹⁸⁰ CD5.7.15, p2

¹⁸¹ CD16.04

418. The applicant contends that, fundamentally, this is a very, well designed and completely bespoke scheme. It adds that the design, developed by OSP architects, has been informed by the comments not just of the immediate 'team', but also the responses of 27 wider consultees including Kent Wildlife Trust, Kent Police, and NE itself. Close attention, it says, has been paid to the pattern, grain character, and appearance of existing development at Cranbrook and Hartley, and the design has been developed in multiple iterations after a thorough review of the site's constraints and opportunities. This process has, in the applicant's opinion, resulted in a scheme which complies with the requirements of national, regional and local planning policies and design guides, most importantly the Housing Design Guide.
419. The applicant considers that the development can be conveniently split into two parts: the Development Area, which accounts for some 39.43% of the site, and Wider Land Holding, which is the remaining 60.57%.
420. The applicant states that the Development Area is 9.4ha, of which only 4.7ha would be occupied by built form with the rest of the Development Area being high quality open space. The majority of buildings, it adds, would be 2 storeys, with some 2.5 storey elements in the three apartment buildings confined to the core of each building. There are, broadly, three areas: The Green, which the applicant says would be representative of the central and historic core of Cranbrook, The Yards, the central Courtyards composed of buildings with simple forms and materials drawing on the farmyard aesthetic, and the Rural Village Edge a low-density area fringing the edge of development, with outward looking faces that the applicant says draw on precedents from local villages in terms of property spacing, material and style.
421. The applicant maintains that the affordable housing would not be qualitatively different, or look different, from the market housing, in contrast, it says, to other development in the area, such as the backland development off the A229 in Hartley. Access would be taken from a new dedicated priority junction from the A229, with further off-site highway works being proposed in the form of a right-hand ghost lane into Turnden Lane. The applicant acknowledges that there are proposals to widen both the northern and southern footways along the A229 but considers that these tie into what is already consented for the BKF and TF developments.
422. With reference to the visualisation¹⁸² which begins roughly from the start of the newly reinstated Tanner's Lane, the applicant says that proposals for the Wider Land Holding feature extensive amounts of enhanced green and blue infrastructure, with a naturalistic open space buffer along the A229 leading to a central village green that would be used for informal recreational purposes. A multi-functional east to west green corridor with retained trees and hedgerows would connect the open spaces within the TF development, accommodating natural exploratory play, drainage features and both existing and new proposed vegetation. The applicant adds that a landscape buffer in excess of 15m from the Ancient Woodland is proposed along the south-eastern boundary, which would also include drainage features and additional and enhanced woodland edge scrub for habitat creation and ancient woodland protection. The Wider Land

¹⁸² ID21 p15

Holding would also feature the creation of a Species Rich Grassland, a reinstated woodland shaw, a reinstated watercourse, a reinstated historic route, namely Tanners Lane, the recreation of a number of historic hedgerow boundaries, new permissive paths, and pastoral livestock grazing.¹⁸³

423. The applicant states that all this landscaping and its management would be secured through the LEMP in perpetuity with the likely involvement of Kent Wildlife Trust. While it acknowledges that there would be some changes to the topography of the site to accommodate the earthworks, the applicant contends, with reference to Mr Pullan's evidence, this is not only a sustainable approach, but would also lead to minimal noticeable change. Overall, the applicant re-emphasises that less than 20% of the site would be built on, with 80% retained and enhanced landscape infrastructure. It says, in contrast the approved BKF scheme has landscape infrastructure (57%) such that the development is correspondingly denser.¹⁸⁴

Assessment

424. The applicant says that Mr Pullan's proof of evidence pulls together the key references in design related policies in all relevant documents, against which he has assessed the development, and set that out under the themes encapsulated in the Housing Design Guide: (i) response to context, (ii) making a place, and (iii) the right details. The applicant adds that this merits reading in full but highlights the following three points.

425. First, in the applicant's view the design of this development responds to its context.¹⁸⁵ Landscape and setting have, it adds, been primary considerations in developing the design,¹⁸⁶ as reflected in the opportunities taken to, for example, reintroduce woodland shaw. In a similar way, it says, the historic settlement pattern and landscape character can be seen in, for example, the reintroduction of medieval field pattern in the Wider Land Holding, and the extensive green buffer separating development from both the A229 and Hartley.¹⁸⁷ The applicant maintains that cut and fill has been minimised,¹⁸⁸ with a wildflower meadow growing in the area where soil has been sustainably retained on site.¹⁸⁹ It adds that the possibility of views both through and out into the countryside has been built into the fabric of the design whether that is in the spacing of the buildings, the retention of existing buildings, or the new paths created.¹⁹⁰ This, the applicant says, was challenged principally on two bases in cross examination:

- (i) There was some suggestion that the development fails to respond to its context because it would undermine the TF scheme's design and the vision for it to be an isolated farmstead surrounded by countryside. The applicant says it is flawed in three ways:
 - It proceeds on a false premise – it is not a farmstead, the 36 home scheme was simply designed in a farmstead style and such a scheme could not

¹⁸³ ID9 para 49, and CD23.1.7 paras 5.15-5.16

¹⁸⁴ CD23.1.3 para 3.10 and Figure 4

¹⁸⁵ ID9 p51

¹⁸⁶ CD23.1.3 p54, CD1.3.3 and CD3.2

¹⁸⁷ CD23.1.3 p55

¹⁸⁸ ID9 p54

¹⁸⁹ CD23.1.3, p56-57

¹⁹⁰ CD23.1.3, p58

seriously be said to be a farmstead, and now three additional homes have been granted permission.

- If the Council had sought to keep the TF site surrounded on all sides by fields, it could have done so via planning obligations secured by legal agreement as the applicant owns these. It did not and the Committee Report makes clear that the Council saw a strong relationship between that site and land allocated for development at the BKF site. It was only the southern side where there was perceived to be a relationship with open countryside, and this is not only unaffected by the development, but it is only the current development that offers a way to maintain that in perpetuity.
- The rural setting to the TF site has been considered and maintained on every side bar where it immediately adjoins the Development Area, and that is where the Committee Report on the TF development saw there being a strong relationship to the BKF development and the edge of the settlement of Cranbrook.

(ii) There was further suggestion that the design team should have 'pushed back' and considered quantum of development as the first stage in the process. However, as Mr Pullan pointed out in evidence, neither the HWAONB Management Plan nor the Housing Design Guide prescribe the scale of development that is appropriate to the HWAONB.¹⁹¹ Moreover, the quantum of development proposed here has been influenced by the allocation in the eLP, and this is itself landscape led and supported by the HDA LVIA¹⁹². In short, the quantum of development here has been landscape led, considering the policy, draft allocation, and impact.

426. Second, fundamentally, the applicant maintains that the development creates a highly desirable place to live. It adds, though separated from the A229 through a generous landscape buffer, connections are established through and beyond the site, integrating the development into both the landscape and urban context. The site is permeable, in the applicant's view, with few – if any – dead ends, and is connected by legible routes in a clear hierarchy, which run through houses that are placed to work with the topography of the area rather than against it, all in a framework which is very, very green.¹⁹³ The applicant would particularly like to draw attention to those green spaces that are immediately adjacent to the Development Area, as it sees these as being multifunctional, providing a place to walk, to gather, and as interlinking systems for both wildlife and landscape. This is, the applicant adds, all complemented by the placement of the buildings in the Development Area, which have a clear relationship to the street, landform and green corridors, supporting the street hierarchy while simultaneously providing active edges. It adds that care has been taken to create homes which it considers are 'just right', with designs and materials selected to reflect the local grain and development pattern in the area, which are massed and spaced to reinforce the High Weald character in a manner which is clearly related but variable enough to be interesting: the traditional and older Kent vernacular is evidently an influence here.

¹⁹¹ CD23.1.3, para 1.33 and CD23.1.5, para 6.37

¹⁹² CD14.3.9

¹⁹³ CD23.1.3, p59 & p60

427. The applicant contends that while Ms Marsh purports to have assessed the proposals against the Housing Design Guide, she has not provided a full or even summary analysis of it. It adds that she suggested that this was “a generic residential housing estate” imitating the post-war housing, that Mr Pullan had sought to justify the development by reference mainly to the 1970s estate, and that there was no development story. The applicant contends, however, that:
- (i) Acquaintance with the development design demonstrates how absurd those suggestions are and how devoid of all perspective Ms Marsh and the HWAONB Unit have become. The influence of buildings on High Street Cranbrook, Horsley Place, Waterloo Road, and Crane Cottage are clearly evident in what is proposed. The HWAONB Unit’s case on these matters can be fairly characterised as extreme and devoid of merit.
 - (ii) Ms Marsh has failed to outline any summary or detailed analysis or methodology of the proposals against the Housing Design Guide or the Kent Local Design Guide, National Design Guide or sections of the Framework which deal with design. These failings are fundamental and her comments that the development would be a generic residential housing estate are without justification and should be accorded no weight.
 - (iii) Given that the HWAONB Unit seems to be objecting in principle to any major development, it is unclear what, if any, difference that makes to its case.
428. Third, in the applicant’s opinion, its own close eye for detail is well known and has been deployed to full effect here, reinforcing the existing High Weald character with homes that would include details such as clay and slate tiled roofs, rust and russet tile hangings, open eaves and simple porch canopies. The applicant adds that this classic vernacular pattern complements the integrated sustainability benefits of the properties, including sufficient space, facilities and connections to enable working from home in accordance with the Code for Sustainable Homes. The streetways, it says, use simple surface materials, reinforcing the palette to be used at the TF development, while lighting has been designed to maintain safety and security, minimising light pollution and any impact on wildlife. It adds that the green infrastructure would incorporate native planting schemes, using traditional land management skills, and maximise opportunities to support characteristic wildlife.
429. Each of these points, Mr Pullan says, demonstrates compliance with all relevant policy and guidance. When all of this is taken together the applicant says that all of the design details show this is the right scheme and in the right place.

Landscape & Visual Issues

430. Given that this would be *major development* for the purposes of Framework para 177, landscape and visual issues were rightly considered during the Inquiry in the applicant’s view, given that the site is in the HWAONB so that such matters deserve, and have received, careful consideration. In addition to the LVIA provided with the application,¹⁹⁴ the landscape impacts have been considered within the HDA LVIA,¹⁹⁵ and by the Council’s Landscape Officer¹⁹⁶ and case

¹⁹⁴ CD5.7.1 and 5.7.2

¹⁹⁵ CD14.3.9

¹⁹⁶ CD6.14.1 and CD6.14.2

officer¹⁹⁷. Moreover, evidence was heard from Mr Cook, Mr Duckett, Ms Farmer and Ms Marsh. The applicant relies on the evidence of Mr Cook, though notes that he and Mr Duckett have undertaken similar analyses and reach similar conclusions. So, it says, it is through the lens of Mr Cook's analysis that it makes the following three 'key' points¹⁹⁸:

- (i) That the Development Area, being occupied by housing that is in keeping with the general vernacular seen in Cranbrook, and being fully in accordance with the Housing Design Guide, would have a neutral rather than adverse effect;
- (ii) That the remainder of the site, including the Wider Land Holding and other green infrastructure would have a clearly beneficial landscape and visual effect.
- (iii) Overall, therefore, the development's effects would be neutral to beneficial with regard to both landscape character and visual amenity.

Methodologies & Underlying Assumptions

431. The LVIA sets out its methodology. The applicant notes that Ms Farmer expressly said she took no issue with it.¹⁹⁹

432. Both Mr Cook and Mr Duckett outlined their methodologies in their proofs of evidence. The applicant says that it does not understand Ms Farmer to have taken any serious issue with those approaches. It adds that some criticisms were made by the HWAONB Unit, but the applicant submits that they were all demonstrably flawed. The applicant says that although Mr Cook was challenged on the basis that he had not outlined both visual receptors and landscape receptors, landscape receptors are discussed in sections 6, 7 and 11 of his proof of evidence, while visual effects are discussed in sections 8 and 9. It adds that it was next suggested that he had not complied with para 3.26 of GLVIA²⁰⁰, but the applicant asserts that he showed that he had. It was also next suggested that he erred in not providing tables, but the applicant contends that earlier paragraphs in GLVIA guard against the over-use of tables or matrices and that a narrative is preferred.

433. The applicant says that Ms Farmer did not set out her methodology, and some issues which the applicant says that this gives rise to are set out below.

434. In the applicant's view, Ms Marsh is a complete outlier and her evidence, at the very least, gives a strong appearance of being coloured and devoid of any degree of impartiality. In this regard the applicant says:

- (i) Notwithstanding Framework para 177, the HWAONB Unit will oppose all major development in the HWAONB, which is the wrong approach in principle;
- (ii) Ms Marsh lives in Hartley and within a mile of the site, which raises the potential for a perceived conflict of interest and is a situation that experienced professionals should seek to avoid; and
- (iii) Although she stated that she was able to keep the personal and professional separate, the HWAONB Unit has appeared at appeals for development near

¹⁹⁷ CD7.1

¹⁹⁸ CD23.1.7 para 2.17

¹⁹⁹ CD23.5.1 para 97 and CD6.12.1 p3, Annex A

²⁰⁰ CD16.01

Hartley in this case and in the case of the Gate Farm appeal, and also at the BKF allocation examination hearing, for example, but not at inquiries elsewhere, such as for the Hawkhurst Golf Club appeal, which concern many of the same issues.

435. In the landscape context, the applicant says that Ms Marsh failed to outline her methodology, pointing instead to the Technical Guidance Note by the LVIA Institute²⁰¹, a document concerned with reviewing LVIAs, and which provides no methodology for her evidence in so far as it goes beyond this and expresses views on the degree of impact. On this basis the applicant maintains that there is no transparency in her approach, which it considers to be a particular problem in this case, as it appears to the applicant that she has a completely different understanding of some key terms from the other witnesses. The applicant adds by way of an example, Ms Marsh suggested that while one could speak of containment in visual terms, it could not be applied to questions of landscape resource and perceptual qualities. It adds though that, as Mr Duckett stated, it can be applied to both.
436. Therefore for landscape purposes, the applicant says, on the one hand there are qualified landscape experts, Mr Cook, Mr Duckett and Ms Farmer, who disagree on certain points but accepted that the views of the others fell within the bounds of reasonable expert opinion. Each is a qualified landscape expert. The applicant adds on the other hand Ms Marsh was of the opinion that her views were correct, and the other experts were outside the range of reasonable responses open to them, which in the applicant's view was quite extraordinary evidence.

Baseline

437. The applicant is of the understanding that all parties agree that the baseline must take into account both the planned TF and BKF developments, alongside the existing developments at Hartley Road, Orchard Way, and Cranbrook, albeit that Ms Farmer has sought to outline the effect of the baseline using her Appendix maps B and C. The applicant says, however, that these significantly overplay the impact of the development, as they do not show green infrastructure and alter the status of the TF development and Orchard Way.
438. In this regard the applicant says that:
- (i) All parties accept that this is a settled landscape;
 - (ii) Much has been made of the idea of a 'green wedge', but the BKF and the Corn Hall allocation fundamentally changes the understanding of that; something the applicant contends NE's advocate explicitly acknowledged in his cross examination of Mr Duckett, where the discussion was of "slivers" of green not a wedge having regard to the allocations at BKF and Corn Hall. The applicant says it is not something affected by the development;
 - (iii) There is a dispute as to how to 'read' the TF scheme. Ms Farmer considers that it (and Orchard Way) should read as part of a green wedge right up until the application development is built. Mr Cook outlined that rather than maintain a 'dispersed' character as suggested by NE, the TF development would visually relate to the BKF development once they are both built,

²⁰¹ ID20

reading as an outlier to Cranbrook but remaining associated with it. The officer report also indicates that the TF development could not be considered 'isolated';²⁰²

- (iv) There was some dispute about whether the site could be considered 'tranquil' in the baseline. Mr Cook outlined that this remains a site close to the busy A229, and adjacent to the BKF and TF sites such that it cannot be said to be particularly tranquil, albeit that the amount of noise pervading the site reduces to its lower third. The most tranquil elements are the south and south-eastern parts;
- (v) Once developed, the Development Area of the site would have relatively hard built edges on the BKF site and the internal roads that would run along the northern edge of the TF site. In response to any suggestion that the Council can 'soften' at least the BKF edges through detailing requirements, the applicant says that it is constrained in whatever it can request by way of Reserved Matter approval for the BKF site by the approved Parameters Plan²⁰³, which shows a narrow strip of land. That Parameters Plan in turn has been influenced by the policy locations of the buffers on the site Allocations LP.²⁰⁴ So, there is not that flexibility. In any case, such a suggestion cannot apply to either the TF internal roads or the backland development; and
- (vi) The site currently features what the applicant refers to as derelict paddock fencing, which it says detracts from the landscape. A suggestion was made to Mr Duckett that the landscape was "recovered", but he said that this is not so. It adds that it is simply in a period of suspended animation pending the next usage.

Policies, Guidance & Previous Site Assessments

439. The applicant refers to six documents.

440. First, the National Character Area 122, which forms part of an assessment of the character of England's landscape.²⁰⁵ NCA 122 is very large. The key characteristics are identified on page 8 and Statements of Environmental Opportunity on page 5.

441. Second, at the local level, there is the Tunbridge Wells Borough LCA SPD 2017²⁰⁶. The site and its surrounding area fall within the Cranbrook Fruitbelt LCA 4. There is a detailed SPD which runs through the Cranbrook Fruitbelt's key characteristics (p50), valued features and qualities (p53) and outlines a recommended landscape strategy, considered in the context of the HWAONB (p54).

442. Third, there is the HWAONB Management Plan,²⁰⁷ which replaced the earlier 2014-2019 version which is referred to in the Council's LCA SPD.²⁰⁸ It outlines five defining components of character which comprise the natural beauty of the

²⁰² CD18.02 para 10.12

²⁰³ CD18.4 Condition 5

²⁰⁴ CD11.3

²⁰⁵ CD16.2 p3, 5 and 8

²⁰⁶ CD12.8

²⁰⁷ CD12.13

²⁰⁸ CD12.13 Appendix 5 (p222)

HWAONB, geology landform and water systems, settlement, routeways, woodland, and field and heath.

443. Fourth, the sensitivity of the site itself was examined in the LUC sensitivity study.²⁰⁹ In the context of the study, in the applicant's opinion, what is proposed would be small scale at 2-2.5 storeys²¹⁰. This area falls within area Cr2. Although much larger than the site, the study states that the area adjacent to the allocation AL/CR4 development on the edge of Cranbrook, around Turnden, and in remaining open gaps along Hartley Road, proximity to existing/intended development means that sensitivity is slightly lower"²¹¹. The applicant says that Ms Farmer sought to dispute this, suggesting the reference to "slightly lower" meant "slightly lower than high" and not medium-high. However, the applicant maintains that Mr Cook made it clear that the LUC study refers to both the High and Medium/High boxes, at page 126, so the latter category Medium/High must be relevant to the site.
444. The applicant adds that Mr Cook also defended the analogy with Cr4, pointing out that, once built upon, buildings would be in the northern part of Cr2 in the same way they are for Cr4, and that there is quite the degree of commonality between the two designations as both are bounded by the A229, with residential development on the opposite side of the road, with development sitting adjacent to them. So, in the applicant's view, while Mr Cook accepted that the two are different, he maintains that the benchmarking process is still beneficial and that one must look at the definitions for both medium and high to see where the proposal sits between the two.
445. On that basis the applicant maintains that the LUC study indicates that the sensitivity of an area roughly equivalent to the Development Area is medium/high. In the applicant's view the LUC analysis also identifies the large nucleated settlement form of Cranbrook, rather than dense close-knit houses, suggests that the sensitivity diminishes with increasing proximity to development along the ridge crest, and that the fields around Turnden are now disused equestrian paddocks and do not form part of any recognisable historic landscape. The applicant goes on to say that it should also be noted that this study took place at a time when the, now gone, Turnden Farmhouse was still extant.
446. The applicant also says that while Ms Farmer raises a number of concerns regarding the LUC report, she accepted that these do not mean there is "no worth" in the conclusions LUC reach, and they are not fundamental. It adds that although she considers that LUC should have paid more attention to the role of the site in reinforcing the gap between settlements, the applicant considers that this is simply her taking a different view from LUC. The applicant adds that in circumstances where LUC specifically did consider separation for other plots, adjacent to Cr2, it is wrong in its view to consider this an oversight or gap in their analysis, rather than a deliberate decision and part of their analysis. As with the HDA study, in the applicant's view, she is conflating disagreement with oversight.

²⁰⁹ CD12.22

²¹⁰ ID21 p6

²¹¹ ID21, p11

447. Ms Farmer also suggests that not enough attention has been paid to the TF scheme as an isolated farmstead although the applicant states that the highest she puts it was that this “arguably” increases sensitivity.
448. Fifth, following the LUC report, the site was also assessed by the HDA LVIA. This was commissioned by the Council at NE’s request and assesses the proposed major development allocations in the eLP. The applicant says that NE had not previously criticised this LVIA despite being provided with its methodology, and although a number of criticisms have since been made by Ms Farmer and the HWAONB Unit, in the applicant’s view, they were shown during the Inquiry to be untenable. The applicant particularly highlights two criticisms. The first is the suggestion that this LVIA post-dates and was influenced by the site LVIA for this application, but the applicant states that this is wrong because the project was commenced in November 2019 and had no regard to this application’s LVIA. The second is the suggestion that the Inspector in the Gate Farm appeal decision²¹² had called into question the judgements in the HDA LVIA, but in the applicant’s view he did not, and it adds therefore that criticisms of the entire HDA LVIA based on that appeal decision are meritless.
449. The applicant goes on to say that the site is recognised as being subject to various constraints, including ensuring a demarcation between the settlements of Cranbrook and Hartley. In that regard it adds that while Ms Farmer suggests that no mention is made of the role of the site in the perceived gap between Cranbrook and Hartley, in its view the issue of separation has clearly been considered as Figure C2 of the HDA LVIA shows. The applicant states that after analysing matters such as landscape character plans, routeways and historic routeways, geology and water systems and character components and objectives of the HWAONB Management Plan, the HDA LVIA sets out a proposal for the allocation of the site, identifying the north-eastern part of the site for residential development providing additional mitigation measures are complied with. It adds that, without outlining an exhaustive list, these measures include matters such as retaining two-thirds of the site as open space, undertaking enhancement such as recreating historic field boundaries, and including open spaces and landscape buffers to maintain the sense of separation between Cranbrook and Hartley.
450. The applicant says that, overall, HDA LVIA concludes that sensitive development within the site could be achieved without residual significant landscape and visual effects from public accessible VPs, and that there is the potential for the proposal within the site to enhance the landscape of the HWAONB in the areas allocated for open space. Mr Cook considers that the proposed development complies with the requirements of the HDA LVIA, and the applicant says that Ms Farmer confirmed that she does not suggest there is non-compliance.
451. Sixth, based in part on the work of HDA, there is what the applicant describes as the ‘landscape-led’ allocation of the site in the eLP, which it adds includes a number of landscape-led requirements such as non-vehicular routes, having regard to existing hedgerows and mature trees, locating development only on areas identified for residential use, and providing extensive green infrastructure. The applicant says that Ms Farmer confirmed it is no part of NE’s case that the

²¹² CD19.8

development does not comply with the criteria set out therein, whereas Ms Marsh does not offer an opinion on compliance with the eLP.

452. The applicant considers that these six documents are important. It notes that Ms Farmer also referred to the earlier, 2009, Landscape Capacity Study and the eC&SNP evidence base, neither of which are particularly relevant in the applicant's view. In this regard applicant says that that Landscape Capacity Study is based on the outdated GLVIA 2 methodology, has been superseded by events, notably the BKF and TF developments, and the C2 area within it is significantly larger than the site. In respect to the eC&SNP the applicant also says that the VPs²¹³ should be given no weight. This it adds is because they form part of a draft document that carries limited weight, they were published shortly after and in response to the Council approving at Regulation 18 stage the draft allocation of the site, and they have not been reviewed after the BKF scheme was granted permission.

The Development

453. The applicant maintains that Mr Cook has undertaken a thorough review of the development, finding both that it reflects the HWAONB and accords with the principles of good design set out in the National Design Guide. It says that Ms Marsh did not assess the development against the National Design Guide and failed to assess it against the Housing Design Guide. The applicant adds that Ms Farmer did not attempt any such appraisal, purporting instead to take an 'in principle' objection to the development having not assessed design but looked rather at only one of ten characteristics outlined in the National Design Guide.

454. In the applicant's opinion, the criticism of the scheme implies that it makes no difference whether what is proposed is the worst designed generic housing estate imaginable or an architectural masterpiece. The applicant says, however, that that cannot be right. It adds that the very first step for a landscape assessment is to 'get under the skin of the development', to see how it impacts the landscape, which it says is an approach required by the Guidance Note *Legislation and Planning Policy in the High Weald AONB*, the Housing Design Guide and the Framework. The applicant maintains that Mr Cook has done that while Ms Farmer and Ms Marsh have not. It also states that that difference in approach fundamentally weakens the case put against the development.

455. The applicant says that the vision is for a development which is attractive, accessible and which allows biodiversity to thrive. It makes / highlights the following points in particular, including their effect on landscape:

- (i) The open area to the north-west of the site allows the development to be considerably set back from the A229, maintaining the sense of separation from the A229 and Hartley, which ties into the same principles deployed in the BKF scheme immediately to the north. During construction a section of the hedge would need to be removed to accommodate the visibility splays and highway works, but once those are in place there would be an opportunity, behind the visibility splays, to reinstate a native hedgerow and stand of trees. The sweeping entryway would also be framed by a stand of trees;

²¹³ ID11

- (ii) The Wider Land Holding and large elements of open landscaping would help maintain the sense of separation between Cranbrook and Hartley;
 - (iii) The reinstatement of the historic Tanner's Lane would provide an opportunity to link the site to the BKF development and Cranbrook;
 - (iv) The central village green area would retain existing mature trees, wet depressions and hollows, the latter two would be enhanced as naturalised attenuation ponds surrounded by marginal aquatic vegetation and shrub planting, forming attractive anchor features;
 - (v) A similar strategy is employed for the central green corridor, retaining good quality tree cover and using that as a framework for the new grassland, shrubbery, standard trees and large naturalistic attenuation pond;
 - (vi) The Ancient Woodland is retained, and the minimum 15m buffer zone provides a naturalistic landscape environment protecting and enhancing that woodland;
 - (vii) The proposed woodland shaw and stream within it involves the reinstatement of a historic feature;
 - (viii) The currently featureless field on the south-eastern part of the site would benefit from a new woodland shaw to the north, and two blocks of woodland to the west known as Turnden Farmstead Wood and Hennickers Pit Wood. This would sit alongside the recreation of historic field compartments, with hundreds of linear metres of replanted mixed native hedgerows, and standard trees based on historic maps of the 1800s;
 - (ix) While the field would be raised by some 460mm, as it would mirror the existing topography, once the area has been seeded, the change would be imperceptible, and a poor semi-improved grassland would be replaced with a wildflower meadow. The footpath would not be materially affected once the meadow is in place;
 - (x) The creation of the new woodland shaws would reinforce the buffer / physical gap and sense of separation between Hartley and the TF development;
 - (xi) This all works together alongside particular residential elements in the Development Area, such as framing shrub beds and lawns by ornamental hedgerows within front gardens. Mr Hazelgrove notes that it is rare to provide such a large amount of public open space and ecological management in a scheme such as this. Mr Cook considers the proposal would be exceptional in the amount of green infrastructure it delivers, alongside the housing.
456. The applicant adds that providing additional footpaths, reinstating lost hedgerow and field boundaries, providing new woodland block planting and new publicly accessible green infrastructure are all agreed with the Council and NE to be benefits of the development. It adds that Ms Farmer accepted that the only aspects she considered resulted in harm were the removal of hedgerow for access along with other access related works on the A229 and the built form, notwithstanding not having assessed the design. The rest, the applicant says, she accepts would be landscape enhancements, which there would be no obligation to deliver if the development is not consented. It adds that Ms Farmer, on behalf of NE, does not seek to criticise the content of the LEMP or the landscape statement.

457. The applicant goes on to say that Ms Marsh alone suggested the landscaping was not exceptional, although she saw "exceptional" as "exceeding the aspirations of the [HWAONB Management Plan]". Tellingly, in the applicant's view, she could not point to any examples of any similar sized scheme with anywhere near equivalent levels of landscaping, nor did she accept any of the above matters were benefits, suggesting instead that the landscape enhancement proposals are "generic, inadequate, and disadvantageous to the AONB".
458. The applicant contends that this position was shown to be as untenable as it was extreme. By way of example, the applicant says that it was pointed out to her that "Recreational access" is specifically referred to in Framework para 177, yet Ms Marsh, it says: suggested that provision of public open space was a requirement of any scheme but was unable to explain from where this view came, other than her own experience; accepted she had not undertaken an analysis of the extent to which it met or exceeded policy requirements; and suggested permissive paths were not guaranteed despite the provisions of the S106 Agreement. Moreover, it adds that, it is not in dispute that affordable housing would be provided, listed as one of the top five issues facing this AONB in the HWAONB Management Plan²¹⁴ while the open space to be provided would exceed policy requirements.
459. The applicant adds that Ms Marsh also dismissed the importance of the LEMP on the basis that good outcomes could be achieved at minimal expense by, for example, donating the site to a regenerational farmer. The applicant sees this evidence as being somewhat extreme, having an air of unreality, and an outlier from all the other evidence.
460. Against that background the applicant analyses the application in landscape and visual terms, breaking it down into *effect on landscape elements and character within the site, effect on landscape elements and character outside of the site, and visual impacts*.

Effect on Landscape Elements & Character within the Site

461. The applicant says Mr Cook, Mr Duckett and Ms Farmer all agree that one looks both at the overall landscape and elements within the site, both in quality and quantity, pre and post-development. This is not, the applicant adds, because the three experts have 'confused' elements with character, as suggested by the HWAONB Unit.
462. Mr Cook identifies six individual landscape elements to assess, in respect to which the applicant says:
- (i) The effect on trees and tree-cover would be both major and beneficial. A significant number of new trees are proposed, over the very limited losses associated with the proposed development as set out in the Arboricultural Impact Assessment.²¹⁵ Many trees would be retained, and substantial further tree cover would be introduced across the site, including 126 new trees within the Development Area and a further 38 trees and 1.15ha of

²¹⁴ CD12.13

²¹⁵ CD3.06, Table 1

native woodland planting within the Wider Land Holding. All of which is characteristic of the HWAONB and the area.

- (ii) The impact on hedgerows would be both major and beneficial. Although 290m of hedgerows would be lost, what is proposed includes the enhancement of 90m of hedgerow with native species rich hedgerow and proposed new native hedgerow planting of some 1.29km. Some reinstated hedgerows are along historic boundaries as advocated by the HWAONB Management Plan.²¹⁶
 - (iii) There would be a moderate beneficial effect on grassland, balancing the admitted loss of some poor quality grassland against the creation of naturalistic species rich grassland and meadowland.
 - (iv) There would be minor adverse effect on topography, which would be imperceptible in due course. The slight raising of the topography is a side effect of not exporting soil, so has sustainable development benefits.
 - (v) There would be a major beneficial effect on public access and recreational opportunities stemming from the retention of existing PROW, creation of permissive paths and delivery of significant areas of open space. KCC Public Rights of Way and Access Services has no objection subject to certain considerations being taken into account.²¹⁷
 - (vi) There would be a moderate beneficial effect on water features, as existing ponds, ditches and wet depressions would be retained and enhanced, and the landscape proposals are designed to provide blue infrastructure connections and reflect the pattern of landscape features such as shaws, ditches and ponds, characteristic of the site, landscape, and the HWAONB.
463. On landscape character more generally, the applicant says that Mr Cook, Mr Duckett and Ms Farmer agree that this is a high value landscape. Mr Cook says the susceptibility of the site, particularly the Development Area, to change is low, referring to the absence of visibility, the lack of coherent fieldscape of the post-medieval landscape, the noise and development associated with the A229 and the proximity to the urbanising influence of other development, as existing and consented.
464. Therefore, considering the baseline, and susceptibility to change, Mr Cook and Mr Duckett assess the Development Area and Wider Land Holding separately. In terms of the latter there would, be a major beneficial effect in landscape element and character terms, reflecting the sheer volume of planting and landscape enhancement which is "quite exceptional given the limited scale of proposed housing". The applicant says that Ms Farmer accepts that the physical effects on the Wider Land Holding would be positive, save for some harm in the short-medium term from soil movements. In terms of the Development Area, Mr Cook considers there would be a neutral impact. He accepts that residential property is a *different* element to grassland. The applicant adds though that it has been specifically designed to respond to the context of the HWAONB as a settled landscape, which it says it does and is fully compliant with the Housing Design Guide, such that it conserves what one associates with this part of the AONB, which is significantly defined by Cranbrook.

²¹⁶ CD12.13) p50 objective FH2: "Proposed Actions [...] Use historic maps to help reinstate lost hedgerows"

²¹⁷ CD6.10.1-3

Effect on Landscape Character Beyond the Site

465. Looking beyond the confines of the site, the applicant says that Mr Cook has analysed the impact of the proposals against both NCA 122's key characteristics and the Statements of Environmental Opportunity, alongside key elements of the Council's LCA SPD. The applicant did not repeat them in closing but suggested that they re-pay rereading in full²¹⁸.
466. Ms Farmer expresses some concern that the LVIA does not include an LCA of the Crane Valley as a perceived landscape unit, to which the applicant responds:
- (i) She accepted that none of the published LCA assessments do this, that it is standard practice and recommended by GLVIA to start by using the published assessments;
 - (ii) Her 'outline' of the Crane Valley²¹⁹ fails to indicate either a northern or southern edge and the purported LCA does not include Cranbrook town - a key area-defining element according to Mr Cook;
 - (iii) Her 'outline' is inconsistent with the Crane Valley as defined in a map provided by the HWAONB Unit from the eC&SNP;²²⁰ and
 - (iv) Bearing in mind the relevance of the HWAONB to all of this, although she set out a table purporting to show the relationship between AONB qualities and the Crane Valley there was no real attempt to justify why the Development Area, site, or immediate environs have these qualities as opposed to the Crane Valley more generally.
467. The appellant contends that the majority of NCA 122's key characteristics would be maintained, reinforced or enhanced, and that the development complies with Statements of Environmental Opportunity 1, 3, and 4. The applicant adds that it is an inevitably high-level character assessment but provides a useful overview by which to understand the character of the local landscapes and its surroundings. At this higher level, as Mr Cook confirms, the development would bring about negligible change to the key characteristics of the NCA beyond the site. In the applicant's view, the proposal would, therefore, be in keeping with the character of the adjacent settlement and accord with NE landscape strategies.
468. With regard to the Council's LCA SPD, the LCA's key characteristics, such as the network of small watercourses, the high proportion of woodland and settlements falling within a topographical and wooded framework, and valued landscape features, such as ridges of wooded ghyll valleys, ancient routeways, and again woodland, are retained or enhanced in the applicant's view. Mr Cook particularly drew attention to the fact that he considers that of the eight valued features, three focus on or show the influence of the settlement of Cranbrook in defining this local landscape. The applicant adds, moreover, this SPD identified a recommended landscape strategy for this local LCA, again with which the development complies. The applicant says, for example, the rural character of the area would be maintained insofar as it still exists in the baseline, the wooded framework is enhanced, suitable buffers are put in place to protect the Crane

²¹⁸ CD23.1.7 para 7.4-7.23

²¹⁹ CD23.5.1, Appendix 3, Drawing 1

²²⁰ CD13.1 p26

Valley and woodland from further development, and features which currently degrade the environment, such as paddocks and fencing, would be removed.

469. The applicant says that overall Mr Cook, Mr Duckett and Ms Farmer agree that there is no effect on the HWAONB beyond the Crane Valley. It adds that there would be a change in the character of the Development Area, from derelict paddock subject to the urbanising influences of the TF and BKF developments, to a high quality residential scheme surrounding and punctuated by high quality green and blue infrastructure. Mr Cook says that what is created would be an infinitely more attractive rural landscape, more in keeping with the wider landscape character of the area than is currently the case. The physical changes are confined within the site boundaries and largely within the Development Area, and offsite the pattern of the land cover, tree and hedge cover and agricultural mix, undulating topography, variety of building materials, Cranbrook's settlement pattern generally and network of streams would all continue and prevail with the development in place. Those key characteristics of the wider landscape would be physically unaffected. The change to experiential factors, both visual and audible, would be negligible in the context of the TF and BKF developments, the A229 and the settlements of Hartley and Cranbrook. The applicant adds that the development would not change the broad character of the wider area as a 'settled agricultural scene' which would continue to prevail with the development in place.
470. The applicant says there has been some suggestion that the development would result in an end to the separation of Cranbrook and Hartley but claims that is not so. It maintains that the TF development is already likely to read as a residential enclave which is part of Cranbrook and itself closer to Hartley than the proposed development. The applicant adds that, in any case, the open space and set back proposed for the development, mirroring that for the BKF scheme and fitting with the set back nature of TF, would maintain the strong sense of separation between Cranbrook and Hartley.

Effect on the Special Qualities of the HWAONB

471. The applicant says that this is dealt with in separate sections of both Mr Cook's proof of evidence and Mr Duckett's.²²¹ As outlined above, the applicant has identified five defining components of natural beauty within the HWAONB, and Mr Cook has analysed the proposal against each of these, concluding that it accords with the HWAONB Management Plan.²²² The applicant adds that this approach is in line with the guidance set out in the Guidance Note *Legislation and Planning Policy in the High Weald AONB*²²³ and that Mr Cook also includes an entire section assessing this against the Housing Design Guide.²²⁴
472. From the wider evidence, the applicant highlights and submits the following:
- (i) The time-depth of the HWAONB is a material matter. However, Ms Marsh spent much of her time discussing historical matters despite not appearing as a heritage witness. Dr Miele addressed heritage matters and she barely commented on his evidence.

²²¹ CD23.1.7 Section 11 and CD23.2.2 Section 9 respectively

²²² CD23.1.7 paras 11.6 to 11.51

²²³ CD12.17 p9ff

²²⁴ CD23.1.7 11.52-11.71

- (ii) The extent to which the proposal would impact field and heath is determined by how much survives on site. While Ms Marsh maintains that there is an additional landscape receptor in the form of the fieldscape that would suffer a major adverse effect if covered in soil, she is the only witness to contend for this and this should be accorded no weight.
- (iii) Regarding routeways, while Ms Marsh maintains that the entrance way would “materially destroy” the character of the A229, this is a nonsensical, extreme view as it would remain the A229, on the same line, but with one more access among several. Any archaeological issues arising can be dealt with by condition.
- (iv) Ms Marsh also suggested there is the loss of an ‘iconic’ long view which would be adverse, roughly equating to the analysis of VP4. It is far from an iconic view and already features the BKF scheme in the baseline. She accepted that buildings in the HWAONB are not necessarily harmful to it, provided they are good enough to be seen. Ms Marsh would prefer to see the BKF development in views than vegetation in the form of restored historic hedgerows, yet objects to any view of the proposed development.
- (v) Regarding settlement:
 - a. While it was suggested the dominant settlement pattern in this area is dispersed farmsteads, it is not, the dominant settlement pattern is Cranbrook.
 - b. There are differing views on where the various settlements end, and what role the site plays in maintaining that separation. However, the different views held on where Hartley and Cranbrook beginning / end do not materially affect the analysis, as the proposed development would not alter the separation, as its the combination of set-back, planting and sense of enclosure, particularly compared to the BKF development, that maintains the separation between Cranbrook and Hartley. Building an additional access on the A229 would not fragment and dissolve that separation.
 - c. While it has been suggested that he ignored these matters, Mr Cook specifically considered separation and found the development maintained it and was clear that the sensitivity would not change, but that this would be something which may be taken into account in the planning context.
 - d. Notwithstanding the HWAONB Unit’s position, Mr Cook’s points stand that development “reinforces growth of main settlement reflecting growth pattern” and that settlements, even in the AONB, do have to grow.
- (vi) With regard to geology, in particular soils, the HWAONB Unit repeatedly struggled with the concept that there is a benefit in replacing low grade grassland with a wildflower meadow.

Visual Amenity (Appearance)

473. The applicant says that no party takes a point on what it describes as ‘residential visual amenity’. On that basis it says that the starting point is to establish a baseline, and the visual envelope for the development is remarkably

contained.²²⁵ The applicant says that Mr Cook's Zones of Theoretical Visibility (ZTV) were not seriously challenged, and with reference to those it adds that there would be no significant visual extension of the settlement with the development in place. The applicant also maintains that the development would not introduce views of the settlement of Cranbrook or open up views of it where previously there were none.

474. The applicant acknowledges that for those views where the TF and BKF developments could be seen, even more settlement would be seen as a result of the development, but it says that this is an unavoidable consequence of building things. The point, in the applicant's view, is that it is contained, and it adds that it would also be development that is good enough to be seen.
475. The applicant states that in terms of the development specifically, without the rest of Cranbrook, the area of visibility is heavily confined to just the site as it is limited to the east by the woodland along the Crane Brook, to the south by mature tree cover, to the west by the ribbon development along the A229 and associated tree cover, and to the north by the BKF development²²⁶. It adds that there is also a very small area of visibility to the west of the A229 near Goddard's Green, which is private land and some distant visibility to the north-east of Cranbrook, with Cranbrook in the foreground.
476. The applicant adds that while his ZTV appears to show some areas of visibility to the north-east of Cranbrook near Wilsley Green and to the east near Tilsden Oast, Mr Cook has checked these in person and found that there would not be any visibility in practice. The applicant also says that Ms Farmer agreed that the visual effects were limited to the Crane Valley and not extensive. On this basis the applicant says that the visual envelope is remarkably well contained and, while it does not maintain that solely to conclude that because it is contained it can be developed, it is in its view highly relevant to the site context.
477. Regarding the potential effect of Ash Dieback on visibility, the applicant refers to the extent of woodland planting proposed and adds:
- To the extent Ash Dieback is in the area, it seems to be moving much slower than Ms Marsh indicates, given the baseline photograph for Viewpoint 13B features the same canopy as in the TP1 LVIA dated July 2018²²⁷;
 - Yet in her oral evidence Ms Marsh's reasons for not raising Ash Dieback during the consultation with the Council was that it moved very fast and might not have been seen in 2018;
 - Mr Duckett and Ms Farmer do not shared Ms Marsh's views on this matter; and
 - Ms Marsh does not accept the LEMP as a good thing, on the basis that the Ancient Woodland could recover without it, so it seems that Ash Dieback is significant enough to prevent the development being permitted, but not permanent enough that a legal obligation to manage the woodland can be a benefit in her view.

²²⁵ ID21 p19-23

²²⁶ CD23.1.7, Appendix 6

²²⁷ ID21 p44

478. The applicant then turns to focus on the changes from where the proposed development could be seen from, referring to 'some representative highlights and photomontages', including viewpoints (VP), and draws attention to Mr Cook's table at Appendix 13 to his proof of evidence outlining the degree of visual effects²²⁸.
479. The applicant says that the impact on views from the A229, VP1 and VP2, though major, are neutral. The A229 is a busy highway, which already has a number of accesses with the TF and BKF developments being further additions in the baseline. The applicant also says that it agrees with Mr Duckett's assessment that this is a transitory setting such that it is of less import. The applicant adds that it is also less sensitive.
480. VP1 on the A229, the applicant says, is the view where a gap in the hedging for the access road to the site would start to be seen. It adds that, while a limited stretch of hedgerow would be removed and new pavement created, there would be reinstatement with native hedging and trees. Once the hedge, which the applicant says would grow quite quickly, grows to some 2m most pedestrians and motorists would not, in its opinion, have a view into the site other than when passing the access itself. It goes on to say that the BKF planting would bisect any open space on the BKF frontage with a hedge and trees, reducing views of the proposed development.
481. VP2 is the view from the A229 facing the entrance to the TF site. The applicant states that most of the vegetation would remain, though the canopy would be cut back. The line of sight would go diagonally across open space so, as a motorist, there would be a fleeting opportunity to see the TF development, the proposed development in the middle distance and the BKF scheme in the far distance. The applicant adds that the impacts on VP1 and VP2, though major, are neutral.
482. Mr Cook added VP11 opposite the proposed access, to provide a view as to what a motorist travelling northbound along the A229 would see. The applicant says that there would be a gap of some 24-25m after hedgerows have been re-established behind the visibility splays. The built form would be set 40-50m back from the road and there would be a significant amount of planting. He concludes that the opportunity to gain sight of the dwellings in the development would therefore be quite limited. The applicant adds that what would be seen is not out of keeping or character with what local people see associated with Cranbrook nor the BKF development.
483. VP3 shows the view from footpath WC115 across the TF development, such that the baseline shows a view of dwellings. The applicant considers that the proposed development adds relatively little beyond what is the baseline, one or two roofs in the first year, and once the planting has had 15 years to take effect, both the TF and the current application developments would be largely hidden.
484. Regarding VP4, the applicant states that the BKF development would be clearly visible in the baseline even if consent for the current scheme were to be refused. It adds that one would see the BKF scheme or the development, both sit in the same plane with the same backdrop and cover roughly the same ground. Once

²²⁸ ID21 – VP1 p24, VP2 p25, VP3 p26-28, VP1 p29 & 31, and VP6 p33-35

the hedgerow is established, the applicant says that neither would be seen, and adds that it notes Ms Marsh's views that she would rather see the housing than the hedgerow, and notwithstanding that this hedgerow restores an historic field boundary. The applicant goes on to say that in its view Ms Marsh sought to refine her view of the impact here, suggesting that what would be lost are "glimpses through the hedge over [the TF site] and up to Greensand Ridge." However, the applicant contends that this is not a significant issue.

485. Overall, the applicant says, the impacts on these VPs are beneficial - moderate for VP3 and major for VP4.
486. The applicant says in respect to receptors who walk along FP WC 116, that it was agreed by Ms Farmer that the most significant views from this footpath are at VP6. In its opinion the difference between the baseline, year 1 and year 15 is not significant. It adds, the vast majority of the proposed development would be heavily filtered by proposed tree cover and would appear in a context of views of properties in Orchard Way and those planned at the BKF and TF sites. The applicant also says that tree cover is mature already and so unlikely to get larger. Mr Cook accepted that in winter there would be some more visibility, but the applicant adds that is equally true of the TF and BKF schemes, and in its view the development would read seamlessly as part of those. The impact is, it says, moderate and neutral.
487. Regarding the views of the proposed development across the open space in the BKF development, on the BKF parameters plan it can be seen that the open space between the BKF site and Hartley Road shows an area subdivided into two parts with a hedgerow running along the interface between the BKF and the application developments. The applicant states, therefore, any views in that direction toward the proposed development would be heavily filtered and framed by planting in the foreground and middle distance.
488. In respect to the VPs in the eC&SNP, its VP26 looks west across the valley and the BKF development would be within it. Mr Cook considers that the degree of effect would be limited from this view based on previous analysis of the baseline and year 1 photomontages. Draft NP VP27 looks toward the area allocated as part of the BKF and the Corn Hall site allocation, such that the applicant says that there would be development in the middle distance of that view in any case. Draft NP VP35 is similar to VP4 as discussed above.
489. The applicant states, therefore, that Mr Cook considers the degree of visibility of this development is remarkably limited, and where the proposal could be seen it would be in the context of the TF and BKF developments.

Cumulative Effects

490. The applicant says that, given that the BKF and TF developments form part of the baseline for analysis, it is clear that Mr Cook has considered cumulative effects of those schemes and the proposed development. However, it adds for the avoidance of all doubt the following:
- (i) With regard to the cumulative effect on landscape elements: the TF scheme does not involve the loss of any notable landscape features given it is essentially redevelopment of previously developed land and includes large elements of green and blue infrastructure. The BKF site is currently unmanaged grassland which is reverting to scrub, and which would be replaced by significant areas of new quality grassland and a small orchard,

with the introduction of significant numbers of new trees and native shrub planting, and new wetland areas. The development is covered above. Overall, Mr Cook concludes that all three schemes, when considered cumulatively, would result in BNG and beneficial affects with regard to tree cover, hedges, water features, and public access, with only minor adverse effects on topography. So, there would be a net beneficial effect for most landscape features.

- (ii) With regard to the cumulative effects on landscape character: with the exception of some limited vehicular access and pedestrian access requirements, none of the three schemes rely on off-site works to enable the projects to be implemented. So, the physical fabric of the landscape beyond the site would remain essentially unchanged as would the physical character of the surrounding landscape. Within the bounds of the three sites, BKF would change from fields and scrub to a residential neighbourhood and associated green spaces, appearing broadly naturalistic with features such as meadow, hedges and tree cover – all of which are local landscape features and assist in defining the countryside, reading as part of Cranbrook. The TF scheme involves the redevelopment of a developed site, from a former horse riding facility with some commercial storage to an attractive residential neighbourhood within a landscape framework of open spaces. The site is currently derelict pony paddocks, exhibiting little that is typical in defining the local landscape character area as a fruit belt. Ms Farmer accepted that the TF scheme had become the new edge of Cranbrook. The TF and BKF schemes would have a strong urbanising influence over the Development Area. The land would, therefore, even absent the development, read as an urban fringe environment rather than deep countryside, currently occupied by derelict paddocks detracting from the local character area. However, the introduction of the development would create a residential neighbourhood with green spaces across the Development Area, changing it from urban fringe to an attractive residential area linking to and complementing both the TF and BKF schemes. The additional effect therefore would be neutral, Mr Cook considers, rather than adverse with regard to the Development Area. The Wider Land Holding would deliver substantial green infrastructure and have a net beneficial effect.
- (iii) With regard to general 'visual amenity', the visual envelope from the introduction of BKF extends south-westwards and south-eastwards to an extent but remains confined within the topography of the Crane Valley and settlement of Cranbrook. The introduction of the TF scheme would result in a further visual envelope extension, overlapping in part with the BKF scheme, but also falling within the Crane Valley. The introduction of the development on top of that does not result in any extension of the visual envelope - and where the development is observed it is usually filtered by vegetation, only seen in parts, and this is almost always in the context of the TF and BKF schemes and other housing. Taken cumulatively, Mr Cook considers the development does not materially increase the degree of visual effect over and above the baseline.

Overall

491. The applicant says that, while there is a lot to take in on the topic of landscape, in its view the development is exceptional - an exceptional design,

and an exceptional amount of enhanced and permanently secured green infrastructure proposed. It adds that even Ms Farmer recognises there is a substantial significant benefit flowing as a consequence of the wider green infrastructure. Mr Cook says the built environment and the green infrastructure are in keeping with the character and appearance of the area and Mr Duckett agrees, as does the Council officer's Committee Report.²²⁹

492. The applicant goes on to say that Ms Farmer purports to consider whether the site could accommodate "some" development and concludes in her proof of evidence that it cannot without giving rise to adverse effects on landscape and settlement character.²³⁰ Yet in her oral evidence she sought to "clarify" this, by saying she is analysing whether the site can accommodate "this quantum" of development and she accepted that it can accommodate some form of development but could not say what.

493. The applicant also notes that not all in the Parish think the site is unacceptable for development and refers to Cllr Warne who was a member of the CVLT at the time that it sought to buy and promote the site for mixed housing and employment.

494. Ms Marsh's analysis was, in the applicant's view, in all respects a complete outlier. It adds that she considered the effects adverse, of high magnitude and of major significance, yet in the applicant's view provided no explanation as to how she had reached these conclusions.

Heritage

Introduction

495. Evidence was heard from Dr Miele, Ms Salter, and Mr Page. The applicant adds that NE did not provide heritage evidence or advance a heritage case. While Ms Marsh did not appear as a heritage witness, the applicant says parts of her evidence strayed into that territory on which it considers she is not qualified to give evidence.

496. The applicant contends that Mr Page was not a reliable witness. It adds that while he acknowledges that the applicant has conducted a detailed and thorough analysis, disagrees with the outcomes of that analysis, and does so in a manner which is unsupportable: failing to give the necessary professional affirmations; supporting CPRE Kent's suggestion that the applicant's position on harm has very recently "shifted"²³¹ when that is demonstrably untrue; there is little difference between DHA's position that there was negligible harm and Dr Miele's position that there is no harm²³², while the Framework does not recognise negligible harm – an impact is either harmful, or it is not; referring to Cranbrook as itself being a heritage asset²³³ from which he resiled in oral evidence half-heartedly suggesting it could be considered a non-designated heritage asset; suggesting the setting of the Conservation Area itself was a non-designated heritage asset from which he also resiled; and suggesting Dr Miele was not in line with the position expressed

²²⁹ CD7.1, paras 10.85-10.166

²³⁰ CD23.5.1 para 185

²³¹ ID05 para 7

²³² CD5.8.1 electronic pages 23, 29, 30 and CD23.1.2 para. 6.38

²³³ CD23.3.2 para 3.1, 5.9, 6.2

by Historic England in their consultation responses,²³⁴ notwithstanding that it does not express a view on the impacts on either the Conservation Area or Goddard's Green listed buildings, which were the only two heritage assets Mr Page sought to analyse. The applicant adds that had Historic England identified harm to heritage assets, in particular the Grade II* Goddard's Green Farmhouse, or a high degree of Less than Substantial Harm to the Conservation Area or other assets, Historic England would have said something.

497. The applicant contends that Mr Page's substantive analysis of the Conservation Area and the development's impact thereon was equally poor. It says that he suggested the Conservation Area's character is defined by its relationship to the landscape notwithstanding that that is one of eleven characteristics set out in the Conservation Area Appraisal,²³⁵ much of the remainder concerns built form; he suggested that the Council "overrode" the views of its Conservation Officer when it simply applied the relevant tests in the Framework; and he suggested the harm to the Conservation Area was on the border between *less than substantial harm* and *substantial harm* where the latter implies an impact such that the significance of the heritage asset is vitiated or reduced, leaving it a husk with no intrinsic value.²³⁶

498. The applicant adds, Dr Miele considers there to be no harm, but even Ms Salter, who says that there would be some, mitigated, harm, clarified in her oral evidence that she considers this toward the mid to higher end of less than substantial harm, certainly nowhere near the highest end. The applicant goes on to say that Ms Salter explained that the harm relates to character of the area rather than appearance, and mitigating elements include the substantial buffer to Hartley Road so that built form is hidden by slopes, the design of the development and, for example, its reference to local distinctive architectural materials, and the landscape enhancements in the Wider Land Holding. It adds that she further clarified in cross examination that the design references farmstead character, loose-grain development which is appropriate to the rural settlement pattern within the area, and the built form and landscaping which take reference from local distinctiveness.

499. The applicant contends that Mr Page's view is not credible where:

- (i) There is no direct impact on the Conservation Area (all that is alleged is setting impact);
- (ii) The Conservation Area Appraisal refers to a rural setting which is 'contiguous' with the Conservation Area, yet the site is not, having been separated from it by BKF, Corn Hall, and other housing. Nor is the site part of the Conservation Area's 'adjoining landscape';
- (iii) The site has no formal orientation toward the Conservation Area;
- (iv) Whereas Dr Miele states that the land does not contribute anything to the experience of the Conservation Area by reason of its views, Mr Page has not undertaken any assessment of views or analysed the ZTVs so is not in a position to dispute that. Ms Salter also noted in her oral evidence that there are no direct views between the Conservation Area and the site;

²³⁴ CD6.6.1 and CD6.6.2

²³⁵ CD12.10 para. 3.1

²³⁶ CD20.2

- (v) Mr Page fails to follow the guidance set out by Historic England, failing to undertake the first two stages required. Even then his analysis is sub-standard, referring to noise impacts from traffic and from the residential use while not having reviewed the noise assessment, the consideration of noise in the Committee Report, the traffic assessment or the impacts of noise from the consented neighbouring schemes;
 - (vi) He refers to light spill from night-time traffic movements and incidental effects despite not having reviewed the traffic assessment at all or any documentation the applicant produced to deal with lighting in detail; and
 - (vii) He suggests the development would lead to the removal of one of the last "green wedges" reaching into the town, yet the site does not form part of such a green wedge, lying between it and the Conservation Area are both the BKF site and the Corn Hall allocation. The perimeter of the town is now, at the very least, the BKF site.
500. The applicant also notes that, notwithstanding that neither Ms Farmer nor Ms Marsh appeared as heritage witnesses, Mr Page suggested that he had not provided evidence on the historic landscape so as not to duplicate their evidence. The applicant also asks that this evidence be rejected in its entirety.
501. Against that background, the applicant maintains that there is only Dr Miele and Ms Salter's evidence to weigh. It states that there are some differences between them which are dealt with below, but largely Dr Miele's evidence has not been the subject of any significant or serious challenge. The applicant adds that he is an extraordinarily experienced heritage witness with a CV that speaks for itself, and that he was not involved in the application and has undertaken an entirely fresh appraisal of the heritage impact of the development.
502. The applicant says that, overall, his view is that there is no harm to any significant historic resource, whether the Conservation Area, the listed buildings or, for the sake of argument, the landscape. In this, he disagrees with the relevant ES chapter which identifies a slight adverse indirect effect on the Conservation Area and moderate indirect adverse effect on Goddard's Green Farmhouse.
503. Given what it sees as the lack of any serious challenge to Dr Miele's evidence, the applicant says that it does not deal with this matter in the same level of detail as the landscape, and the applicant says that, in summary form, broadly there are two things to consider. Firstly, the impact of the proposal on fieldscape, and whether / to what extent there is medieval landscape on the site and if so, what the impact would be. The second is an examination of the above ground assets, the Conservation Area and the three buildings in issue, and to identify the harm thereon.

Fieldscape

504. The applicant says that neither Dr Miele nor Ms Salter agreed with Historic England's suggestion that the "surviving historic landscape character of dispersed farmsteads surrounded by a network of field systems is a non-designated heritage asset".²³⁷ The applicant adds that this does not appear to have been a point that was ever taken by anyone objecting to the BKF or the TF schemes.

²³⁷ CD6.6.2 p2

Nonetheless, Dr Miele considers the impact on the field systems as an aspect of landscape character that reflects the time-depth of the HWAONB. The applicant adds that there were two points arising. First, the applicant states that while it was suggested that if it were a non-designated heritage asset this would change the way it was protected under the Framework, Dr Miele disagreed, noting the HWAONB already gives great protection to an area. Second, although it was also suggested that if the site is a non-designated heritage asset it would suffer Substantial Harm by being completely removed, Dr Miele disagreed noting all of the individual features which could be of potential interest are retained. The applicant maintains that any harm coming from a change of use of land may be landscape or planning related but are not heritage related.

505. The basic question, in the applicant's view is, whether and to what extent the site demonstrates a medieval organisation of the land, in terms of both fieldscape and farmstead, given the two are interrelated. The applicant adds that the historic pattern of the High Weald is comprised of two elements: dispersed farmsteads, and urban towns and villages. In respect to each the applicant says:
- (i) Dispersed Farmsteads comprise a single family living in a farmhouse with associated buildings and fields. The dispersed farms came first and interact closely with the topography of the area. Here, the topographical unit is the cross section going from Hartley Road to Crane Valley. The pattern is medieval, widespread, and characteristic of the historic settlement pattern. Looking in detail at what is meant by a 'farmstead', this is defined by reference to its buildings only.²³⁸ Two types of field should be considered:
 - a. Assarted fields, fields that have been cleared from woodland, which can be identified by their irregular shapes; and
 - b. Consolidated strip fields, which are broadly rectangular in shape, with curving longitudinal boundaries and often a dog leg. These fields were farmed by oxen pulling ploughs along a series of rows. These are not common in the High Weald, where they were farmed in common by prosperous peasant farmers and can be difficult to spot because there is a lack of ridge and furrow.
 - (ii) The second is urban towns and village. The towns and villages come later, in the 13th-15th Century, and have a broader economic base than the farmstead units. Cranbrook, for example, grew and prospered through the manufacture of woollen broadcloth in the second half of the 15th Century.
506. The applicant goes on to say that Dr Miele outlined that he could not see any evidence of consolidated strip fields either on site or in the parish and that he has sought to check this in four ways:
- (i) Documentary sources, such as enclosure papers, medieval charters, but he found no documentary evidence that assists;
 - (ii) Examining field names, he found no evidence of field names in such usage.
 - (iii) Cartography and map regression, beginning with the tithe map and working forward. He highlighted where consolidated strip fields may have been, but these were not present in the site in his view. He found that by 2020 there had been considerable loss, a ditch in the north field but nothing remains which Dr Miele would consider substantial or indicating any sort of antiquity.

²³⁸ CD12.09 p9 third para and p10 para 1.15.

- (iv) Field surveys. He could not see any, for example, any ridge and furrow. He also rejected the proposition dog legs in some of the fields indicated that they must be composite strip fields and pointed out these octangular fields do not have the S curve which he said is a defining feature.
507. Drawing this together, Dr Miele takes the view that while the basic framework of what is discussed is medieval, from the woodland at the bottom to the frontage consisting of an old hedge at the top, the extent of both the field loss and the farmstead has seriously eroded it as a component of historic character, reducing its significance to no more than local at best. He does not consider the contention that this is medieval can be sustained.
508. The applicant says that this is a conclusion he shares with the ES and Mr Duckett. It adds that the HWAONB Unit argues otherwise, based largely on the 2017 and 2020²³⁹ reports of Dr Bannister. In response, the applicant says that Dr Miele outlined:
- (i) Put broadly, Dr Bannister's reports are a Historic Landscape Characterisation, taking a broad brush approach based on first edition OS maps rather than tithe and parish maps, such that its dataset is limited.
 - (ii) This compares with the more detailed work Dr Miele has undertaken, which is also more recent, for example, Dr Bannister does not take account of the fire that destroyed the nearby listed farmhouse. Dr Miele does not ask that his opinion be given 'more weight' than Dr Bannister's, only that the shortcomings of that evidence be recognised.
 - (iii) The map the HWAONB Unit refers to which identifies Turnden in yellow²⁴⁰ as an example of a medieval field system is wrong and also adopts alignments and boundaries that are not the same as exist on site today. The map also acknowledges that all information is "provisional" and that "individual site based assessments are recommended." That site based assessment has now been undertaken by Dr Miele and the conclusions are those set out in his evidence.
 - (iv) The HWAONB Unit bases its view in part on the notion that Turnden is surrounded by consolidated strip fields.²⁴¹ This is something Dr Bannister suggests in both reports. As outlined above, Dr Miele does not accept this and notes that the April 2020 report draws on her previous work and online material. She was unable to visit, for example, county and local libraries, nor the site itself.²⁴²
 - (v) Indeed as Dr Miele highlights there is a tension in the HWAONB Unit case – if the characteristic pattern of the High Weald is individually owned farmsteads, a consolidated stripfields are not part of that pattern as they represent shared agricultural practice; so any surviving stripfields are interesting, but not an example of individual farmsteads.
509. Moreover, the applicant states, Dr Miele made clear that reinstating historic hedgerows and the shaw in the southern fields is beneficial to the time-depth character of the HWAONB, that reinstating Tanner's Lane would be beneficial in heritage terms as it expresses something of the history of the site that currently

²³⁹ CD16.22 p26 and CD6.5.1 p7 respectively

²⁴⁰ CD16.04, and ID 26 p7

²⁴¹ ID26 p9

²⁴² CD6.5.1 p2

is not present, and that such components of the fieldscape that still survive are largely to be retained, and some enhanced. All of which, the applicant maintains, can be secured over the lifetime of the development by the LEMP.

Above Ground Assets

510. The applicant says that as this is a 'setting' case, the significance of the asset must be identified and then the contribution that the setting makes to the asset's significance and its appreciation must be identified. It adds that you must ask what the significance of the asset is and, if development is carried out, how much of that is removed. In a case involving setting, it says, one looks primarily at visual impacts, although that is not to say one rules out other impacts – other intangible concerns, such as historic connections – may well be relevant, as might other sensory ones, such as smell.

511. Starting with the Conservation Area, the applicant maintains that Dr Miele noted:

- (i) A question was asked whether the site is part of the setting of the wider town. Assuming that this meant Conservation Area rather than town, Dr Miele's opinion is to approach the question as if the site was part of the setting. That did not change the following analysis.
- (ii) There is no intervisibility between the proposed development and any part of the Conservation Area, such that this is a case where one is dealing with parts of the setting which are associational or intangible. In that regard, the Historic England Guidance on the setting of heritage assets²⁴³ makes clear that views are important, and other considerations include character and use of land, historical relationships, and history and degree of change over time. The degree of change has been significant as the BKF and the TF schemes represent a significant change to the setting on this side of the Conservation Area.
- (iii) The Conservation Area Appraisal²⁴⁴ would tend to indicate that the effect of this parcel of land on its setting is minimal at best.
- (iv) Dr Miele found no reference to the site in this Conservation Area Appraisal document, a document which identifies specific instances where green space is important to the Conservation Area and puts it into its historical context. Generally isolated farmsteads were not part of the town economy, they were independent of the towns and that was rather the point. Nor can any party identify a specific link between this farmstead and Cranbrook. Nor could Dr Miele identify any impact on any second component identified as significant. He therefore concludes that the site does not contribute to the setting of the Conservation Area and cannot see it has any impact on the Conservation Area's special interest.

512. Regarding the four listed buildings, the applicant refers primarily to Dr Miele's analysis in his proof of evidence²⁴⁵ which it maintains was not seriously challenged.

²⁴³ CD5.1

²⁴⁴ CD12.10

²⁴⁵ CD23.1.2, Section 7.0

Transport

513. Neither the Council nor the KCC as Local Highway Authority maintained an objection on highways grounds.²⁴⁶ In respect to transport matters, the proposals include an access via a right hand turning lane accompanied by traffic islands, measures which have been agreed by KCC and subject to a stage 1 safety assessment. The applicant adds that these features would have positive effects including, the prevention of overtaking and that reduced road width appears to decrease speeds. Of other transport proposals the applicant says that a currently narrow footway on Hartley Road would be widened; a traffic signals upgrade scheme at Hawkhurst crossroads consisting of the introduction of on-crossing detection for pedestrians and MOVA would be introduced; a sum to improve PROW would be paid; 24 electric vehicle chargers in private spaces, nine in communal spaces, and ducting in every other property would be secured; and adequate cycle storage provided.
514. The applicant also refers to the pedestrian and cycling routeways that would connect the development to the TF and the BKF developments and from there to Cranbrook, whether via Corn Hall or otherwise,²⁴⁷ in terms of distance and safety. It adds that these changes must be read in a context where there are already changes required to the A229 from the TF and the BKF developments that would improve safety, including a reduction in speed limit,²⁴⁸ and the BKF scheme is consulting on its own proposed improvements, including providing new cycleways.²⁴⁹
515. With reference to sustainable transport the applicant says therefore:
- (i) It is agreed with KCC that most local facilities are within 2km of the centre of the site, with the great majority being within some 1.6km. These are within the parameters set by the *Manual for Streets* and, in traffic terms, are not unusual distances for walking in a rural area, and the cycling times are quite short, with all under 10 minutes. Mr Bird says this is a highly sustainable location and as do other experts or policy.²⁵⁰
 - (ii) There are good quality walking and cycling routes for users of the development and this is in a context where the TF scheme was consented without any of the routes through the development or the BKF site having been approved such that it would have been less sustainably accessible.
 - (iii) Bus services are available. Criticisms have been made of these relating to frequency, price and the time they may take. The prices are overstated if one buys a season ticket and the criticism of time overlooks that it is a benefit to have services available at all as it opens travel possibilities for those without a car or second car, and the reliability of the services would increase were the Hawkhurst signal junctions to be in place. This may be combined with increased service frequency using payments associated with the BKF permission, which could increase bus use.
 - (iv) A travel plan has been submitted and agreed with KCC, including softer measures to encourage the use of sustainable modes of transport. While people cannot be forced to adopt more sustainable methods, in the midst of

²⁴⁶ ID62

²⁴⁷ ID30 p11

²⁴⁸ ID30 Slide 5 re the various schemes and Slide 8 re the speed limit reduction

²⁴⁹ ID30 p14-15

²⁵⁰ CD11.04 paras 4.5 & 5.129, and Box 3 & 4

a climate crisis, and against a background where such plans have been proven to work in the past, where Mr Bird considers there are real opportunities to achieve a shift toward sustainable travel compared with the existing situation in Cranbrook, this is a highly relevant consideration and one required and referred to by Framework para 113.

516. CPRE Kent's transport witness, Ms Daly, an Orchard Way resident who, the applicant says, fairly admitted she is not a transport expert and does not purport to provide technical transport evidence such as evidence on trip generation. The applicant states that most of the objections referred to are already dealt with in a table produced by Mr Bird²⁵¹ and are addressed above. It adds that, many come from Ms Daly not accepting certain industry standard practice on matters, such as walking distances taking account of matters of topography or whether one is walking with children or considering that public safety reports underplay the level of accidents as some go unreported, or assuming cars will break the newly reduced speed limit. On this last point Mr Bird said in oral evidence that the Council and the Police do not support decreases in speed limits unless they consider these will be obeyed. The applicant adds, in any case, it should be assumed that the law will be obeyed. The applicant goes on to say that, while it values local input, the decision maker should go on the best available data and industry standards.
517. The applicant adds that all matters on the transport effect of the development are agreed with KCC, including that the traffic impact on all assessed junctions is acceptable without any mitigation with the exception of Hawkhurst Crossroads, where the proposed mitigation led to KCC withdrawing its objection. Indeed, with the proposed improvements at Hawkhurst and the benefits these are expected to bring in the form of a net reduction in delays at the Hawkhurst crossroads even factoring in additional traffic from the development, the applicant maintains that any impacts of the development would be more than mitigated and there would be a benefit for the wider populace in the form of increased bus priority. In this regard, the applicant adds two points. It was suggested that this might lead to locals who currently 'rat-run' being drawn back to using Hawkhurst crossroads, but the applicant says this is unlikely as people only tend to change their travel habits when there is a more significant change, so that any attraction back would likely be marginal.
518. The applicant has also identified that some questions were raised about the delivery of the linkages between the proposed development and the adjoining planned developments, including an alleged "Ransom Strip" pointed out by CPRE Kent²⁵². The applicant says that linkages generally would be secured through conditions on the BKF outline permission and further secured through the pursuant reserved matters application²⁵³. As to the alleged Ransom Strip, the applicant makes four points:
- The issue affects at the very most one out of four routes;
 - Mr Hazelgrove made clear in oral evidence that the Council would be willing to compulsorily acquire the land if necessary;

²⁵¹ ID30 p20

²⁵² ID55

²⁵³ CD23.2.1 paras 4.15-4.17

- The unregistered land is not within the application red line, but rather within the BKF site; and
- There is a condition on the BKF outline permission dealing with connectivity and a further one is proposed on the reserved matters application²⁵⁴.

519. Overall, the applicant says, therefore, the development is strongly sustainable and that this is a view shared by Mr Hazelgrove. It adds that it is also in accordance with all relevant transport policies and there has been no serious challenge to those conclusions.

Air Quality

520. The applicant states that the only air quality is NO₂ pollution at Hawkhurst, which was agreed by CPRE Kent's witness, Dr Holman, in oral evidence to arise mostly from road traffic on Cranbrook Road. CPRE Kent is the only main party who maintain an objection based on air quality. The applicant maintains that CPRE Kent does not provide planning evidence suggesting that itself would be a reason for refusal and contends that it plainly would not be. The applicant adds that the Council's environmental protection team raise no objections on this point, the Committee Report considered the impacts would be minor, and capable of mitigation and did not recommend refusal on this ground.²⁵⁵ It also says that the Council's current position is made clear by Mr Hazelgrove: "*It [(air quality)] is not considered to be a matter (either in combination with other negative impacts or on its own) that outweighs the benefits of the scheme even if it cannot be fully mitigated by other means*" and Mr Slatford agrees.²⁵⁶

521. In terms of background the applicant states that:

- (i) This is not a matter of national limit values, rather of the national objective of 40 µg/m³ set out in the Air Quality (England) Regulations 2000. There are references to the WHO guidelines and their recent revision, that is not yet incorporated into UK law and there is no clear indication it will be shortly. The WHO updated its guidelines for PM_{2.5} 16 years ago, and that has not yet made its way into UK law. It is also unlikely to be achieved at any city, town or village in the UK with an appreciable road in the near future.
- (ii) Roadside NO₂ concentrations are decreasing, both throughout the UK and at Hawkhurst specifically.
- (iii) The team at Air Quality Consultants carried out a detailed assessment of air quality for the Council in 2020, using a model scrutinised and approved by Defra, which showed the 40 µg/m³ objective was exceeded close to Cranbrook Road in 2018 and 2019. That was accepted by the Council and an AQMA will be declared.

522. The applicant states that, therefore, the AQA²⁵⁷ prepared by Air Quality Consultants is thoroughly researched using the same Defra-approved model as that 2020 air quality assessment and reviewed by Stephen Moorcroft.²⁵⁸ Basing future year predictions on 2019, to avoid the impact of the pandemic, this has

²⁵⁴ CD23.2.1 para. 4.17

²⁵⁵ CD7.1 para 10.226

²⁵⁶ CD23.2.1 para 4.83 and CD23.1.5 paras 6.126-6.124, 6.140 & 11.32 respectively

²⁵⁷ CD2.6

²⁵⁸ Chair of the IAQM Working Group that produced CD22.3. Also see CD21.1.1, Appendix 9, p40-41

assessed a number of receptors in the area. The applicant says that it concludes, among other things, that:

- (i) The 40 µg/m³ objective will be achieved at Hawkhurst Crossroads by 2025. This is more conservative than Dr Holman, who predicts that this objective will be achieved by 2023.
- (ii) Comparing future air quality with and without the proposal, moderate impacts will occur at two properties and a slight impact at one property in 2022 and 2023, moderate impacts will occur at one property and slight adverse impacts at another in 2024, moderate adverse impacts will occur at one property in 2025, and negligible impacts will occur thereafter.²⁵⁹
- (iii) Adverse impacts are primarily a result of elevated baseline concentrations, the incremental changes from the development are small, the impacts of concern will be temporary, and will affect at most three residential properties. On this basis the overall operational air quality effects of the development are not significant.²⁶⁰

523. The applicant adds that while this has been challenged in part by Dr Holman, there is a remarkable amount of agreement between the applicant and CPRE, as set out in the SoCG.²⁶¹ The applicant sees the remaining areas of disagreement to be the use of meteorological data; traffic data and cumulative effects, excluding the TEMPro issues; uncertainty; determining significance and the use of EPUK/IAQM Guidance; and mitigation.

524. Regarding 'meteorological data', the applicant says that Dr Holman suggests modelled weather data such as those sold by her company should be used instead of the data from an actual measurement site, such as Herstmonseux, notwithstanding this is the same approach she took a year ago. Dr Marner has outlined why the use of measured data is suitable.²⁶²

525. The applicant summarises this as, while modelled data is valuable in parts of the world with relatively few good quality measurement sites, such as the coast around Hull, or parts of the UK with unusual geography, such as the Welsh Valleys, they rely on a series of relatively subjective assumptions which have an appreciable effect on results. It adds that it is therefore difficult to gauge the relative veracity of the different predictions without comparison against measurements. For example, when Dr Holman says that weather varies on a 3km by 3km basis, there is no way to check that, whereas measurements are objective in the applicant's view. It adds that the Herstmonseux site is less than 25km from Hawkhurst, and the terrain between the two is far from mountainous or coastal, so Dr Marner considers the results reliable. He does not suggest the weather will be exactly the same, but it is the best available data on which to make predictions.

526. The applicant also states that in this case the data has been scrutinised by Defra and considered appropriate. It adds that Dr Marner has also outlined why, contrary to Dr Holman's approach, one cannot simply present a comparison of the two.²⁶³

²⁵⁹ CD2.6 para 7.4 and Table 5

²⁶⁰ CD2.6 Section 7.

²⁶¹ CD9.08

²⁶² CD23.1.1 paras 8.10 and 10.16-10.23

²⁶³ CD23.1.1 para 10.20

527. The applicant goes on to say that what it describes as Dr Holman's "Do as I say, not as I did" approach appears throughout her analysis on other issues, such as uncertainty. It comments that her own AQA in Hawkhurst was only last year, and post COVID, yet she could offer no justification for criticising the applicant's consultants for doing things she had recently done in the same location. The applicant adds that when challenged in cross examination she suggested that her approach had changed following the Ella Kissi-Debrah inquest, yet she was not prepared to say that her previous work was now not valid, and national and IAQM guidance has not changed. The applicant contends that this shows her criticisms are unfounded and arbitrary.
528. Regarding 'traffic data and cumulative effects', the applicant says that in oral evidence Dr Holman confirmed that she was no longer taking issue with the use of TEMPro, and accepted Dr Marner had now done sensitivity studies. On that basis, the applicant says that the sole remaining issue is the suggestion that, rather than focusing on 'incremental' change, the assessment should consider the combined effect of all traffic growth. The applicant maintains, however, that both the relevant industry guidance and government policy²⁶⁴ suggest that comparison should be with and without development, rather than with and without every other impact, which is what has been done, and is also what Dr Holman did in her own AQA last year.
529. The applicant states that that analysis shows, factoring in cumulative growth under three alternative assumptions for that growth, the 40 µg/m³ objective is met in the same year,²⁶⁵ there is no change to exceedances, and in terms of concentration the difference made by this development is very small, indeed Dr Holman accepted it was not her case that this development alone would cause serious health impacts. The applicant adds that, in any case, an assessment has been undertaken showing the project with and without cumulative growth, and then with and without the proposal.²⁶⁶ It states that Dr Holman accepted therefore the cumulative growth issue had been addressed in a way but suggested it was still 'lurking in the background', but the applicant maintains that it is not.
530. Regarding 'uncertainty' the applicant says that Dr Holman accepts that the model results used in the AQA meet Defra's statutory guidance such that the case made against it is now one of failure to take into account of particular traffic uncertainties, such as the effect of the COVID 19 pandemic, which again was something that she did not take into account in her August 2020 Air Quality Assessment. The applicant states that although Dr Holman does not dispute that the effect of lockdown has been to reduce NO₂ concentrations, she highlighted changes to the rate of vehicle turnover, and in the traffic volumes and transport mode share. The applicant adds that, as a general point, although there have now been multiple reports showing a decrease in roadside nitrogen dioxide due to the pandemic²⁶⁷ the AQA has not relied on any lasting beneficial effects from the pandemic, while any lasting adverse effects would need to be extreme to remove the improvements already forecast.²⁶⁸

²⁶⁴ CD22.3 para 6.22k and The Air Quality PPG, CD23.1.1 para 4.9 respectively

²⁶⁵ CD23.1.1 Figs 3 and 4

²⁶⁶ CD23.1.1 Figs 2 and 3

²⁶⁷ CD26.6.1 para 2.2-2.4

²⁶⁸ CD23.1.1 para 10.33-10.34

531. The applicant also states that similar claims have been raised and dismissed in the recent Stanstead Airport inquiry.²⁶⁹ As to fleet turnover specifically, it is agreed, the applicant says, that cleaner vehicles can and will make a difference to NO₂ in Hawkhurst. It adds that registration decreases between 2019 and 2020 were caused by a reduction in sales of the highest emitting vehicles, where sales of low emission vehicles such as battery and hybrid vehicles increased in a manner more precautionary than assumed in the AQA, thus making the AQA precautionary.²⁷⁰ Moreover, the applicant adds, and with regard to modal shift, Dr Holman's evidence was highly speculative, for instance she notes that 'if' public transport was not well used post pandemic it 'might' be stopped in circumstances where it is run by commercial operators. The applicant adds that she was not giving transport evidence and Dr Marner made clear that neither was he. The applicant adds that just as Dr Holman could raise mere possibilities indicating negative results, Dr Marner could point to possible positive ones such as how the shift to home shopping, if carefully managed, could lead to one electric vehicle trip rather than 10 petrol and diesel trips.
532. The applicant contends that in any case Dr Marner shows air quality remains appreciably better in Hawkhurst than it was pre-pandemic.²⁷¹ It adds that there can be a tendency to view uncertainty as spreading to either side of a defined point equally, but it maintains that that is not so and that the AQA and Dr Marner ensured that they would most likely over-estimate concentrations in future, such that in its view there is nothing in CPRE's case in this regard.
533. Regarding 'significance', the applicant states that the AQA and Dr Marner conclude the effects of the proposal are not significant and adds that much of Dr Holman's evidence on this was wrong in as much as it sought to apply portions of the IAQM Guidance which are not relevant here. The applicant also states that, as to the remainder, she appeared to suggest at one point that any impact described as "moderate" in the IAQM Guidance must be considered significant.²⁷² However in cross examination she accepted that was not the case, it is always a matter of professional judgement, including consideration of how large an area, or how many properties, are affected. The applicant considers that, in this case, the number of properties is small, 3 at the start, 2 for two years, such that the number of people affected is small, some 4-5 people based an average occupancy rate of 2.4 persons per residential unit. It adds that the incremental change is also small at 0.6 µg/m³, which is only 0.2 µg/m³ more than the 2020 scheme that Dr Holman promoted and given the delays in start date the years affected are now less than that in the AQA. The applicant submits that Dr Holman's professional judgement is in conflict with Dr Marner's, ACQ's, Mr Moorcroft's, the Council's, and that reached by her own self in August 2020.
534. Regarding 'the need for mitigation' the applicant states that the difference here stems from the outcome of 'significance'. If it is found that the impacts are significant, then Dr Marner and Dr Holman agree mitigation is required, but if not, there is no such need – this is the view of Dr Marner and the approach that Dr Holman took last year. The applicant says, however, that in any case, pursuant to the 'Better by Design' principles, measures have been included which

²⁶⁹ CD26.6.1 para 2.11

²⁷⁰ CD26.6.1 para 2.6-2.9

²⁷¹ CD26.6.1 para 2.10

²⁷² CD23.3.1 para 6.7

have a beneficial effect on air quality, including travel plans, provision for cycling and electric vehicle charging, and the works to Hawkhurst junction provide effective mitigation, given the relatively simple point that reducing congestion reduces emissions.

535. The applicant submits that, overall, therefore there is no basis for departing from the conclusions of the AQA, the effects at Hawkhurst are not significant. It adds that while there are moderate impacts predicted at two properties for two years, the difference the application scheme would make is small. It maintains that air quality will continue to improve at Hawkhurst whether this application is consented or not, there is simply a very slight difference made to timing. In the applicant's view that there would be some difference cannot of itself be a reason to refuse. It adds that, therefore, this proposal accords with national and local policy and there is no air quality basis to refuse consent.

Ecology

536. On the topic of ecology, the applicant considers that, the applicant's and Council's witnesses, Mr Goodwin and Mr Scully, largely spoke with one voice, in line with BSG Ecology, which Kent Wildlife Trust supports, to which NE has taken no objection, and they indicated there is a BNG. Against that, the applicant says, a contrary position is taken by the HWAONB Unit and Ms Marsh. Again the applicant uses the term 'alone against the world' to characterise Ms Marsh's evidence and adds that she suggested this was "one of the more poorly thought through schemes I've looked at" and concluded that not only would there be no BNG, but there would be a harm. The applicant contends that this betrays, what it sees as, a complete lack of impartiality towards the development on her part.

537. Starting with the baseline, the applicant says that the ecology chapter of the ES records that, having undertaken a Phase 1 Habitat Survey, the dominant habitat present on site was improved grassland, horse paddocks.²⁷³ Having been initially surveyed in 2018, the site was revisited and an NVC survey undertaken in 2020, which classified it as poor semi-improved grassland. The applicant adds that the grassland is one homogenous type, excluding small areas around the water bodies, dominated by a few fast growing species, including Yorkshire Fog, perennial rye grass, common bent, cock's foot, timothy, and rough meadow grass. There are very few forbs with most quadrats recorded as having one or two.

538. The BSG Ecology Survey, in 2018 and 2020 respectively, concludes that the site fits most strongly within MG7 and MG7b, and is at the lower end of the scale for poor semi-improved grassland.²⁷⁴ The applicant says that Mr Goodwin has walked over the whole site, and although he found that it could be considered as improved grassland, and there are some small differences either way between him and BSG,²⁷⁵ he too is content it can be considered at the poor end of semi-improved grassland.

539. The applicant explains this in greater detail with reference to the condition tables in the Metric 2.0 Technical Supplement²⁷⁶. "Moderate" condition grassland

²⁷³ CD5.6.1 para 9.7.4.

²⁷⁴ CD5.6.7 paras 4.7-4.16

²⁷⁵ ID34

²⁷⁶ CD16.15 p19

has less than 25% cover, and wildflower coverage of less than 30% excluding white clover, creeping buttercup and injurious weeds, or is a priority habitat. "Poor" condition grassland is characterised by more than 25% rye grass cover, is often periodically re-sown and maintained by fertiliser treatment and weed control, and has cover of undesirable species above 15%. In this case, the applicant adds, there is more than 25% Rye Grass coverage, white clover is present on site, there is a limited number of forbes which it says indicates the use of some sort of herbicide, it is not a priority habitat, and of the 11 undesirable species 7, namely spear thistle, curled dock, broad-leaved dock, common ragwort, common nettle, creeping buttercup, and white clover, were present.

540. The applicant goes on to say that, although *Grassland Assessment Survey of Selected Sites within the High Weald AONB*²⁷⁷ suggests that the grassland is of moderate quality rather than poor condition, Mr Scully outlines that the BSG Ecology condition analysis should be preferred, not least because that survey was directly on point and made for the purposes of this application, whereas the aforementioned grassland survey is necessarily broader.
541. The applicant also says that there was also some suggestion that Mr Goodwin should have asked BSG for the raw data, but BSG is a well-regarded practice, and when discussing whether a habitat is MG7, most ecologists can undertake such an assessment without doing an NVC survey, such that asking for the underlying data would not have been proportionate.
542. On that basis the applicant says that the poor end of semi-improved grassland is the baseline, and that that is supported by the Grassland Survey the Council commissioned based on the HWAONB Unit's comments on its Reg 18 plan that grassland in the High Weald is "better value" than previously recognised.²⁷⁸ This baseline position is not contested by NE. The applicant adds that Dolphin Ecology, whose report the HWAONB Unit provided, also suggests that the baseline from the Phase 1 Survey is either "improved" or "poor semi-improved" grassland.²⁷⁹ Ms Marsh comes to a different view. However, the applicant maintains that she puts forward no evidence of that other than her own walk across PROW WC115, which she accepts was not a survey. This, Mr Goodwin considers, is not an adequate basis to disagree with a range of other professional opinions. Overall, the applicant contends that the condition and value of habitats on the site as matters stand now is poor, and of very little interest from a nature conservation view.
543. In the context of the foregoing, the applicant says that a point made against the application scheme is that the ecological proposals do not fit with the HWAONB Management Plan, but it adds that Mr Goodwin strongly disagrees. It adds that the Management Plan sets out a vision for the HWAONB which is a landscape maintained by sustainable land management practices, and shows thriving wildlife and improving ecological quality in an interconnected and biodiverse landscape.²⁸⁰ The applicant sets out that it is an important part of the designation to enhance natural beauty to conserve and enhance flora and

²⁷⁷ CD16.11

²⁷⁸ CD16.11 paras 5.4.8-5.4.10

²⁷⁹ CD23.2.4 para 6.12

²⁸⁰ CD12.13 p5

fauna²⁸¹ and it provides key principles to help guide actions in the HWAONB regarding restoring wildlife, including in the development management process for identifying whether actions will enhance or damage the AONB's natural assets.²⁸² This help, the applicant says, includes principles on implementing the plan to guide action 'on the ground' – steps which include restoring naturally functioning habitat mosaics and taking positive action to improve measurable BNG.²⁸³

544. The applicant adds that there was some suggestion by Ms Marsh that the Management Plan is 'broad brush' and that the benefits and objectives it lists may not apply to this site. While matters must be looked at in a site specific manner, it is notable in the applicant's view that Ms Marsh both sought to distance herself from portions of the Management Plan that did not help her case, as with the issues of hedgerows and cat predation, and suggested that NE was wrong in considering a matter to be beneficial on the basis that it has not looked at it in enough fine detail.
545. At the Inquiry with reference to the proposed scheme Mr Goodwin spoke to the Management Plan, for example, the applicant says that managing the Ancient Woodland to remove Himalayan Balsam is fully in accordance with Objective G1, W2, and the Vision for Woodland; the LEMP's illustrative masterplan and betterment plan would reinstate one of the key characteristics for woodland in the HWAONB, and the Natural Beauty, Key Characteristics, Vision, and Objectives such as FH2 for Field and Heath.²⁸⁴
546. These, the applicant says, are simply examples but Mr Goodwin and Mr Scully made clear that this application meets the requirements of the Management Plan. It adds that this is particularly clear from the level of detail in plan ECO1,²⁸⁵ where scrubland links the Ancient Woodland to the south to the woodland in the north, a mosaic of habitats has been created, with scrubland, grassland, woodland and ponds all in close proximity. The applicant adds that the HWAONB Unit disagreed with that, drawing out some examples, and making suggestions that it is better to let changes occur naturally rather than provide a boost.
547. Mr Goodwin said the LEMP was an "excellent piece of work" – one of the "best [he'd] ever read", meeting the vision of the Management Plan and picking up on and supporting the key objectives contained therein. By way of example, he highlighted para 4.1.1 and Objectives 1 and 2. The applicant adds that it is flexible, it has to be, taking into account that while consent and works are a 'moveable feast', certain natural works would need to be done at specific times of year. That, the applicant says does not detract from the weight it attracts.
548. The applicant states that the criticisms made by the HWAONB Unit should not carry any weight and that they can all be traced, in its opinion, to:
- A misunderstanding of the LEMP, for example, Ms Marsh suggested that it was flawed for referring, on page 30, to Laurustinas 'Eve Price' as native hedgerow. However, the LEMP makes no suggestion that it is native, as the native

²⁸¹ CD12.13 p18

²⁸² CD12.13 p4 and p15

²⁸³ CD12.13 p16

²⁸⁴ CD12.13, including p4, e.g. Key Characteristic 3, p16, p28 and p41

²⁸⁵ CD23.1.6 Appendix, Plan ECO 1

hedgerow mix is set out on page 29. Similarly, ornamental hedgerow species are limited to the gardens of owner/occupier housing;

- A focus on matters which can be dealt with by condition, for example, suggested Conditions 17, 21 and 22;²⁸⁶ and
- What it calls the HWAONB Unit's counterproductive approach of looking for problems rather than considering whether there are positive planning solutions. An example of this is Ms Marsh's concerns that establishing hedgerows, something required by the Management Plan Objective FH2 indicators of success and actions, and Objective FH3, is not a good thing in this context because it would lead to cat predation and / or that breaks in the hedgerows are also a bad thing because dormice would not cross them.

549. The applicant contends that 'much of this beggared belief', such as:

- Ms Marsh's suggestions that there would be an absolute loss of semi-improved grassland but no real gain;
- The suggestion that the LEMP's inbuilt flexibility means it cannot be relied upon;
- The suggestion there is no benefit to protecting and enhancing and managing ancient woodland because it is already 'protected', in circumstances where:
 - Ancient woodland only has policy protection from development such that a landowner could fell trees, or fertilise and spray fields in land adjacent to the Ancient Woodland;
 - Where Ms Marsh refused to see a benefit in requiring management for woodland because it has survived thousands of years and particular proposed legal obligations, such as to get rid of invasive non-native species, do not in her view go beyond what landowners would otherwise have no obligation to do but would be encouraged to do;
 - It was Mr Scully's suggestion, for the Council; and
 - Although this has some features of Ghyll Woodland which does require a high degree of moisture, the 15m Ancient Woodland planting buffer would help maintain that climate;
- The suggestion in Ms Marsh's proof of evidence²⁸⁷ that the LEMP is nothing more than a wish list in circumstances where she agreed in cross examination that many of the measures contained therein are perfectly achievable; and
- The suggestion that there is no benefit to grassland management when ID35 makes clear that grassland needs to be managed.

550. The applicant maintains that where there is a conflict of professional opinion, such as what is said to be drawn from Ms Ryland of Dolphin Ecological Solutions, Mr Goodwin has explained why he does not consider her opinion correct and gave the following examples:

- That, if the baseline is improved poor condition grassland, the LEMP measures are unlikely to create good condition native wildflower meadow or species rich grassland, to which Mr Goodwin says it is possible to establish grassland in high nutrient soils as he has done this before;

²⁸⁶ ID32

²⁸⁷ CD23.4.1 para 8.18

- That the works would have “profoundly damaging effects to existing vegetation fauna and soil biology”, to which Mr Goodwin says large portions of Ms Ryland’s analysis are wrong; and
 - There is a difference between the damage from temporary and permanent changes, to which Mr Goodwin says the biota in soil is relevant to what is above it, and that *in this context* it is difficult to see what one would be losing).
551. The applicant adds that, in contrast to Ms Ryland, Mr Goodwin and Mr Scully have been to site and have made themselves available for testing in via cross examination.
552. The applicant says, overall therefore, the utility and quality of the LEMP is aptly demonstrated by the fact that Kent Wildlife Trust spoke in favour of the proposals. In this regard the applicant adds that the oral evidence of Mr Goodwin, Mr Scully and Mr Slatford made clear, although the consultancy services are the commercial arm of Kent Wildlife Trust, they would not speak in favour of development unless it was something they genuinely thought was good.
553. The applicant says that matters such as seed mix, whether to use a nurse crop, soil mix, deep ploughing, phosphate levels, and the exact contents of the Woodland Management Plan can be conditioned, are dealt with via the S106 Agreement and can be controlled either in reviewing the LEMP or the required detailed method statement in relation to soil movement. The applicant maintains that the key point is that such matters can all be dealt with, they are not fundamental barriers, yet the HWAONB Unit has refused to offer positive comments on the conditions or make suggestions for how its concerns could be mitigated²⁸⁸. The applicant adds that attempts to work up issues of seed mix into fundamental attacks on the credibility of the LEMP should be given short shrift in light of the positions of Mr Goodwin, BSG, Mr Scully, the Council and NE.
554. Regarding the BNG metric, the applicant considers that the metric faced a lot of criticism at the Inquiry. The applicant says for example that Ms Marsh suggests that Metric 2.0 and 3.0 are “fundamentally flawed”, while in oral evidence she suggesting that the theory has not been fully tested, values therefore remain “guesstimates”, there can be “no confidence the output score represents biodiversity”, amendments will need to be made before coming into force as required by the Environment Bill, and that the changes caused by including or excluding ancient woodland show the Metric is a “nonsense”. The applicant adds that these conclusions are not accepted referring to Mr Scully’s oral evidence that NE has been developing the Metric for several years and has run pilot projects subject to rigorous evaluation.
555. The applicant adds that it is not the place of the planning application process to challenge government policy and that the Metric has been published by NE and developed to support the incoming Environment Bill. It recognises that it is not perfect and that it does not cover every biodiversity eventuality, for instance it does not take into account species as well as habitats. Nonetheless, the applicant notes the fact that it can be used is set out in the PPG,²⁸⁹ it is supported generally by the relevant industry body CIEEM, and NE fully accept

²⁸⁸ ID57

²⁸⁹ CD10.06 para 023

that Metric 2.0 is an appropriate tool for calculating BNG in this case.²⁹⁰

556. The applicant maintains that the Metric is fundamentally a tool to be considered in the exercise of ecologists' professional judgement. It adds that the extent the HWAONB Unit criticises it and the way in which it works should be given no weight. It also notes that the HWAONB Unit has failed to present any type of alternative.
557. In respect to how the Metric applies in this case, the applicant considers that it has done its utmost to comply with the *Biodiversity Net Gain: Good Practice Principles for Development*:
- (i) The mitigation hierarchy has been applied (principle 1);
 - (ii) It has sought to avoid impacting the Ancient Woodland and ancient woodland characteristics and achieves no net loss from those (principle 2);
 - (iii) It has engaged with stakeholders such as Kent Wildlife Trust (principle 3);
 - (iv) It achieves a measurable BNG contribution and contributes to nature conservation priorities (principle 5);
 - (v) It achieves the best outcomes for biodiversity by e.g. enhancing existing habitat, creating new habitat, and enhancing ecological connectivity (principle 6);
 - (vi) It delivers conservation outcomes beyond what would occur anyway – there is no suggestion (for example) that historic hedgerows would reinstate themselves and there is, at present, no 10% requirement for BNG required by law or policy (principle 7); and
 - (vii) It creates biodiversity educational opportunities (principle 8).
558. Regarding how the Metric has been calculated in this case, the detail of the Metric analyses undertaken is set out in Mr Goodwin's proof of evidence. The focus here is limited to the areas in dispute.²⁹¹ The applicant acknowledges that there are some slight differences between Mr Goodwin's measurements and BSG measurements²⁹², but see these as small, making limited difference to the outcome and the faith that can be placed in the Metric's results and the key point is that even with those two differences, there remains a significant BNG gain.
559. On this basis, the applicant considers that there is rather a lot between Mr Goodwin, Mr Scully and BSG Ecology on the one hand, and Ms Marsh on the other. It adds that Ms Marsh has not undertaken her own BNG calculation, nor surveyed the site, she has simply changed a few of the inputs in the Metric calculations of others. The applicant notes:
- (i) A large difference is the baseline, both in terms of habitat type and condition;
 - (ii) A further difference is how one translates from the Phase 1 or NVC Surveys into the UK Habs Classification for use in the Metric.²⁹³ Ms Marsh alleges this baseline is properly categorised as UK Habs g3c, other neutral grassland. Everyone else says it is g4, modified grassland. There is a long route and a short route to understanding that translation. The short route is

²⁹⁰ CD9.2 para 5.18-5.22

²⁹¹ CD23.1.6, Section 5ff

²⁹² ID34

²⁹³ CD26.3.2 para 2.17ff

to simply use the conversion table embedded in the Metric. The longer route is to use the UK Habs classification handbook, which is the approach Ms Marsh adopted. Mr Goodwin worked through both of these in his oral evidence, demonstrating in the applicant's view that the baseline, as ascertained using a Phase 1 survey, translates as modified grassland. The applicant maintains that Ms March took a flawed approach to this exercise on the basis that she appears to have misunderstood the definitions set out therein, in particular, that species poor swards are excluded from the definition of g3c grasslands and referred instead to g4 modified grassland. The baseline, outlined above, has more than 25% cover of Rye-grass, which falls outwith the indicator in g3, with Rye Grass and White Clover commonly seen in accordance with the g4 definition; grasses making up more than 75% of the assessed area, also in line with g4 definition. Indeed, Mr Goodwin estimates grass cover to be 90-98%. The applicant adds that it is species poor with only two forb species per quadrat, again in line with the g4 indicator.²⁹⁴ The applicant adds that if one begins with an NVC survey, which Mr Goodwin considers to be the 'gold standard', the NVC community coefficients²⁹⁵ all translate into modified grassland.²⁹⁶ On that basis the applicant concludes that, however one starts, and whether one adopts the long or short route, the results are the same, the baseline should be translated to modified grassland, g4, within the meaning of the BNG Metric.

- (iii) The inclusion or omission of the Ancient Woodland is the largest difference between Mr Goodwin and BSG. The registered Ancient Woodland was included by BSG in error.²⁹⁷ Mr Goodwin's evidence shows that taking it out increases the BNG of the proposal. Were Mr Goodwin also excluded the Henniker's pit woodland, which shows ancient woodland qualities but is not registered, that would increase BNG even further. So, there can be faith in the measurements outlined by Mr Goodwin.
- (iv) Mr Scully also noted that Ms Marsh's efforts were incomplete, as she had failed to change the target values for the particular habitats, adding that does not make any real sense, as whatever state the grassland is in now, the work done would increase the number of species within it.
- (v) Much was also made about the relocation of soil onto parts of the Wider Land Holding, with a large focus on the deposit of the soil itself rather than looking at what happens after. It was suggested that the Metric focuses on grassland without reference to the soil underneath, but as Mr Scully explained the full process, including its effect on the soil is already taken into account in the Metric. One cannot have grass without soil. Furthermore, the technical reports submitted with the application consider that²⁹⁸ the proposed soil movement offers an opportunity to improve soil conditions. This would all be controlled by condition with a detailed method statement required.

560. The applicant adds that as one progresses through the Metric – from measurement to translation to outcome – there are areas where professional judgements may differ. It adds however that Ms Marsh's oral evidence initially

²⁹⁴ CD16.20 electronic pages 22ff, and pages 27 for g3c grasslands and 32 for g4 modified grassland

²⁹⁵ CD5.6.7 para 4.13

²⁹⁶ Using ID36 as provided by the HWAONB Unit

²⁹⁷ CD16.15 p62 table TS2-10

²⁹⁸ CD5.6.17 paras 4.4-4.6

suggested that the applicant had sought to “manipulate” the scores and “subtly downgrade” them, whereas when challenged on this she indicated that she was not making any actual allegation, simply saying there were “opportunities” for that to occur, but the applicant says such suggestions should be rejected.

561. Overall, the applicant says, with the exception of Ms Marsh, all the ecologists concerned with this case agree that there are significant biodiversity benefits. It adds that the BNG goes far beyond what is currently required by legislation and policy as well as beyond the 10% mooted for the Environment Bill. The applicant maintains that it is not material whether it exceeds 10% by 30%-40% or 20%-30%, there is still a high degree of confidence there is a substantial BNG. It adds that the BNG Metric is not the ‘be all and end all’, but Mr Goodwin has in its view, shown that the measures proposed also meet the requirements of the HWAONB Management Plan and are positive. Mr Scully agrees, going so far as to say that trying to get this amount of ecological benefit into a development such as this was a “tall order”, an “ambitious” approach which shows a “step change” from what has been done in the past.

562. As a final point on this topic the applicant says that a number of suggestions have been made that woodland and grassland would do better if we “do nothing”. The applicant does not accept that, and it states that it is entitled to do whatever it wishes within the bounds of the law with its own land and that refusing permission would not leave it preserved in aspic. Indeed, it adds, it is likely to see the return of horse use.

Planning

563. Summarising the planning judgement, in response to: (1) the extent to which the proposal is consistent with national policy on the natural environment, delivering a supply of homes, the historic environment and sustainable transport; (2) the extent to which it is consistent with the development plan (and the weight to be attributed to the eLP; and (3) whether any harm or conflict would be outweighed by other considerations,²⁹⁹ the applicant contends that (1) it is, (2) it is, and (3) they would.³⁰⁰

564. Before dealing with some of the details of those matters, the applicant addresses a few considerations regarding NE’s involvement with the application and the Inquiry. It says NE does not present evidence on biodiversity, heritage, transport, air quality, or housing land supply. It also considers NE’s planning witness seemed confused about how these matters weigh in the planning balance.³⁰¹

National Policy

Natural Environment

565. This section considers landscape and biodiversity starting with landscape.

566. The applicant says that it is not in dispute that the most important policy in this section of the Framework is para 177, which is written to test major development outside of the Local Plan process, that whether it is satisfied is a

²⁹⁹ With reference CD9.10 para 4

³⁰⁰ A fuller summary can be found at CD23.1.5 Sections 14 and 15

³⁰¹ CD23.5.2 para. 1.18

matter of planning judgement both on exceptional circumstances and public interest. Mr Slatford and Mr Hazelgrove consider that that test is satisfied here. The Council's intention is that the site should be developed as shown by deciding to allocate it in the eLP and by resolving to grant permission.

567. In this regard the applicant identifies what it calls five fairly fundamental points. First, it says a number of parties and advocates have suggested this is a "stringent" test. The applicant says, however, that the courts have made clear that what is an "exceptional circumstance" is a lower test than the "very special circumstances" test for release of land from the Green Belt, and that it is the latter test which has been described as "stringent".³⁰² The applicant adds, therefore, while it is not disputed that the exceptional circumstances test in para 177 is a high test, it is not one that is as stringent as that which applies to the grant of planning permission in the Green Belt, and is as the Court of Appeal held in *Luton* "less demanding" (CD20.04).
568. The evidence refers to the Glover Report.³⁰³ It is not policy. The applicant states that since it was prepared, the Framework has been revised and its recommendations not implemented. Nor, it adds, has there been any Government guidance or PPG suggesting the same. Accordingly, it can only be given minimal, if any, weight in the applicant's view.
569. Second, the applicant says that NE suggests that major development sites should come forward through the eLP process rather than the planning application process. Yet Framework para 177 is a development management test, as is evident from its text, made clear by the Courts³⁰⁴ and by Mr Slatford³⁰⁵ and with which Ms Kent agreed.
570. Third, the three considerations at para 177 are not exclusive.³⁰⁶ It is common ground that when you are assessing whether there are exceptional circumstances, you can look at all the benefits of the scheme. The applicant adds that it is not the case that each benefit has to be exceptional. General planning needs, such as ordinary housing, can form part of an exceptional circumstances case. The applicant states that the factors involved do not have to be unlikely to occur in a similar fashion elsewhere.³⁰⁷
571. Fourth, the applicant maintains that various lessons can be drawn from previous Inspectors' decisions as to what may be in the set of benefits to satisfy the exceptional circumstances and public interest test.³⁰⁸ While all cases turn on their facts, the applicant states that Ms Kent accepted in cross examination that:
- Housing need can be an important part of the set of benefits;
 - It is a relevant consideration that a large part of the Borough is in an AONB or has other similar restrictions;
 - It is relevant that the site is in a sustainable location and/or settlement;

³⁰² CD20.04

³⁰³ CD16.9

³⁰⁴ CD20.5, paras 62-63 and CD20.17, paras 209-217

³⁰⁵ CD23.1.5 para 6.6 and 6.7

³⁰⁶ CD20.14, CD23.1.5 para 6.15, and CD19.4 paras 13-15

³⁰⁷ CD19.13 para 116 and CD20.17 headnote paras 2-3

³⁰⁸ Steel Cross (CD19.1) paras 89-90; Little Sparrows (CD19.10); Old Red Lion Street (CD19.5); Milton-under-Wychwood (CD19.11)

- The level of impact on the AONB, and in particular if there is little or no impact, including the extent of mitigation measures; and
- All other benefits, including economic benefits such as those that housing brings.

572. The applicant also notes that none of the appeal decisions on exceptional circumstances considered at the Inquiry was the site allocated in an adopted or emerging plan and maintains that this is also something which can form part of the exceptional circumstances case under para 177. The applicant says these factors echo those outlined by Mr Slatford, who adds that the assessment of alternative sites is a main consideration.

573. Fifth, the applicant notes the references made by NE's advocate to Framework para 176 which says *the scale and extent of development within all these designated areas should be limited*. This wording was added to the national policies protecting AONBs in the 2019 version of the Framework and considered by the Courts in the *Advearse* case.³⁰⁹ The applicant says that the Judge was of the view that this wording was not a further test to be met for major development beyond that which is now set out in Framework para 177.

574. Turning to the sub-paragraphs of Framework para 177, para 177(a) has two elements: the need for development, including any national considerations; and the impact of permitting it on the local economy.

575. Starting with need, the applicant relies on there being a national, district, and local need for housing and in particular for affordable housing. It adds that it is not contested by any professional witness that there is a national need, there being a housing crisis. The applicant says that Ms Kent accepted there is an imperative to boost the supply of housing and that it is an important factor in previous decisions. Indeed, the applicant adds that need is so important that it, combined with no or limited/localised landscape harm to the AONB, has been found to constitute exceptional circumstances. The applicant also states that it is important to note the existence of other sites, which collectively still fall short of the full OAN, does not amount to an alternative for these purposes.³¹⁰

576. At the supra-district level, the HWAONB Management Plan recognises that declining affordability, including a lack of social housing, is one of the top 5 issues facing the AONB.³¹¹

577. At the Borough level, the applicant says that it is common ground there is no 5 year housing land supply and that in any case that is a minimum requirement. It adds that it has been suggested that the shortfall here is "marginal", but: even a 0.1 YHLS shortfall is enough to trigger the tilted balance, and this cuts both ways as the Council's housing delivery is just on the threshold of not needing a 20% buffer applied; Mr Hazelgrove considers the need "critical and substantial"; and in any case in previous decisions even "slight" shortfalls have been considered very important.³¹² The applicant also says that the Council has consistently had an under-supply for many years, and it is having to grant permission contrary to its development plan and for a number of sites outside

³⁰⁹ CD 20.10 paras 34-38

³¹⁰ CD19.1 paras 89-90, and **Wealden** as set out in CD23.1.5 para 6.15ff

³¹¹ CD23.1.3 para 4.20

³¹² CD19.8 para 134

the LBD in order to increase supply.

578. It has been suggested that 5 year housing land supply would be resolved if the Hawkhurst Golf Course scheme were approved. The applicant says, however:

- (i) It is not just 5 year housing land supply that matters. The Council is under an obligation imposed by Framework para 68 to plan for up to 15 years ahead. As the Local Plan is out of date, the Council has adopted a figure for the eLP using the Standard Method. The OAN based on this method is 12,204 dwellings over the period from 2020-2038. This need is not challenged by NE. While others have in the eLP process contested the setting of a housing requirement that would meet the full OAN, it is highly unlikely to change³¹³. The Council has concluded that to meet its full OAN it has to allocate sites for major development in the HWAONB. It has, therefore, a “pressing” need to continue to provide housing in the Borough not just this year, but every year up to 2038. If major development cannot take place in the HWAONB the Council would be unable to meet its OAN.
- (ii) There are concerns about how swiftly the Hawkhurst Golf Course scheme could come forward and whether it could in fact be part of the 5 year housing land supply. The applicant for that development is not a developer or housebuilder, there is no provider for the proposed 55+ housing package, no provider for the affordable housing, it is outline permission with many reserved matters outstanding, there is a requirement to provide a relief road which would not be ready until 2025 at the very earliest, and the Golf Club is listed as an Asset of Community Value, albeit with an appeal outstanding. In contrast, the proposed development is a full application, owned by a reputable housebuilder, currently in the process of building out the TF scheme and could potentially commence in September 2022, and have last occupation by May 2025.
- (iii) Development in Hawkhurst cannot help with local need in Cranbrook

579. Turning to the more local level, the applicant says that there is a pressing need for more local housing and local affordable housing. Cranbrook represents 5.7% of the Borough’s population. If it were to take a proportionate share of the Borough-wide need, it would need 585 dwellings over the next 15 years.³¹⁴ With regard to affordable housing there are 925 households on the housing needs register, of which 175 applicants have specified they wish to live in Cranbrook, and 62 households have a local connection.³¹⁵ The Housing Needs Assessment Topic Paper, December 2021³¹⁶ suggests that the Borough-wide need, if the backlog is taken into account, is 391 dwellings per year. Completions are an average of 81.6 per year.³¹⁷ So, the applicant states, there is an acute need for affordable housing.

580. The eC&SNP says its own assessment carried out by AECOM suggests at least 610 net dwellings are needed in the parish between 2017-2033, and also 300 affordable homes for local businesses.³¹⁸ The applicant maintains that the local need, both generally and for affordable housing, cannot be met by permitted

³¹³ CD23.1.5 paras 6.65-6.71

³¹⁴ CD23.1.5 para 6.75

³¹⁵ CD23.1.5 para 6.78

³¹⁶ C14.2.4

³¹⁷ ID46 Table 26

³¹⁸ CD13.1 para 7.4 & 7.8

schemes such as the BKF and TF developments.

581. The applicant says that, taking all of that into account, it is not seriously disputed that the provision of housing and affordable housing is a significant benefit. The applicant adds that NE accepts that the provision of affordable housing attracts significant weight, and then as 40% is proposed rather than the minimum policy requirement of 35%, additional weight should be added.
582. Regarding local economy benefits, the second limb of Framework para 177(a), the applicant states that these have been set out by Mr Slatford³¹⁹ and are not challenged by NE. It adds that the highlights include that the development could support some £15.96M of indirect Gross Value Added per annum in total, which equates to around £29M direct, indirect and induced Gross Value Added in total per annum, although it should be noted that not all of this would be retained locally and the net additional expenditure to be generated by the scheme could be in the order of £3.1M per annum.
583. Turning to Framework para 177(b), the applicant says that there was a lot of discussion of alternatives during the planning session, which needs to be taken in detail. It says there are five introductory points.
584. First, the applicant says, the Court of Appeal in the *Wealden* case³²⁰ has laid down the following principles applicable in considering para 177(b):
- (i) While para 177(b) does not refer specifically to alternative sites, in many cases this will involve the consideration of alternative sites;
 - (ii) The focus of para 177(b) is on alternatives “outside the designated area” so outside of the AONB, not other possible locations for development in the AONB, albeit that it does also require consideration of ways of “meeting the need for it in some other way”;
 - (iii) The Framework does not seek to prescribe for the decision-maker how alternative sites are to be considered under para 177(b) in any particular case. It does not say that this exercise must relate to the whole of a local planning authority’s administrative area, or to an area larger or smaller than that. There is thus a considerable discretion accorded to a decision-maker as regards the extent to which alternatives are considered. So where there is, for example, a local need for housing in a particular town the search for alternatives can properly be limited to that town;
 - (iv) Where the need in issue is area-wide the extent of the consideration of alternatives is context dependent. In the *Wealden* case there was both a district-wide need and a need in the town where the development was proposed, namely Crowborough. The District in that case was, as here, very largely AONB and so most of it was equally constrained. There the Inspector said “[e]ven if the search for alternative sites is taken wider than Crowborough, there is a lack of housing land to meet the full OAN ... The existence of other sites, which collectively still fall short of the full OAN, does not amount to an alternative and there are no plans, through the duty to cooperate or otherwise, for neighbouring districts to provide for the shortfall”. The Court of Appeal explicitly upheld the approach as being a lawful and proper one to take under what is now para 177(b).

³¹⁹ CD23.1.5 para. 4.8v

³²⁰ CD23.1.5 paras 6.15-6.16, and CD20.05

- (v) Mr Slatford rightly refused to accept that para 177(b) imposed a stringent test, as the Court of Appeal in *Wealden* had made clear that there is considerable flexibility in how alternatives are considered by a decision-maker.

585. Second, the applicant states, applying this to the present case and focussing for the moment on the Borough-wide position, the OAN for this Borough is 12,204 dwellings to 2038 and this is a highly constrained Borough. Approximately 70% of the Borough is AONB³²¹ and 22% is Green Belt³²² and there are also numerous other constraints, including a wide network of biodiversity sites and thousands of heritage assets³²³. The applicant says, therefore, that the potential area of search within the Borough is very limited to start with and the only settlement of any size outside the HWAONB, leaving to one side Tunbridge Wells and Southborough, is Paddock Wood. On that basis, the applicant says that to meet the need outside the HWAONB everything would need to be funnelled into Paddock Wood. It adds that that would not be an equitable or sensible distribution, and, in any event, it is already allocated up to capacity, as are Tunbridge Wells and Southborough. It also adds that these settlements are themselves surrounded and constrained by AONB.
586. Third, the applicant contends that the Framework does not say that the requirement to satisfy para 177(b) lies entirely with an applicant. The applicant adds that there is thus nothing to prevent reliance on work undertaken by the local planning authority on alternatives, such as in the context of the eLP here.
587. Fourth, the applicant states that Mr Slatford's view, as supported by Mr Hazelwood, was that the focus on alternatives should be on sites in and around Cranbrook, because there is a very clear need for housing in Cranbrook and "[t]he whole of Cranbrook town centre and the surrounding area lies within the AONB. While some areas within the parish lie outside the AONB, but these are away to the north and well outside the town centre/LBD"³²⁴. In cross examination Cllr Warne acknowledged that the Council's planning officers had rejected such remote northern locations as being unsustainable in terms of meeting the need in Cranbrook. If the focus is on the need for housing in Cranbrook itself, the applicant contends, then the search for alternatives has to be for alternatives in and around Cranbrook itself and providing housing in Hawkhurst or Paddock Wood does not meet that need.
588. Fifth, the applicant says that it was suggested that it was unduly focussed on the need for housing to 2038, and that because 85% of the allocations in the eLP are outside the HWAONB this shows that as matters stand now there are alternative development sites beyond the HWAONB. The applicant states, however, that that is contrary to the approach taken by the Inspector in the *Wealden* case and upheld by the Court of Appeal³²⁵. On that basis the applicant maintains that this is not a search for a single possible alternative site for the proposed development but rather for sufficient sites to meet the OAN, and as the sites in the eLP are all needed to meet the OAN, they are not alternatives.

³²¹ CD23.2.1 para 3.15, and CD12.8 p18

³²² ID02 para 6

³²³ CD23.2.1 para 3.16

³²⁴ CD23.2.1 para 4.12

³²⁵ CD20.5, also CD19.1 para 89

589. Against that background, the applicant turns to the evidence of the Rule 6 parties on alternatives.
590. The applicant says that NE has led the opposition to the development and was the only Rule 6 party to call any professional planning evidence at the Inquiry, yet it has not sought to undertake any assessment of the availability of alternatives in Cranbrook, the Borough or indeed beyond. The applicant contends that this is a material omission. With reference to the Sonning appeal decision, the applicant states that that Inspector noted³²⁶ that while the local planning authority in that case (which was opposed to the appeal) "questioned this assessment" it "never really suggested any alternative sites". It adds that the same is true here of NE.
591. NE's case on para 177(b) is a very limited one in the applicant's view, essentially confined to two points. First, the applicant says that NE criticises its assessment of alternatives submitted with the planning application³²⁷ because it is limited to sites in and around Cranbrook rather than being Borough-wide. Second, it adds that, while it recognises that the Council has, as part of the evidence base for the eLP, undertaken a far more comprehensive Borough-wide analysis, NE says that this cannot be relied on because it is yet to be tested at examination. The applicant considers that these two contentions are flawed.
592. The applicant says that the case of CPRE on alternatives, advanced through Councillor Warne, has been to suggest that the work done in the course of the preparation of the eC&SNP means that "alternative sites were available to meet housing need in the Parish"³²⁸. The applicant adds that it does not much matter which is referred to, be it the published draft AECOM assessment³²⁹ or the 'somewhat sketchy' details of the further assessment of alternatives later undertaken by the eC&SNP Steering Group. In respect to the former, the applicant adds that as it was a draft and never consulted on its weight must be limited. Regarding the latter the applicant says it was an exercise which was undertaken by non-professionals, was never published nor ever consulted on, such that it attracts minimal weight. The applicant maintains that in the end Cllr Warne did not put forward any particular site as an alternative and no sites were allocated in the eC&SNP.
593. The applicant considers that Mr Hazelgrove's evidence³³⁰ shows that all of the sites referred to in Cllr Warne's evidence have since been considered and rejected in the SHELAA³³¹ and/or refused planning permission. It adds that the Parish Council objected to planning applications made in respect of many of these sites. The applicant considers that at the end of cross examination, Cllr Warne was able to put CPRE Kent's case no higher than that amongst all these sites there could possibly still now be some that might still deliver some housing albeit she could not quantify this. The applicant maintains that she accepted in terms that as matters stood many of these sites had been ruled out by the SHELAA assessment and/or refusals of planning permission. The applicant goes on to say that when it was put to her that what remained, if anything, on these sites could

³²⁶ CD19.10 para 115

³²⁷ CD3.12

³²⁸ CD23.3.3 at para 5.4

³²⁹ CD13.2

³³⁰ ID52 and ID53

³³¹ CD14.2.8

not possibly meet the need for housing identified in the eC&SNP, she did not seek to demur from that conclusion. Mr Slatford supported this analysis noting that many of the sites assessed as 'amber' by AECOM were either already allocated in the eLP or had been found unsuitable.

594. Mr Cook undertook an analysis of possible alternative sites identified by AECOM.³³² He concludes overall that none could come forward with less harm to the HWAONB than the application site.³³³ The applicant says that no other party has offered evidence contradicting this and adds that Ms Farmer simply attempted to re-define the point by suggesting it is clear much of the landscape surrounding Cranbrook is sensitive and development would better be achieved through small sites only. The applicant also considers that Mr Cook was not challenged on his analysis by NE. It adds that although CPRE Kent's advocate asked Mr Cook some questions the applicant considers that this reinforced the strength of his analysis even though he suggested that this part of his analysis should only be accorded moderate weight.
595. Having dealt with the position of the other Rule 6 parties, the applicant says that the position in relation to alternatives, for the purposes of Framework para 177(b), is as follows:
596. First, in the course of preparing its eLP, the applicant maintains that the Council has undertaken a comprehensive and extensive process of site selection. The Council, following a call-for-sites, assessed in detail around 500 sites through the SHELAA process. Full details of the submitted sites, as well as those contained in previous Local Plans that were not yet implemented, and additional sites identified by officers are set out in the SHELAA³³⁴. It also presents information about each site, its suitability, availability, achievability, with overall conclusions on their appropriateness for allocation within the Local Plan. The applicant adds that the conclusions have regard to the findings of the Sustainability Appraisal³³⁵.
597. The applicant says that the SHELAA process sought to give weight to the conservation and enhancement of the HWAONB, with the Council seeking to maximise the scope for development outside the HWAONB³³⁶. The Council "concluded that all reasonable alternatives for locating development outside of the AONB are being pursued. Furthermore, it is evident that development to provide for homes and jobs at sustainable settlements within, or surrounded by, the AONB will need to be in the AONB"³³⁷.
598. The applicant goes on to say that the Council has sought throughout to reduce the number of allocations in the HWAONB, which have reduced from 49 to 32 overall, and from 19 major developments down to 11. For all the proposed major developments the HDA LVIA was commissioned to look at the landscape effects, as discussed above, as were other studies such as on grassland³³⁸. The applicant maintains that the end result of that process, in the Reg 19 version of

³³² The Site Assessment is at CD13.2

³³³ CD23.1.7 para 12.1-12.13

³³⁴ CD14.2.8

³³⁵ CD23.1.15 para 6.105 contains summary

³³⁶ For example, CD14.2.2, p51

³³⁷ CD14.2.2 p52

³³⁸ CD23.1.15 paras 6.108-6.109

eLP submitted for examination, is that the application site is among those that have been proposed for allocation in order to meet the OAN of the Borough.

599. Thus, the applicant says, the position is that there is an extensive and publicly available evidence base that the Council has been working on over many years to identify all possible, suitable locations for housing growth. That work is thorough, robust and comprehensive in the applicant's view³³⁹. It adds that an applicant for planning permission could not have hoped to undertake so comprehensive a process. In its opinion, a call for sites process can only really be done by the Local Planning Authority, and the same is true for the whole SHELAA process. The applicant adds that it would be odd, given the work done, had it sought to replicate this work, and there is no reason why it would do so.
600. While this evidence base is yet to be examined, the applicant says that the evidence is available and is highly material. It adds that it can properly be relied on and, in the applicant's view, the process was the subject of no sustained criticism by any party at the Inquiry. While the weight to be given to the eLP is affected by the stage it has reached, the applicant says that the same is not true for the evidence base.
601. This, the applicant says, is supported by the Gate Farm appeal decision³⁴⁰ where considerable weight was given to the findings of the HDA LVIA, which is part of the evidence base for the eLP. The Inspector in that case described it "as an independent, professional review" and that it was of "some significance to the appeal" being something that cannot "be unduly discounted". He said that the context was "an up-to-date, professional assessment of the potential to accommodate major development in Cranbrook and elsewhere and submitted to the Inquiry by the Council as local plan evidence ...". The applicant maintains that the same can be said of the SHELAA process, and the Council's consideration of sites more generally.
602. The applicant adds that, while Mr Hazelgrove was reticent at times to place undue reliance on this extensive evidence base, it is notable that:
- (i) He said that where a site was dropped between the Reg 18 and Reg 19 stages, as many were, it can be assumed that this was for a good reason and that the site was not therefore an alternative;
 - (ii) He has relied on the SHELAA to assess the availability of sites; and
 - (iii) He looked³⁴¹ extensively at possible alternative sites, including those dropped from the Reg 18 Plan, those considered in the AECOM report in the context of the eC&SNP and others before concluding that "based on the available evidence ... there is no scope for developing sustainably located housing for Cranbrook outside the AONB that delivers the same level of benefits as the Turnden scheme"³⁴²
603. The applicant's assessment of alternatives submitted with the application³⁴³ was an additional piece of work on top of the Borough-wide assessment undertaken by the Council in the context of the eLP. The applicant's assessment

³³⁹ CD23.1.15 para 6.92

³⁴⁰ CD19.8 paras 92 & 98

³⁴¹ CD23.2.1 paras 4.11-4.41

³⁴² CD23.2.1 para 4.43ff

³⁴³ CD3.12

is focussed on sites in Cranbrook and discounts a number of possible alternatives based on factors such as access, sustainability and HWAONB impact³⁴⁴. The Council has not contested that analysis. The applicant considers that the only criticisms ventured of this work by the Rule 6 parties was on behalf of NE by Ms Kent, who raised two issues, that the exercise was confined to Cranbrook and that it did not look at smaller sites. In relation to the first point, the applicant says that Ms Kent accepted that, to the extent there is a need for housing in Cranbrook, this can only be met in and around Cranbrook. In relation to smaller sites, the applicant adds that, Ms Kent accepted that there were practical issues in delivering housing, especially affordable housing, on smaller sites. The applicant also contends that there is no evidence that any of these could deliver anything like the same scale of open space, planting, and BNG.

604. Turning to para 177(c), the applicant states that this involves assessing any detrimental effect on the environment, landscape and recreational opportunities and extent to which this can be moderated. The applicant accepts that this sub-paragraph deals only with any negative impacts and mitigation. It adds that positive effects are taken into account in the general 'basket' as per the *Wealden* approach.
605. The applicant starts on this matter with the overarching point that it sees NE's approach to be making an objection to this scheme "in principle", without engaging with the LVIA,³⁴⁵ notwithstanding that its own witness accepted in oral evidence that the landscape impacts have to be assessed on a case specific basis and that a key tool in assessing landscape impact is an LVIA. The applicant says that Ms Kent, placed in what it describes as a 'somewhat untenable position', was forced to defend this on numerous 'wholly unsupportable bases'.
606. In this regard the applicant says that Ms Kent sought to justify NE's position on this matter: on the basis that NE could judge this on the principle of whether development in the HWAONB was acceptable, but she was forced to accept that was decided by para 177; by relying on prematurity, which is addressed below; and by suggesting NE has enough experience to understand the scale of development without looking in detail at the LVIA. The applicant contends that none of these points is a 'remotely credible justification for NE's position'. It adds that Ms Kent then reverted to saying that she had now engaged with it.
607. That, the applicant contends, was not the only bizarre aspect to NE's case, adding that NE also suggested that it does not object to sites once allocated, as with the BKF scheme, notwithstanding that legitimate concerns may still arise and that the para 177 test continues to apply even after allocation in a development plan. The applicant goes on to say that NE has continued to pursue the bizarre suggestion that major development is in principle objectionable in the AONB, notwithstanding that that is exactly what Framework para 177 is designed to decide, that the Housing Design Guide deals with major development, and that it seems irreconcilable with NE's request that the Council commission what became the HDA LVIA.
608. The applicant states that there is clearly a dispute between it and NE about whose landscape evidence should be preferred. Mr Slatford remains of the view

³⁴⁴ CD23.1.5 paras 6.112 & 6.113

³⁴⁵ CD6.12.1 p3

that Mr Cook's evidence and conclusions are correct – there would be no material adverse impact on the HWAONB, and landscape character of the area would be preserved and enhanced, and the overall proposals for the site are exceptional. It adds that, Ms Kent accepted that if the Secretary of State prefers the evidence of Mr Cook, that would be an important consideration in deciding whether there are exceptional circumstances. The applicant maintains that it is, in fact, very, very important. It adds that Ms Kent also accepted that she was wrong to suggest that the improvements to the Wider Land Holding are not reliant on development.

609. The applicant goes on to say that it is also important to a consideration of para 177(c) that the proposal does not negatively impact any recreational opportunities on the site. It adds, to the contrary, it positively improves them, which it says is an additional benefit to be taken into account.
610. Moving to other natural environment considerations beyond para 177, the applicant first deals with biodiversity and how that weighs in the planning balance. The applicant says that NE's advocate attempted to draw a distinction between the "great weight" accorded to conserving and enhancing landscape beauty in Framework para 176 and that biodiversity matters are considered merely "important considerations" in the AONB. The applicant states, however, that the decision-maker's duty is to have regard to the purpose of conserving and enhancing the natural beauty of the AONB, and that here references to conserving natural beauty include references to conserving its flora and fauna.³⁴⁶
611. The applicant stresses that the views of Mr Goodwin and Mr Slatford are that the application scheme would deliver exceptional ecological enhancements, going far beyond both the current policy requirements and even the anticipated legal requirement of a 10% BNG which would not, due to transitional provisions, apply to this application. The applicant maintains that even NE accepts that this scheme would deliver a BNG and has now accepted that this can form part of an exceptional circumstances 'basket'. The applicant says that the importance of protecting flora and fauna is made very clear in the HWAONB Management Plan.³⁴⁷ Accordingly, the applicant says, it should attract significant weight.
612. Regarding air quality as part of the planning balance, the applicant says that air quality here complies with the Framework, Air Quality PPG, the Core Strategy, the eLP, and the Council's Hawkhurst air quality Planning Position Statement.

New Homes

613. The applicant says that the desperate need that this development would meet has been outlined above and also highlights that adjacent authorities, with similar constraints to this Council, are having difficulties meeting the housing needs in their area. Mr Slatford has set out the relevant paragraphs of the Framework and concludes these are met.³⁴⁸ The applicant adds that it does not understand that to be seriously challenged by any party.

³⁴⁶ CD21.06 & CD21.07 – Sections 85, 92

³⁴⁷ Including pp 4, 16, 22, 25, 27, 43, and 60

³⁴⁸ CD23.1.5 Section 7

Historic Environment

614. The applicant says that for the reasons outlined above the views of Dr Miele should be preferred to those of Ms Salter and Mr Page. Again, Mr Slatford outlines the relevant national policies and, drawing on the evidence of Dr Miele, he concludes that there is no harm to heritage interests or the historic grain of the landscape comprising the site. The development is, in the applicant's opinion, therefore consistent with national policy on the historic environment.³⁴⁹
615. The applicant adds that in the event that the evidence of Ms Salter and Mr Page were to be preferred, the same package of benefits relied upon under Framework para 177 is relied on under its para 202, and the balance is dealt with below.

Sustainable Transport

616. The applicant says that NE's position on this matter had relied on the objection of KCC, which is now withdrawn such that there is no basis on which NE can object on transport grounds. The applicant maintains that the site is very well located from a transport perspective, being within a reasonable proximity of the town centre and within easy walking/cycling distance of numerous local facilities. Drawing on the evidence of Mr Bird, Mr Slatford confirms that the development complies with national policies on sustainable transport.³⁵⁰ Indeed, the applicant contends that the transport sustainability of the development is a benefit.

Design

617. The applicant states that, notwithstanding that design was not mentioned in the call-in letter and none of the Rule 6 parties explicitly raised it, the quality of the design of this proposal is important. It adds that for all of the reasons set out by Mr Pullan, Mr Slatford concludes that national policies on design in the Framework and the National Design Guide are met, alongside those of the HWAONB Management Plan, Housing Design Guide and Kent Design Guide. The applicant considers that no party is in a position to challenge that conclusion and it is commended.³⁵¹

Prematurity

618. The applicant's last point on national policy concerns the suggestion that the application can be refused for prematurity reasons regarding the eLP, although apparently, not the eC&SNP. This is not an argument put forward by the Council, whose eLP process the development would allegedly undermine.
619. The applicant says that NE's case is not that the development is so substantial in scale that the test in Framework para 49(a) is satisfied. In that regard Mr Hazelgrove says that the quantum of development is very small compared to the requirements of the eLP – 165 houses compared to a need of 678 per annum. Rather, the applicant adds, the concern is that it would in effect set a precedent, a 'decision making paradigm' because the evidence and arguments underpinning the draft allocation of the site in the eLP also apply to other major draft allocations.

³⁴⁹ D23.1.5 Section 8

³⁵⁰ CD23.1.5 Section 9

³⁵¹ CD23.1.5 Section 10

620. The applicant contends that Ms Kent came up with some rather unconvincing explanations. It adds that the nuance was largely brought out during its advocate's cross examination of Mr Hazelgrove. The applicant says that the advocate suggested that because the Development Strategy Topic Paper³⁵² had referenced Framework para 177 in allocating sites, and because some of what the Council considered exceptional circumstances for the site allocation also appeared for other sites, if permission were granted for this development, then "it is inevitable ... this decision will be rolled out for every other development in the AONB and the same arguments would succeed."

621. The applicant submits, however, that:

- (i) This, NE admits, does not fall within para 49(a) – NE is forced to rely on circumstances outside of the specific situations set out therein and depend on the use of the word "usually" to argue that para 49(a) and (b) are not exhaustive. The applicant does not suggest they are exhaustive but while other situations may be conceivably possible, they are highly unlikely.
- (ii) Notwithstanding this theoretical difficulty, this is misconceived where:
 - a. The Development Strategy Topic Paper refers to site specific assessments;³⁵³
 - b. There is no reason to think that, even taking into account cumulative effects, permitting the development in Cranbrook after a five week Inquiry examining site specific detail would have an impact on other allocations, such as those in Penbury or Hawkhurst. Indeed, neither Mr Hazelgrove nor Mr Slatford considered it would have any such impact.
 - c. NE's fears seem out of accord with good planning judgement. A number of the sites it objected to have planning permission or are allocated.³⁵⁴
- (iii) NE's approach is inconsistent with the Perrybrook decision.³⁵⁵ In that case, the Secretary of State dismissed a prematurity argument in circumstances where the proposal was in keeping with the eLP and therefore could not be said to undermine it. The same applies here.

Local Policy

Current Local Plan

622. The position of Mr Slatford and Mr Hazelgrove is that overall the development is in accordance with the statutory development plan.

623. The only professional planning witness called by any of the Rule 6 parties is Ms Kent and she seeks to argue that the development is not in compliance with the development plan as a whole.

624. The applicant adds that Ms Kent in her proof of evidence sets out 28 development plan policies that are agreed to be relevant to this development, alleging breaches of 6 only: Policies CP1, CP4, CP12 and CP14 of the Core Strategy, AL/STR/1 of the Site Allocations LP and EN25 of the Local Plan. On

³⁵² CD14.2.2

³⁵³ CD14.2.2 p53 Table 3

³⁵⁴ CD14.1.4 - AL/RTW 17, AL/CRS1 and AL/BM1 have planning permission; AL/CRS 2 is the Corn Hall allocation; and AL/HA 4 was refused against Officer's recommendation and is on appeal

³⁵⁵ CD9.3, in particular para 19 of the Secretary of State's letter and para 15.52 of the Inspector's Report

that basis the applicant says that it is agreed by all that the development is compliant with the remaining 22 relevant policies, albeit that the housing requirement for the Local Plan is derived from the long ago revoked South East Regional Strategy.

625. The applicant goes on to say that of the six policies alleged to be breached by Ms Kent:

- (i) One is from the Local Plan, a plan adopted 15 years ago with an evidence base that is older still; and
- (ii) Four are from the Core Strategy, which was adopted 11 years ago and covered a period that started in 2006.

626. These, the applicant contends, are thus very old Plans, that pre-date even the 2012 version of the Framework. The weight to be given to such policies is dependent on their consistency with the Framework. The applicant adds that the housing need evidence on which these Plans were based is completely out of date.

627. The applicant adds, moreover, that because the agreed position between all the parties is that there is no 5 year housing land supply in accordance with the relevant footnote to Framework para 11, the policies which are most important for determining the application are deemed to be out-of-date so as 'to engage the presumption in favour of sustainable development'.

628. In relation to Framework para 11(d)(ii) the applicant's position is that the benefits clearly outweigh any harm³⁵⁶. Para 11(d)(i) provides that "the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed". The relevant footnote further explains that this applies to "policies referred to are those in this Framework (rather than those in development plans) relating to: ... an Area of Outstanding Natural Beauty, ... designated heritage assets ...". The applicant says that the effect of this is that if it is concluded that the development complies with Framework paras 177 and 202, then there is not a clear reason for refusing planning permission and 'the presumption' continues to apply³⁵⁷.

629. With these points in mind, the applicant turns to the six development plan policies that NE alleges are breached.

Policy CP1 – Delivery of Development

630. This Policy is alleged to be breached by Ms Kent on the basis that the site lies outside the LBD, to which the applicant says:

- (i) Policy CP1 is concerned with how allocations will be made, it is not a development management policy such that it is difficult to see how it can be breached. The relevant development management policy related to LBDs is LBD1. While Ms Kent cites this Policy, she does not allege any breach of it, instead alleging a breach only of Policy AL/STR1, which extends the LBD of Cranbrook to include the BKF site;

³⁵⁶ CD23.1.5 para 11.8

³⁵⁷ CD23.1.5 paras 11.5-11.7 and CD20.8

- (ii) If Policy CP1 is considered on its own terms, then Policy CP1(1) refers to the possibility of allocation of greenfield sites adjacent to the LBD of small rural towns. In this regard Cranbrook is defined as such a town and the site is adjacent to the LBD, as altered by the Site Allocations LP, so there is compliance with this part of the policy; and
- (iii) Policy CP1(4) explicitly contemplates sites coming forward that are not allocated.

631. While the applicant refutes this proposition, even if there is a breach of Policy CP1 the question arises as to what weight should be given to any such breach. The applicant says Ms Kent's proof of evidence fails to address the weight to be given to any of the policies she alleges are breached. Policy CP1 was considered in the recent Gate Farm appeal decision and the Inspector in that case found that it was out-of-date in terms of housing need and the expectations of the Framework and could attract only 'limited weight'³⁵⁸. Mr Hazelgrove's assessment for the Council, whose policy this is, is the same³⁵⁹.

632. The applicant says that the suggestion by Ms Kent that this Policy carries substantial weight is thus wholly unjustifiable and she has offered no good reason for not having referred to the Inspector's view in the Gate Farm appeal decision or for disagreeing with it.

Policy CP4 - Environment

633. The applicant says that a potential breach of this Policy turns on the alleged landscape impacts. It adds that if Mr Cook's evidence is accepted there is no breach of this Policy, while if his evidence is not accepted in full then the extent of any breach of the Policy will turn on any precise findings made about residual landscape harm arising from the development.

634. The applicant maintains that it is important to note that the Council, whose policy this is, says through Mr Hazelgrove, that "CP4 (1)'s requirement to 'conserve and enhance' rural landscapes including the AONB is breached because of the significant LEMP-related enhancements within the scheme" and that "[t]he policy does not preclude development that would cause harm – after all, it is part of a policy document that seeks to deliver housing and other development on AONB sites (such as the adjacent Brick Kiln Farm)". He also says "Purely because the Turnden site is unallocated does not mean that it fails CP4(1) as the scope of the policy is not restricted to inside-LBD sites. Therefore elements of the proposal that relate to the LEMP works would 'conserve and enhance' the parts of the site which are not being built on – not just in a tokenistic way but in a comprehensive, long-term manner. CP4(2) is met as the applicant and [the Council has] demonstrably utilised the Landscape Character Assessment in coming to their respective judgements on the scheme."³⁶⁰

635. This view is strengthened, in the applicant's opinion, by the supporting text to the Policy³⁶¹ which says in terms "[t]his Policy seeks to ensure that the delivery of new development (such as for housing, retail and employment) is balanced against the need to conserve and enhance the character and distinctiveness of

³⁵⁸ CD23.2.1 para 8.72, quoting from paras 141 and 142 of the decision

³⁵⁹ See paras 8.114 and 8.115 and the table

³⁶⁰ CD23.2.1 para 8.30

³⁶¹ CD11.4, paras 5.85-5.86

the Borough's natural and built environment".

Policy CP12 – Development in Cranbrook

636. The alleged breach of this Policy, the applicant says, is predicated on two things, the site being outside the LBD and alleged landscape impacts. It adds that the case Ms Kent made for a breach was that this Policy "clarifies that delivery of housing should be in line with the strategy set in CP1"³⁶². As outlined above, the applicant considers that Policy CP1 attracts only limited weight such that this Policy must too, in the applicant's view.
637. The applicant adds that, in any event, the Council says, via Mr Hazelgrove³⁶³, that "CP12 (1) requires that 'particular regard to preserving and enhancing the character of the Conservation Area and for the setting of the town within the High Weald Area of Outstanding Natural Beauty'" and that "[s]uch regard has been shown as these matters have been considered at length. This criterion does not preclude harm". He then goes on to say that "Mr Duckett concludes with regard to CP12 ... that the setting to the town would include the Wider Land Holding for which there are identified benefits, both in terms of landscape and ecological enhancement. An overarching benefit would be the long-term management of the Wider Land Holding and the robust and permanent rural setting to the settlement edge that the Wider Land Holding would provide". The applicant agrees entirely.
638. Additionally in respect to this Policy the applicant says:
- (i) Its opening words state that "Development at Cranbrook during the Plan period will support and strengthen its role as a small rural town ...". The development would have this effect, in terms of both the provision of housing and also benefit to the local economy as outlined above; and
 - (ii) The weight to be given to this Policy is in any event limited as it is out of date in relation to housing³⁶⁴ and also because of its links to Policy CP1 which is also out of date, as outlined above.

Policy CP14 – Development in the villages and rural areas

639. The applicant says that the alleged breach of this Policy made by Ms Kent is driven by alleged landscape impacts and on the basis that the site is in a rural area. To this the applicant says:
- (i) Ms Kent alleges breach of Policies CP12 and CP14, but both cannot be applied as one deals with development in Cranbrook and the other with development in rural areas. One or other can apply, but not both;
 - (ii) Insofar as CP14 is the applicable policy it provides at CP14(1) that "New development will generally be restricted to sites within the Limits of Built Development of the villages in accordance with Core Policy CP1". The language is clear that this is only "generally" the case not that it must always be so. The policy builds in flexibility;
 - (iii) CP14(6) provides that this is a policy that seeks to protect the countryside for its own sake, so it is not consistent with the Framework, see below;

³⁶² CD23.5.2 para 3.56

³⁶³ CD23.2.1 para 8.31

³⁶⁴ CD23.1.5 para 11.13

- (iv) The supporting text at para 5.276 emphasises that the overall thrust of the Policy is “to provide flexibility to enable development to meet the individual needs and support the individual identities of the small rural towns areas”. The development is directed at meeting the needs of Cranbrook; and
- (v) In terms of weight, the Policy was given “very limited weight” by the Inspector in the Gate Farm appeal decision³⁶⁵, because it is out of date in terms of housing need and it seeks to protect the countryside for its own sake, an objective which is out of line with the Framework. Moreover, it is also explicitly linked to Policy CP1 which is itself out of date. Mr Hazelgrove, on behalf of the Council, also concludes that it attracts only very limited weight³⁶⁶.

Policy AL/STR/1 – Limits to Built Development

640. The applicant says that the alleged breach of this Policy is predicated on the site being outside the LBD, but that the Policy can attract only limited weight given that it is out of date in terms of housing supply, a view it says is supported by the Council³⁶⁷. Policy AL/STR/1 updates Policy LBD1, which the Gate Farm appeal decision concluded could carry only very little weight.

Policy EN25

641. The alleged breach of this Policy is, says the applicant, driven by landscape issues. Mr Slatford’s view is that this Policy is complied with. The applicant considers that it does not preclude development beyond the LBD and is in essence a general policy concerned with landscape character and setting.³⁶⁸

Overall

642. Having regard to the development plan as a whole, the applicant says that the view of Mr Slatford and Mr Hazelgrove that there is compliance overall is compelling.

Emerging Local Plan

643. The applicant states that no party seriously disputes that the development is in accordance with the allocation in the eLP, and that this is a material consideration weighing in favour of the grant of permission. It adds that, in light of the remaining objections, which will have to be considered by the examining Inspector, Mr Slatford and Ms Kent agree that it can be accorded more weight, now that it has been submitted, than it could receive when they wrote their proofs of evidence, but the weight that can be given to it remains limited. Mr Hazelgrove suggests it should attract moderate weight.

Draft Neighbourhood Plan

644. The applicant says that this Plan is at an early stage and there are currently major objections outstanding from parties, including the Council and applicant. The applicant says that itself, the Council and NE³⁶⁹ suggest the Reg 14 version

³⁶⁵ CD23.2.1 para 8.72, quoting paras 139 and 140.

³⁶⁶ CD23.2.1 para 8.114 in the table

³⁶⁷ CD23.2.1 paras 8.75 and 8.76

³⁶⁸ CD23.1.5 paras 11.13 -111.17

³⁶⁹ CD23.5.2 para 4.107-4.108, for instance

attracts limited weight. In the applicant's view the Reg 16 version³⁷⁰ is a working draft that has no status at all and to which the Council has submitted over 213 comments. The applicant adds that, as much has been made by CPRE Kent regarding the extent to which 'the community' supports some of the policies contained therein, it notes that 2.8% of those in the neighbourhood commented on the eC&SNP. The applicant goes on to contend that, although the development would not accord with the eC&SNP, as a material consideration that can only attract very limited weight.

Benefits

645. The applicant says that there are 'many, many benefits of this development', with a full list set out in paras 4.8 and 14.7 of Mr Slatford's proof of evidence. As a 'potted summary' it refers to: the provision of housing; 'contributions' secured via the S106 Agreement; affordable housing above the policy requirements; additional footpaths; new public amenity space above and beyond policy requirements; the reinstatement of lost hedgerow and field boundaries; the creation of new woodland and enhancement of existing woodland; a significant BNG; economic benefits; and the incorporation of a variety of energy saving measures. The applicant says these are significant, with many agreed with the Council and NE.³⁷¹

Other Matters

646. The applicant adds, having heard much from Rule 6 parties purporting to represent the community, how the community is opposed to this application and some of its effects, it received only 75 letters of objection and some 40 letters of support.

Overall Conclusion and the Planning Balance

647. Overall, the applicant contends that this is sustainable development in an accessible location in close proximity to a settlement that has a range of facilities and services.

648. The applicant adds that the development is in accordance with relevant national policy. While the site is in the HWAONB, it says that it commends Mr Slatford's analysis as follows:

- (i) There is no material harm to the HWAONB. It would be preserved and enhanced in this area;
- (ii) There is an agreed need for development, a local need for new homes and particularly affordable homes. The development would deliver 165 high quality homes, including 66 affordable homes (a 40% provision in excess of policy requirements) and commits to providing four purpose built wheelchair accessible affordable homes, which is also not required by policy. This is of significant public benefit;
- (iii) There are no proposed ways to meet this need through alternative sites. 70% of the Borough is within the HWAONB, so sustainable options for meeting the agreed housing need, both locally and Borough-wide, are limited. Adjacent boroughs are struggling to meet their own need;

³⁷⁰ ID48

³⁷¹ CD9.01 para 8.1 and CD9.02 Section 8 respectively

- (iv) The site is therefore allocated in the eLP – a matter to be considered albeit of limited, but increasing, weight. There was also extensive technical work undertaken coming to that conclusion, which can be relied on for these purposes; and
 - (v) There are numerous other public benefits to consider: the BNG, landscape enhancements, and recreational benefits are truly exceptional, and are supported by other benefits, such as highway improvements, footpath and cycle connections, and economic benefits, that weigh in the balance. No other site has been suggested that could or would deliver extensive public benefits.
649. The applicant says that it should be concluded, therefore, that there are exceptional circumstances in this case.
650. That, it adds, is the case absent the fact that the Council does not have a 5 year housing land supply, but it does not. The applicant says that the tilted balance, therefore applies. It goes on to say that, bearing in mind the leading experts have considered the alleged other harms on matters such as heritage, transport and air quality and found no adverse impacts arise, there are no further adverse impacts which significantly and demonstrably outweigh those benefits. The development is therefore, in the applicant's view, in accordance with relevant national policy.
651. The applicant adds that, it is also, for the reasons outlined, in accordance with the Local Plan.
652. The applicant also says, in any case, the extent that there might be found to be adverse impacts, do not significantly and demonstrably outweigh the benefits. Therefore, the scales are tipped in favour of granting this permission. The Council agrees that permission should be granted.
653. The applicant respectfully asks that the Secretary of State grants permission.

The Case for Other Parties Who Gave Evidence at the Inquiry

The Case for Philippa Gill & June Bell³⁷²

654. First, the Inquiry was taken on a virtual walk of the area starting at footpath C115. They say it is the only footpath crossing the Turnden site that provides immediate access for Hartley locals and is highly valued by many residents for that reason. One of the pleasures of walking on the PROW is that as soon as one turns into the tree-lined narrow and dark path off the 'thundering' A229 one enters a rural and peaceful place. They add that walking further on, encountering the first tall oak and the dense hedgerows one's eyes move to the widening landscape and around, following the gardens of the properties on Hartley Road. The fences are open and untidy, the meadow creeping in unchallenged.
655. Next, they say, one's eyes stop at the new development of Jarvis Homes, which although a small urban development of seven executive houses, is intrusive with a clear, hard delineation to the field boundaries. They consider that it jars the senses, acting as a reminder of the proposed developments at

³⁷² ID7 - Ms Gill and Ms Bell spoke jointly on behalf of Hartley Save Our Fields

Turnden and the BKF sites, leaving a bitter taste of bigger things to come and a sense of loss of the landscape and the historic farmstead at Turnden. To the left they note the burnt remains of Turnden Farmhouse and imagine the replacement housing that they consider would dominate the view. They pose the question 'what will we gain here in this adjoining field?' The answer, they say, is a species rich grassland and three benches, but add that the community already has that, minus the seats. They add, 'and the spoil – isn't that going here?' and ask for thought to be given to the loss of the soil, the wildlife, the biodiversity and the enjoyment of local children who, they consider, will not be walking here for a few years.

656. They then turn to the longer views of the distant blue, wooded ridges of Greensand Ridge to the north, which they consider to be a prominent reference point, anchoring the viewer in the landscape. They add that use of the PROWs has sustained the community through the hard times of Covid, referring to enjoyable, precious moments seeing a familiar landscape evolve through the seasons. They refer to meeting people on these paths and are reminded of those who used to walk these paths and routeways many centuries ago. The proposed developments will, they say, result in the permanent loss of these historic agricultural fields and the wonderful views.
657. Birdsong, grasshoppers, crickets and the rustling of the leaves, they say, mark the way as one moves on, and a clump of meadow vetchling can even be seen growing through an old fence post. Although not far from the settlements of Hartley and Cranbrook, they consider that the setting is rural and tranquil, removed from the vicissitudes of modern life. The footpath moves on towards the wooded ghyll, so typical of the HWAONB. They are dark and muddy with different plants and trees towering over, with still ponds visible, as the walk continues on through fields that lead down to the Crane Valley and the Ancient Woodland.
658. They say that on their regular walks they have learned to read and understand the local topography - these fields are connected to the wider landscape of woodland and field structure and are of a rural and human scale character which are intrinsic to the character and outstanding natural beauty of the HWAONB. They add that the historic farmland is so close to the Crane Valley, its proximity to the streams was vital in the process of making broadcloth which in turn facilitated the medieval development of Cranbrook with its high-quality built environment encompassing local vernacular architecture. They say that there is here a real sense of remoteness from Cranbrook and that the fields tell the human story of the nature of local farming, a mixture of pastoral and arable, hops, orchards and woodland which one can still see and experience today.
659. Continuing up to the ridge and into the Hartley Lands Farm orchards and back along the footpath towards Mount Ephraim, one can look across the Crane Valley towards the two proposed developments their thoughts turn to the permanent loss of the agricultural fields and the incursion of built development into the rural setting. They say that some local people no longer walk the PROWs around the BKF site because they think sorrowfully about the change of experience and the loss of the landscape. The replacement with two significant housing developments will, in their view, cause damaging degrees of landscape and visual harm together with the perceptual loss of natural beauty and tranquillity.

660. The landscape will be managed with urban park land, estate boundaries and hard landscaping with amenity land for the new residents. They say that whatever exhortations have been made about encouraging the use of permissive paths by the wider local community, this is countered by the deleterious change in the character from a rural/agricultural one to a managed setting for significant residential development. The development will, they add, evoke a proprietorial sense rather than a communal one and the aesthetic of enjoyment will be completely different - the PROWs will be bordered by roads, houses and infrastructure and the enjoyment of the rural landscape will be lost forever to local residents. They consider that the cumulative effect of two major adjoining developments with their associated noise, bustle, cars, pollution will affect and shatter any hopes of peace and tranquillity in people's sensory and intellectual appreciation of the landscape.
661. They add that it is not only the parishioners along Hartley Road who feel bereft at the prospect of losing this unique amenity. Residents at Bakers Cross will be spared the daily exposure to the destruction of the rural landscape by the excavators and earthmovers as construction proceeds, yet the impending loss of the rolling High Weald landscape just minutes away from the backdoor saddens residents.
662. They go on to say that their usual route takes them through the densely populated Frythe housing estate, along the sunken footpath between the houses to emerge in front of the medieval Pest House, a place where the sick were kept in isolation during times of epidemic. Less than 10mins from Golford Road and one has already left the pavements, the cars and noise behind. Following the distinctive 'Walk Though Time' way markers, along the wide tree lined track leading up towards The Freight, a stunning example of a 17th Century hall house. Filtering right on the footpath towards Mount Ephraim and the last of the habitable farmsteads for now. They add that WC116 takes one into the open countryside and farmland that supported the trade of the town. The path follows the boundaries of the characteristic 'patchwork quilt' fields, parallel to the Crane Valley. This expanse of rural life is, they say, a pleasing and welcome contrast to the 1960s modernism, one leaves behind just minutes earlier.
663. Slowing to absorb the tranquil vista and share sightings of the birds flying into view, they say that they invariably reflect on the providence of having this unfettered pleasurable space during the dire days of social distancing and restrictions on using the car to take exercise. They add that chance meeting of known and unknown neighbours on these well used paths is cheering and reminds them of bygone days when these ancient route-ways were trod by lonesome pig farmers and traders going from den to den or church as was the origin of Cranbrook town.
664. Walking the opposite way, at this elevated position looking down over the Ancient Woodland bordering the Crane Brook and over to the land at Brick Kiln Farm and at Turnden, they say sadly these days these farmlands are referred to by their site names. They add that the uplift they feel walking this countryside is tested as they scan the treescape for gaps, trying to calculate how much urban intrusion they will see from this exact same spot if the proposed development is permitted. Existing holes and gaps in the high canopies do not fill them with hope. They wonder whether it is due to Ash die back, whether it been monitored and how much more of the tree canopy is to be lost. They refer to how

transparent the tree screen is during winter when the leaves drop.

665. This, they say, invariably evokes disturbing memories of emerging from the heart of Tenterden, following the High Weald Trail along Bells Lane and Six Fields Lane to what was a picturesque vista of pasture land and orchards to this shocking scene of construction detritus. They add that it is dismaying to have walked this section barely a year earlier, missing the A4 planning notices, and having no idea what was to happen!
666. Continuing on WC116, past the orchards and the junction with WC115, towards Hartley Road, one soon emerges on Swattenden Lane, crossing cross to Charity Farm Shop where refreshments can be found.
667. At other times, to visit friends in Orchard Way, they say that they take the WC115 towards Hartley Road, making the most of the tranquillity and vista across this land towards the Greensand Ridge to the north. They say that they hasten their steps as the traffic noise builds approaching the A229, to dodge the traffic as they cross to their destination.
668. The network of footpaths from hamlet to town via a choice of different pedestrian routes is, in their view, exceptional and a valued asset of the parish, appreciated not only by residents but visitors to the area. 'Cranfest', two days of music and a market, brought new faces into town. They add that two campers staying at Charity Farm, had followed the WC116 then taken WC95 and WC94 to emerge on the High Street, were delighted to be able to walk to the event via picturesque PROWs through the open countryside, crossing the brook and passing through ancient woodland to then find more living history on the quaint attractive High Street. Even more enjoyable was, they add, those visitors could take a different route back, picking up the Cranbrook 'Walk Through Time' route starting at the Council Offices, taking in Stone Street, turning up the Hill past the iconic Windmill and then treading the steps described earlier through the Frythe Estate, Freight Lane and WC116. They pose the question, would this still be the case if the footpaths were presenting views of two large, incongruous housing estates, robbing users, new and old, of the intrinsic rural character of this landscape and obliterating its historic relationship to the town?
669. They explained that they are representatives of Hartley Save Our Fields, a group of concerned people who came together to protect the area around Hartley and the Crane Valley. Their statements of the 'lived experience' expand on the Hartley Save Our Field statement to the Planning Inspectorate dated 16 June 2021 item 3 'Social sustainability and the Impact of site on the enjoyment of the landscape, recreational opportunities and views'.
670. These, they say, are not insular personal views but reflect and echo the voices of many in the community who have taken time to attend exhibitions, consider and decipher lengthy planning documents then complete feedback forms for not only this specific application but the Reg 18 consultation of the eLP. They say that the strength of community objection to the scale and impact of this proposed development, which would completely and permanently change the character of Cranbrook has been clearly expressed in formal responses to events and consultations including but not limited to:
- Berkeley Homes Public Consultation Event a week before Christmas 2019, 168 new dwellings - the majority of the 36 respondents did not agree with Access and Quantum;

- The Council's Reg 18 Consultation September-November 2019, for 124-134 new dwellings - 88% of the respondents objected to AL/CRS4 Turnden Farm;
- The Council planning portal regarding this planning application - 72 neighbours strongly object to the proposed development, with only one neighbour in support of the application to see the speed limit on Angley Road reduced to 30mph from Hartley Dyke to the roundabout at Cranbrook Common;
- Helen Grant MP has endorsed that the community concerns reflect her concern for the significant harm to the landscape and historical importance of the town in formal letters to both the Council's Planning Officer and to the Planning Inspectorate;
- The Cranbrook and Sissinghurst Parish Council has recommended refusal for many reasons but leading with the significant harm and damage to the HWAONB, and include the loss of the medieval field patterns and good quality agricultural land;
- The Cranbrook and Sissinghurst Neighbourhood Plan Steering Group recommended refusal giving a list of reasons leading on detrimental impact to the historic landscape and significant environmental harm; and
- The Inquiry heard the evidence of Liz Daley, transport witness for CPRE Kent, who has lived and worked in the parish for 33 years, 25 years of which virtually on the site of this application, providing a genuine lived experience of the limitations in public transport and the hazards of access and crossing the A229 20m from her front door. It is not based on predictions or aspirations.

671. They say that it has been shocking to the community, to find that the applicant has used social media to launch a 'Turnden Homes' marketing campaign ahead of the Inquiry, offering the option to register support only and no open response box to register objections, concerns or queries.

672. They add that they hope the genuine concerns and objections of people who live, work and are committed to protect and conserve the uniqueness of our historic town and its rural setting are listened to.

673. They conclude that these are the wrong houses in the wrong place.

The Case for Tim Kemp³⁷³

674. Mr Kemp explained that he spoke on behalf of himself only, although he is the Chairman of the CVLT and was formerly a Parish Councillor and the Chairman of the Cranbrook and Sissinghurst Neighbourhood Development Plan. He also explained that he is an architect, set out a summary of his professional background and asked that his comments be considered in conjunction with his letter to the Council's Chief Executive made at the application stage.

675. He says that despite the recent addenda updates to the design documentation since he first reviewed this scheme in 2020, there has been no attempt by the applicant to address the profound shortcomings in this design proposal and procurement thereof. Design proposals for planning applications within the HWAONB are, he adds, expected to follow the Housing Design Guide with investment in outstanding design talent in order to deliver outstanding architecture which may justify the substantial loss to the asset by its

³⁷³ ID6

development and provide an architectural legacy which contributes to and does not dilute the value of the AONB designation.

676. He states that the Guide, which was commissioned by the Joint Advisory Committee, of which the Council is a member, is intended to raise the standard of new settlement design above and beyond the familiar pastiche housing estates that are routinely generated by big developers. However, in his view, whilst the applicant repeatedly refers to the Guide, it is clear that the guidance has not been understood in this case. A core requirement of the Guide is that a design proposal is developed through analysis. This means, he adds, that developers are expected to analyse the elements of the landscape in great detail and depth in order to first identify and then weave the natural and urban strands into a place narrative that is recognisably of the High Weald and, in this instance, recognisably Cranbrook.

677. He went on to say that the Guide clarifies that the Design and Access Statement is not a document that should solely explain the conclusions of or rebrand a standard approach, but instead demonstrate how the analysis of the locality has informed and driven the design through a series of creative and evolutionary steps to form the concept.

678. Regarding settlement forms and hierarchy he says that, in this case the Design and Access Statement fails to analyse the settlements of the locality in any depth and so fails to identify the relevant forms, densities and hierarchies as follows:

- The historic map analysis of the site should identify all lost natural features with a view to reinstating them within the scheme, including ditches, ponds, hedgerows, shaws, woodlands, orchards and so on;
- Similarly, the historic map analysis of the locality should identify the relevant settlement typologies and the relationship of those settlements to ancient routeways and each other and distil the critical elements that are definitive of the HWAONB identity. To make clear, those everyday settlement characteristics which are not typical of the HWAONB and which did not give rise to the asset's original designation, should be filtered out at this early stage; and
- Developers often refer to 'edge of settlement' design, which has no place in the AONB as it is a universal and suburban generalisation. The challenge set by the guide is to identify and strengthen the core characteristics of the High Weald, recognising that landscape is a fusion of both the land and the settlement of the land. Countryside and settlement are not separate things, and a new development should be of such an outstanding quality that screening by contour or vegetation should not be necessary.

679. He adds that in this locality, there are four relevant settlement types that are easily recognisable:

- 1) Cranbrook town Conservation Area with its rows of houses and businesses closely packed.
- 2) Wilsley Green Conservation Area with its cottage rows and larger detached dwellings
- 3) Sissinghurst village Conservation Area with its tightly packed rows of farmhouses, cottages, businesses and chapel
- 4) Farmsteads adjacent to ancient routeways and open countryside

680. He went on to say that the modern settlement parts of these places are largely

generic, not definitive of the High Weald and should generally be avoided. If the clutter of later suburban additions is removed, he said, the essential relationship of settlement and countryside can be seen clearly. He adds, moving from settlement scale to streetscape, plots and volumes, the developer is expected to demonstrate a thorough understanding of plot size, building typologies and mix within these settlement types before trying different ways of generating a new settlement. None of this, he says, will be possible without a thorough survey in plan and elevation of each building typology.

681. It is not acceptable, in his view, to leap from simply taking a few photographs of old buildings to then using them to justify standard mid-20th Century housing typologies with the odd material shuffle here and there. He adds that the expectation here in Cranbrook is that the architect will recognise the inherent wisdom of traditional row houses and their cost and energy advantages - in an epoch before insulation, communities huddled together for warmth. In modern times, he says, there is an urgent need to reduce our built and carbon footprints, and to reduce the surface area to volume ratio in order to raise energy efficiency, whilst leaving more space for nature. Row houses are cheaper to build and so the saving may be reinvested to raise the energy specification of each dwelling.
682. He also states that given that the best energy standard is Passivhaus and knowing that the additional build cost is between 5-10% more than building to current building regulations, with an 80-90% reduction in energy consumption, it is reasonable to expect the applicant to connect these facts and build them into a viable low-energy concept.
683. Regarding access roads and plot logic he says that characteristic settlements of all scales in the High Weald are typically either linear or compound linear, with burgage or cottage plots extending at right angles to the highway and with cottage rows extending along lanes between plots. These roads tend to follow the contours of a locality in order to minimise the effort of moving about, in a time before internal combustion engines, whilst following the higher ground to keep the foundations dry. In his view the road network in this proposal follows no recognisable High Weald form and is completely unacceptable and its logic means that plots lack the requisite density, resulting in an unnecessary and avoidable loss of natural habitat with suburban street layouts which are the antithesis of the Guide's direction.
684. Regarding mixed use he says that all the settlement typologies which define the HWAONB designation were originally working settlements with many cottages being the ancient equivalent of modern live-work accommodation. He adds that the eC&SNP has quantified an urgent need for affordable business units and yet none can be seen anywhere in either of the schemes at Turnden or indeed anywhere in the adjacent proposed developments on the BKF and Corn Hall sites. In his view, in the context of the Localism Act, that really is not good listening by the Council.
685. In respect to materials, he says that across all rural and rural urban settings, from medieval to modern times, there exist examples of handmade and machine made materials which can inform the landscape character of the High Weald with rich and representative colours and textures. He asks, why then is the palette of the proposed materials so limited and the detailing so undeveloped? A new settlement in the HWAONB has, in his opinion, so many forms, materials and

details to work from. He adds, there is a natural vibrancy in this region which needs to be recognised if a design proposal is to be the best it can be.

686. Concerning the procurement of outstanding architecture, he considers that the current design team has proved itself unable to develop a concept that accords with the principles of the Housing Design Guide and to a standard which compensates for the loss of this farm to development. He adds that it cannot be ignored that the real strength of the current architect is in ecology and that their evident weakness is in developing architectural concepts. He added that it cannot be ignored that there is apparently no architect of stature willing to provide an expert witness statement in defence of this scheme.

687. In terms of taking 'the next step', he says that for a project in an internationally recognised and protected medieval landscape, such as this, and in order to justify the loss, a design team of proven and outstanding talent will need to be found. He adds that that architect will know how to analyse the locality in accordance with the expectations of the HWAONB Unit and Greg Clarke's statement that the Framework should raise the experience of ordinary architecture to bring it in line with our national creative strengths in other media such as music, art, literature, film and fashion. According to policy in AONB, he says, development should be exceptional and prioritise local need. Instead, he adds, this design proposal is a defiant statement of business as usual – yet another reworking of mid-20th Century suburbia.

688. In summary he says:

- 1) There is no AONB contextual analysis of any depth in the Design and Access Statement;
- 2) The proposal demonstrates a very poor understanding of the expectations of the Housing Design Guide;
- 3) The critical land boundaries have not been suitably identified for preservation and reinstatement in order to tessellate the site and protect or enhance its core rural identity;
- 4) The geometry and hierarchy of the road system is alien to the locality resulting in an excessive development footprint lacking the appropriate density;
- 5) The constituent elements of the local settlements are not understood and have therefore neither been reproduced nor have they been successfully transformed into a fresh contemporary architecture. The design team has summarily failed to harvest any conceptual yield from the diversity of rural urban and agricultural architectural forms which define this locality and the broader AONB designation;
- 6) The eC&SNP evidenced need for affordable business accommodation has not been met; and
- 7) The potential for cost neutral and substantially improved energy efficiency has not been recognised, which means the proposal ultimately fails to address the burgeoning climate emergency and suitably safeguard our global ecology.

689. In conclusion he says that the proposed design of this development embodies all of the problems that the Housing Design Guide was commissioned to address and, against AONB policy widely, fails to prioritise local needs.

The Case for Laura Rowland³⁷⁴

690. The following statement was read out on Ms Rowland's behalf at the Inquiry.
691. "I am grateful for the opportunity to have my views heard on the potential new development at Turnden. I have lived on Hartley Road for nearly six years and have seen lots of change in the immediate area. Our Edwardian semi has itself been surrounded by a new housing development of seven homes which has changed the landscape greatly. We used to have views directly to fields and woodland, but that has diminished with the new houses and garages. We moved from London to Kent to have a better quality of life for my children, and for them to have a more rural childhood. When we moved my son was nine months old and we only had one car. My husband would take the car to work with him on days he needed to be in the office in West London. The commute was much easier and quicker by car than public transport. We are a twenty minute drive from the nearest train station.
692. "I have recently returned to work as a teacher but was unable to find work in Cranbrook or the surrounding area. There are no buses to the village where I work, and I need to drive twenty minutes to get there. The buses are so infrequent, even from Hartley to Cranbrook, and with young children, catching a bus at a certain time is difficult. When I was without a car I would walk to Cranbrook on days when the weather was good. The road itself is very, very noisy, busy, and fast. You can't hold a conversation with someone as you walk. The walk from my house to Cranbrook takes around 25 minutes. I remember on one occasion walking to the Cranbrook playground at the Ball Field and it started raining as I left. It rained very hard, and we ended up being soaking wet when we got home!
693. "When I had my second child, I would take her and my son in a double buggy to walk the dog. It was really quite a scary experience, particularly where the pavement narrows from the Turnden entrance to the public right of way entrance. I would have my buggy and dog and then a massive articulated lorry would come thundering up Hartley Road at the same time. I would hold my breath for a moment and go as far to the brambly hedgerow as I could. I would notice cars would change their position on the road as they saw me walking along, instinctively moving towards the middle of the road to give me some more room. You might wonder why I would walk this route at all? The answer is that I had no choice! Going the other direction meant you encounter lots of cars parking on the pavement, blocking your way through.
694. "When the ground wasn't too muddy at the public right of way footpath or too overgrown, I would always choose to walk across the beautiful field at Turnden, it was safe to let my children toddle around when they started walking and they both loved looking at the wildflowers, insects and hearing the birds. This area is an absolute oasis for people who live in the area. It is a chance to step away from the relentless traffic of Hartley Road and appreciate nature, calmness and stillness for a while. Whilst the new housing development of Jarvis Homes has already changed the feel to this area it is nothing to what Berkeley Homes are proposing with dumping the spoil from their excavations to this place. I cannot underestimate the importance this walk has to me and my family, and how we

³⁷⁴ ID8

have used it over the years. It has been amazing seeing my son being able to identify a woodpecker call or my daughter's excitement at spotting a rabbit here. To think that this will be gone is heart-breaking. To say that we live in the countryside, there is very little accessible green space that is available within a child's walking distance. I hope that my family's experiences have given useful insight into what life is like living in Hartley."

Written Representations

Representations Made at the Call-In Stage

695. There are nine further individual written representations including from local residents, the local Member of Parliament, Hawkhurst Parish Council, Hartley Save Our Fields and Burwash Save Our Fields. While these largely raise considerations and objections to the proposal on grounds similar to those made at the Inquiry, additional matters include the adequacy of local service and infrastructure, the safety and efficiency of the Hawkhurst crossroads, inconsistency of the proposals with published Council policy and objectives, local decision-making and accountability, affordability of and need for the proposed homes, climate change, effect on the social and sociological structure of the local population, the extent of economic benefits, details of CVLT's proposals for the site, the conduct of Council officers and the applicant's motives.
696. The applicant has also submitted 35 letters in support of the proposed development³⁷⁵. They are all the same letter type generated via a website set up on behalf of the applicant. Although the covering letter from the applicant states that *these letters have been gathered primarily from local people in the Borough of Tunbridge Wells who have visited a website*, the source of each letter is unclear as the addresses on the letters are redacted.

Representations Made at Application Stage³⁷⁶

697. The representations made in respect to the planning application up to the point that it was reported to the Council's Committee for determination were attached to the Call-In questionnaire and summarised in the Council officer's reports on the appeal development³⁷⁷. The reports indicate that approximately **92 letters of objection were received** and that some of these are from the same contributors, while some are from organisations representing large numbers of people and wider interests, such as Cranbrook & Sissinghurst Parish Council, the Cranbrook Conservation Area Advisory Committee, Hartley Save Our Fields, the Neighbourhood Development Plan Group and the Rule 6 parties to the Inquiry. The reports provide analysis of the matters raised in the objections, which are generally on grounds repeated by interested parties at the Call-In stage, including those made during the Inquiry. The officer's reports also set out the majority of the responses from wider **consultative bodies** to the application.

Conditions

698. The Council and the applicant jointly submitted an updated schedule of conditions, which replaces the earlier version contained with their SoCG. This

³⁷⁵ ID28

³⁷⁶ CD6 series

³⁷⁷ CD7.1 & 7.2

followed the Inquiry session on conditions, which led to a final schedule of 38 suggested conditions³⁷⁸.

Obligations

699. In summary, the S106 Agreement and its DoM³⁷⁹ contain planning obligations in respect to:

- The provision of on-site affordable housing at a rate of not less than 40% of the total number of dwellings developed;
- On-site open space and children's play space;
- Permissible paths within the development;
- The implementation and long term funding and maintenance of the LEMP;
- The carrying out of other sustainable transport obligations in the event that neighbouring developments do not come forward; and
- Payments to provide or support the provision / facilitation of:
 - Libraries, Adult Learning and Social Care at the proposed Cranbrook Hub;
 - Expansion of Cranbrook Primary school;
 - Waste transfer station, North Farm;
 - Additional resources for Youth Service in the Cranbrook area;
 - The relocation of the three existing general medical practices in Cranbrook being Orchard End Surgery Crane Park Surgery and/or Old School Surgery;
 - Improvements to the local community facilities at the Crane Valley play area at Crane Lane and/or for the proposed Cranbrook Hub, such as future indoor play/recreation facilities;
 - Off-site PROW improvements;
 - Off-site highway works in the event that they are not delivered as planned in association with the TF and/or BKF developments in respect to:
 - Improvements to two bus stops on Hartley Road;
 - Provision of pedestrian crossing facilities at the junction of Hartley Road and the High Street;
 - A reduction in the speed limit and associated measures on the A229;
 - A scheme of improvements to the signalling system at Hawkhurst Crossroads to include:
 - Upgraded method of control to MOVA;
 - Replacement of existing signal equipment to allow the addition of Puffin pedestrian technology, for example, pedestrian kerbside and on-crossing detection;
 - Provision of selective vehicle detection to allow for simple bus priority.

700. The Council has provided a 'CIL Compliance Statement for contributions' (the Planning Obligations Statement) in support of all of the obligations³⁸⁰. It addresses the application of statutory requirements to the planning obligations within the S106 Agreement and sets out the relevant planning guidance and policy justification.

³⁷⁸ ID32

³⁷⁹ CD7.5 and ID66 respectively

³⁸⁰ ID65

701. After the S106 Agreement was entered into a scheme of improvements to the traffic lights at Hawkhurst crossroads was identified which would improve signalling and traffic flow at that junction. The DoM would secure the implementation of these improvements, introduce requirements to carry out other sustainable transport obligations in the event that neighbouring developments do not come forward, and remove an obligation to pay a sustainable transport contribution. This latter omission is explained in the SoCG between the applicant and KCC³⁸¹. In summary, that payment would no longer be required on the basis that the new requirements to improve the Hawkhurst crossroads would reduce delay for all vehicles, including buses, and allow the introduction of bus priority, which would both improve bus journey times and reliability.

Inspector's Conclusions

702. The numbers in square brackets in this section are references to previous paragraphs in the Report which are particularly relied upon in reaching the conclusions.

Main Considerations

703. Having regard to the letter of call in, including the matters on which the Secretary of State particularly wishes to be informed about for the purposes of his consideration of the application, the relevant policy context and the evidence to the Inquiry, the main considerations that need to be addressed are:

- The extent to which the proposed development is consistent with Government policies in the Framework for:
 - Conserving and enhancing the natural environment, including its effect on the High Weald Area of Outstanding Natural Beauty (1), on biodiversity (2) and on air quality (3);
 - Delivering a sufficient supply of homes, including whether the Council can demonstrate a Framework compliant supply of deliverable housing sites (4);
 - Conserving and enhancing the historic environment, including its effect on heritage assets (5); and
 - Sustainable transport promotion (6);
- The extent to which the proposed development is consistent with the development plan, and the weight to be attributed to the policies in the emerging development plan; and
- Whether any harm and/or development plan conflict arising would be outweighed by other considerations.

704. In broad terms, in the seven following subsections, which are initially based on points (1) to (6) above followed by a planning balance type subsection (7), I conclude against the relevant development policies in each topic based subsection (1-6) and then in the final subsection (7) deal with the weight to be attached to these policies and other material considerations.

(1) *High Weald Area of Outstanding Natural Beauty* [53, 65-89, 108-177, 188-201, 279-337, 417-494]

³⁸¹ CD9.20

705. Framework para 176 states that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs. It adds that the conservation and enhancement of wildlife and cultural heritage are also important considerations in AONBs and that the scale and extent of development within them should be limited.
706. Para 177 of the Framework goes onto say, amongst other things, that when considering applications for development of this type within an AONB, permission should be refused other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. On this basis, regardless of any negative landscape and visual impacts of the proposed development or its effects on the HWAONB, the starting point is that planning permission should be refused.
707. I therefore deal firstly with the HWAONB effects, including any landscape and visual impacts, here in this subsection and deal with *exceptional circumstances* and *public interest* in the terms of para 177 as part of the *Planning Balance* subsection as these require the assessment of wider considerations. I would also note that this subsection should be read in conjunction with the *Biodiversity* and *Historic Environment* subsections below given that the conservation and enhancement of wildlife and cultural heritage are also important considerations in AONBs and as these subsections consider the effects of the proposed development on biodiversity and the historic landscape respectively.
708. There is a very substantial amount of evidence concerning the effect of the proposed development on the HWAONB, with four witnesses having had their evidence tested at the Inquiry³⁸². From all I have read, seen and heard during that process, including during my site visit, I find the evidence of Mr Duckett, the Council's witness, to be the soundest in terms of its assumptions, methodology and conclusions and that it provides a reasonable and broadly reliable assessment of what would be the proposed development's effects in this regard ^[279-337]. I set out the main reasons for this conclusion below.
709. Regarding the baseline for landscape assessment purposes, the BKF and TF developments both have planning permission. Given the likely level of investment made in these schemes to date and their likely value, there is very good reason to believe that both will be implemented and completed. Within the context of the existing nearby development, including along Hartley Road / Orchard Way, once the BKF development is completed there would be the perception of housing from Cranbrook to the application site at Turnden. Given their respective nature and position adjacent to the application site, both the BKF and TF developments would have a strong influence on the proposed Development Area part of the site. ^[65-78, 108-112, 124-143, 191, 194-198, 301-306, 437-438]
710. In that regard I recognise that the consented TP development could be fairly said to retain a dispersed character, as has been suggested by opponents to the appeal scheme, including NE and the HWAONBU ^[66, 70-74, 110-111, 137]. Nonetheless, it would be a housing development, not a farmstead, and of course the farmhouse has now been lost. Mr Hazelgrove, who was also the case officer for those planning applications, also confirmed that the acceptability of the TP

³⁸² Ms Farmer for NE, Ms Marsh for HWAONBU, Mr Duckett for the Council and Mr Cook for the applicant

- scheme was not dependent on the currently proposed Development Area remaining undeveloped. [305, 413, 425, 447]
711. Cranbrook is largely positioned on the valley floor but there are parts of the settlement located above the 100m contour. Much of the proposed development, like the approved development at the TF site, would be above this contour. Nonetheless, the proposed Development Area of the site is well-contained within the landscape due to the existing topography and mature trees / hedgerows. Consequently, there are limited views out across the Crane Brook valley and in from the wider HWAONB particularly from the east, south and west. [302-304]
712. The site's character and appearance has been affected by the most recent, but now ceased, equestrian use, including the continued presence of rather dilapidated and prominent timber fencing and structures, as well as the artificially flat landform associated with what was a manège. There is no clear evidence to support the submissions that there has been improvement to the grassland. Indeed the evidence of those who have had access to the site at large, rather than just the publicly accessible sections, indicates that it is in something of an interim state, pending the outcome of this planning application process, and that it has not recovered or improved significantly since the equestrian use ceased. In addition to these detracting features, the site experiences traffic noise from the A229, although this reduces away from this road on the lower slopes of the valley. [77, 122, 131, 151, 284, 301, 445, 490]
713. Regarding sensitivity, Mr Duckett uses the LUC Sensitivity Study from 2018 in preference to the more dated Landscape Capacity Study from 2009. This appears appropriate bearing in mind that the 2009 document does not have regard to the planned development of the BKF site and employs outdated methodology. Moreover, the purpose of the LUC Sensitivity Study is to provide an assessment of the extent to which the character and quality of the landscape around four settlements, including Cranbrook, is, in principle, susceptible to change as a result of introducing particular types of development. It was not obtained to inform any particular proposed / planned development and appears to be impartial. [67, 73, 280, 307-310, 443-448]
714. The site lies within the Cr2 area of the LUC Sensitivity Study. For the purposes of this document the proposed development is characterised as *small-scale development* for which the range of Sensitivity is between Medium High and High. The Sensitivity conclusions state that "Adjacent to the allocated AL/CR4 development on the edge of Cranbrook, around Turnden, and in remaining open gaps along Hartley Road, proximity to existing / intended development means that sensitivity is slightly lower"³⁸³ compared to the rest of the Cr2 area. While there is guidance on potential mitigation / enhancement measures relating to openness around the Turnden farmhouse, this pre-dates the fire at the farmhouse and its de-listing. Accordingly, a lower sensitivity rating for the Development Area of medium / high appears appropriate. [67, 73, 280, 307-310, 443-448]
715. Mr Duckett's approach and assessment also appears to have due regard to the special qualities of the HWAONB with appropriate reference to the HWAONB Management Plan, including the five defining components of character, as well as

³⁸³ CD12.22, page 125

the issues and objectives, identified therein: Geology, landform, water systems and climate; Settlement; Routeways; Woodland; and Field and heath. The site displays some of the qualities of the HWAONB.^[311-328, 442] While not exhaustive, notable site qualities are set out briefly below.

716. While the site features ponds and the land slopes down to the Crane Brook this is fairly gradual such that the site makes a moderate contribution to the first of the five HWAONB components of character. Regarding Settlement, allowing for the BKF development, the Development Area of the site would be contiguous with Cranbrook, while Hartley is located roughly to the west beyond the TF development. There are also remnants of historic farmsteads within and adjacent to the site, including what is left of Turnden farmhouse and the ponds at Hennicker Pit. Regarding Routeways, PROW WC115 crosses the site and the A299 runs to the north.^[312-319]
717. In respect to Woodland, there is Ancient Woodland in the south-east portion of the site and mature woodland around Hennicker Pit, as well as mature trees and a number of gappy hedgerows within the site. Regarding Field and heath, the evidence indicates that some of the fields around Turnden Farm relate to a post-medieval field system, albeit that the field pattern is rather indistinct due to the extent of loss of internal field boundaries.^[320-327]
718. Any development of the scale and kind here-proposed would have an impact on any undeveloped site, especially within an AONB. Nonetheless, the proposed development responds positively to the five HWAONB components of character. For instance, in line with Objectives G1-G3 of the HWAONB Management Plan, ditches and water courses would be restored, surface water run off rates would be comparable with the existing situation, and the LEMP would respond to climate change and provide adaptable land management.^[312]
719. While the proposed development would involve the movement of soil/spoil across the site, these works would respect the generally prevailing topography and also address the uncharacteristic landform elements associated with the former equestrian use of the site.^[312]
720. Regarding 'Settlement', the effects of the proposed development on the relationship between Cranbrook and Hartley was considered at length during the Inquiry process. While the proposed development would fill the gap between the BKF and TF sites and there is development to the north of Hartley Road^[68-82, 124-128, 199-201], it would also retain the undeveloped space around this side of Hartley to the west of Turnden and in some respects consolidate the sense of separation between the two settlements, for instance through the woodland planting and land management arrangements that are planned. Notwithstanding the submissions to the contrary, the wider landscape strategy would also enhance the legibility of the historic landscape through, for instance, the restoration of woodland shaws and historic field hedgerow pattern. These and other matters are also discussed further in the *Historic Environment* subsection below.^[313-318]
721. Accordingly, I broadly agree with Mr Duckett that the relationship between Cranbrook and the neighbouring hamlet of Hartley would remain largely unaffected taking into account the development that is already consented, and that the proposed development would align with significant aspects of HWAONB Objectives S1-S3. These concern reconnection of settlements, residents and their supporting economic activity with the surrounding countryside, protection of

the historic pattern and character of settlement, and enhancement of architectural quality and ensuring that development reflects the HWOANB's character. [313-318]

722. Although not creating physical separation as such, setting most of the proposed built form back some distance from the A299 in a similar manner to that planned at the BKF development, would support a sense of separation and have a mitigating effect in terms of its landscape and visual impact. [314] Nonetheless, this effect would be tempered as the site access would offer views of the development and as the wider highway works would be likely to signal the presence of the development and act as urbanising features in their own right.
723. In the context of Settlement as a characteristic of the HWAONB, I do not accept criticism of the kind that describes the proposed development as having a *generic layout and design of new housing developments failing to respond to, or reinforce AONB character*. As Mr Pullan's evidence illustrates, the design of the proposed development is of a high standard and has evolved having thoughtful regard to its context. Given that the HWAONB Management Plan notes declining affordability in the top five issues under the Settlements topic, the development would make a significant contribution to supporting the Management Plan through the delivery of affordable housing. [318, 417-428]
724. Regarding 'Routeways', although some works are proposed, for instance to the A299, the historic pattern of routeways would remain and the hedge to this road would be largely re-instated. Additional permissive routes would enhance the social wellbeing of the community by extending the network, and Tanner's Lane would be reinstated. The proposed development would, in those regards, align with Objectives R1 and R2 of the HWAONB Management Plan. [319, 472]
725. In respect to 'Woodland', the Ancient Woodland and Hennicker Wood would be retained. There would also be active long term management of the site, as well as new, characteristic, planting. These aspects of the scheme would be consistent with Objectives W1-W2 of the HWAONB Management Plan, concerning maintenance of the existing extent of woodland, particularly ancient woodland, and enhancement of the ecological quality and functioning of woodland at a landscape scale. The scheme would also provide better access through Hennicker Wood, which relates to the original farmstead, thereby reducing the potential for erosion or damage to the woodland habitat. This would support Objective W3 in seeking to protect the archaeology and historic assets of AONB woodlands. [320-321]
726. Regarding 'Field and Heath', some 14ha of the site would be set to grazing by livestock, managed as species rich meadow or managed as woodland. Uncharacteristic structures associated with the equestrian use would be removed, whereas more characteristic historic field and hedgerow patterns would be restored, and their management secured via the S106 Agreement and conditions. A range of habitats are proposed or provided for, including species rich meadow, new hedgerows and managed woodland. The hedgerows would also reinstate historic field boundaries. A large portion of the site would return to agricultural use. There is also no convincing evidence of individual archaeological features or heritage assets within the fields. Overall, therefore, the proposals align with HWAONB Management Plan Objectives FH1-FH4, concerning agricultural use, field pattern, hedgerows and woodland, ecology and historic assets. [322-327, 548]

727. In respect to visual effects, Mr Duckett's evidence, as summarised in the table on page 41 of his proof of evidence³⁸⁴, indicates that after 15 years the effect on public views as a result of the development would be fairly limited. Given the medium / high sensitivity of the site to development and its fairly contained nature, those conclusions appear reasonable, broadly for the reasons he has identified in his evidence [329-336]. Nonetheless, in my opinion, views from the A299 south across the site, between the TF and BKF developments from the proposed access points would be a little more affected than Mr Duckett has concluded. As indicated above, this is because more open views would be available via the access and as the highway works would also act as an urbanising visual prompt, signalling the presence of development to the south of the road.
728. Similarly, Mr Duckett's conclusions regarding the effects of the development and proposed works in terms of their landscape impact also appear to be broadly reasonable and accurate. He has looked at the effects of the proposals on the Development Area of the site, the wider site and the HWAONB beyond the site separately. [329-336] While his approach has been criticised, including by NE [86-87], his methodology, assumptions, assessment and judgements appear to me to be reasonable and appropriate.
729. Broadly for the reasons Mr Duckett has identified, I consider that in respect to the Development Area at completion the magnitude of change would be high / medium leading to substantial / moderate adverse effects, which would reduce to no greater than moderate adverse after 15 years. I also broadly agree that for the rest of the site the effects would be moderate / minor beneficial on completion and moderate beneficial after 15 years given the range and quality of benefits proposed. Taking the site as a whole, I also agree with his conclusion that the overall effects of the application proposals on the HWAONB within the site would be moderate adverse at completion and minor adverse / neutral after the 15 year establishment period. I also agree that the effects on the wider HWAONB would be largely Neutral. [329-336]
730. I note the criticism of Mr Duckett's approach in this regard in terms of sites potentially being enlarged to try to justify inappropriate development, including from NE [87]. Nonetheless, I see nothing wrong, as a matter of principle, with devoting a large part of an application site to non-built form, including landscape enhancement. In this case the fairly modest size of the Development Area compared to the Wider Land Holding and the associated landscape improvements are unusual, especially as only some 20% of the site would be built on. Indeed, the GLVIA refers to mitigation offsetting or compensating for identified harm, and that enhancement which improves the landscape resource or visual setting of the site or wider area over and above the baseline condition are an integral part of the scheme and can legitimately be assessed as part of the proposal. [336]
731. The Secretary of State may also wish to note that Mr Duckett's written evidence also provides a response to objections relating to the HWAONB and landscape and visual impact considerations that have been made to the proposals³⁸⁵. While prepared prior to the Inquiry, such that they may not

³⁸⁴ CD23.2.2

³⁸⁵ CD23.2.2 Section 10, including Summary Section 7, and CD23.6.6

respond to every concern raised, in my view this evidence provides useful points of reference with which I broadly agree.

732. In conclusion on this main consideration, while the application proposals would affect the HWAONB, any harm arising would be limited, particularly in the longer term. Accordingly, in this regard, it would comply with Core Policies 4 and 12 of the Core Strategy and with Local Plan Policy EN1 and criterion 1 of Policy EN25. However, there would be conflict with criterion 2 of Policy EN25, as it would cause at least some detriment to the landscape setting of settlements, and with Core Policy 14 in terms of its criterion 6, including the protection of the countryside for its own sake.

733. I return to whether the proposed development accords with Framework policies relating to AONBs, including para 177, in the *Planning Balance* subsection below.

(2) *Biodiversity* [53, 56, 99-100, 109, 147-177, 183, 261, 312, 338-360, 402-403, 455, 536-562, 564]

734. Three witnesses gave evidence at the Inquiry on this topic area for the applicant, the Council and the HWAONB Unit, Mr Goodwin, Mr Scully and Ms March respectively [147-177, 338-360, 536-562]. I generally favour the evidence of Mr Scully and Mr Goodwin, notably in respect to their approach to the assessment of the site's biodiversity baseline and the use of the Biodiversity Metric 2.0, as a matter of principle and in terms of the detail of how it has been employed in this case. I set out the main reasons for this below.

735. The evidence of those who have surveyed or at least accessed the whole site is broadly consistent regarding the baseline. It indicates that the dominant habitat on site is semi-improved grassland. There is a broader range of views on its condition from such sources. For instance, the September 2020 survey commissioned by the Council to inform the eLP process by Greenspace Ecological Solutions Ltd³⁸⁶ suggests that the grassland is of moderate quality, rather than poor condition, and the survey commissioned by the applicant that contributes to the ES for the application by BSG Ecology dated August 2020³⁸⁷ suggests that it is of poor condition. [148-151, 171, 345-349, 537-542, 550-551]

736. Like the Council's witness, Mr Scully, I favour the BSG Ecology condition analysis, not least, as the applicant puts it, because that survey was *directly on point and made for the purposes of this application*, whereas the Council commissioned survey is *necessarily broader*. Analysis of the wider evidence also supports the position that the grassland is at the lower end of the scale for poor semi-improved grassland, as it is largely one homogenous type, excluding small areas around the water bodies, dominated by a few fast growing species, and with very few forbs. [148-151, 171, 345-349, 537-542, 550-551]

737. BNG assessments have been undertaken using Metric 2.0. NE has confirmed that the DEFRA Metric and supporting guidance available at the time of the assessment for this planning application is the most appropriate tool for calculating BNG in this case. Of course, it is only a tool and like any such device has its limitations. Provided that these are understood and that it remains the

³⁸⁶ CD16.11

³⁸⁷ CD5.6.7

- servant of professional judgement, Metric 2.0 has the potential to be a very useful aid to the assessment and understanding of BNG. [169-175, 340-350, 554-561]
738. The way the Metric has been used in this case, including the approach to the baseline, has also been criticised HWAONBU. However, NE has not challenged the way that it has been used by the applicant or the outputs that it has submitted. These matters have also been reviewed by Mr Scully on behalf of the Council and by Kent Wildlife Trust and neither have identified any significant shortcomings. Therefore, notwithstanding the criticism, in my view the way the Metric has been used appears to be robust and has been the subject of independent verification. [169-175, 340-350, 554-561]
739. As outlined above, the inputs for the baseline relating to the assessment of the habitat type and condition appear to be correct. There is a further question over how to translate the baseline surveys into the UK Habitat Classification system for use in the Metric. I see no reason why the translator embedded within the Metric should not be used. In any event, the alternative method discussed at the Inquiry, which is a longer process using translation tables, produces the same outcome. In this regard there also appears to be good reason to adhere to the approach adopted on behalf of the applicant in this respect, particularly that the g4 'modified grassland' UK Hab Code of the UK Habitat Classification should be used rather than g3c 'other neutral grassland' for the reasons set out by Mr Goodwin. [149-151, 169-175, 346-350, 537-542, 550-551, 554-561]
740. It also seems clear that the inclusion of the Ancient Woodland in the initial Metric work undertaken on behalf of the applicant was simply an error. It should not be included, again as Mr Goodwin's evidence explains. Its removal increases the BNG output from the Metric. [151, 169, 173, 350, 554, 557, 559]
741. Criticism was also made of how the proposed movement and relocation of soil is assessed via the Metric, including that it focusses on grassland rather than soil. Yet, as Mr Scully explained during the Inquiry, effects on soil are taken into account in the Metric. The wider evidence also indicates that the proposed works offer the opportunity to improve soil conditions in terms of habitat creation. Consequently, in my view, subject to controls that could be secured via planning conditions, there is potential to protect or enhance soils in the terms of Framework para 174 a). [152-159, 163, 171, 354, 356, 550, 553, 559]
742. Overall, therefore, the output of the latest Metric produced by Mr Goodwin appears to be a good indicator of the likely BNG offered by the proposals, broadly reflective of what are likely to be the effects of the proposed development, including the mitigation measures. I would stress that I do not see that output as anything more than a broad indicator of likely BNG. Nonetheless, within the context of and alongside the wider evidence, there is a clear indication that the proposed development would provide at least 10% BNG. Moreover, the BNG aspects of the proposals could be adequately secured and controlled by planning conditions and the S106 Agreement, including via the LEMP.
743. The evidence refers to the Environment Bill, including the prospect of mandatory biodiversity gain. The Environment Act 2021 has now received Royal Assent but its provisions relating to mandatory biodiversity gain are not yet in force [174, 554-555, 561]. Nonetheless, the policy within the Framework to encourage net gain for biodiversity continues to apply. The evidence shows, as summarised above, that this scheme would deliver BNG in accordance with that Framework

policy, including paras 174(d), 179(b) and 180(d), and would be very likely to comfortably exceed 10% BNG as mooted in the Environment Bill and targeted in the eLP ^[36].

744. The evidence also shows that the proposed measures also meet the requirements of the HWAONB Management Plan and, as Mr Scully described, they would represent something of a step change compared to past practice ^[343, 561].
745. It has also been suggested that if the proposals were not to proceed that the existing woodland and grassland at the site would do better from a biodiversity perspective compared to the net effect of the proposals. However, there would be no means of securing any such potential benefits. Moreover, if planning permission were to be refused it seems likely that the site would be put to equestrian or agricultural use such that any such benefits would be likely to be limited at best. ^[149-168, 352, 545-550, 562]
746. Moreover, beyond the enhancements that would lead to the BNG, subject to the proposed mitigation, the ES and addendum identify no significant residual biodiversity effects of the proposed development, including in respect to the various protected species that are present at the site as well as habitat and the Ancient Woodland. I have found no good reasons to disagree. The mitigation identified would be secured via the planning obligations of the S106 Agreement / DoM and conditions. On this basis the proposed development would accord with Circular 06/2005. ^[52-53, 147-177, 338-360, 536-562]
747. In summary therefore, in addition to having no significant residual biodiversity effects, the proposed development would secure significant BNG such that it would accord with the Framework, including paras 174, 179 and 180, and development plan policy, as well as the eLP, in this regard.

(3) Air Quality ^[53, 184, 214-227, 259, 520-535]

748. CPRE Kent is the only main party to the Inquiry opposed to the application to have called a witness, Dr Holman, on air quality ^[184, 214-227, 259]. The other two Rule 6 parties do not appear to raise objections to the scheme on grounds of air quality ^[53, 56, 107]. The Council states that it has nothing to add to the applicant's evidence on this matter and commends it to the Secretary of State ^[362]. The Council has also produced a Planning Position Statement for proposed developments which may impact on air quality in Hawkhurst³⁸⁸.
749. There is a freestanding SoCG on air quality between the applicant and CPRE Kent³⁸⁹, which helpfully narrows the areas of disagreement on this matter. While there is a great deal of agreement between Dr Holman and the applicant's witness, Dr Marner, there are a number of matters within this SoCG and the wider evidence that are, in my view, of particular note, which I summarise below.
750. The evidence indicates that nitrogen dioxide (NO₂) pollution at Hawkhurst is the only potentially significant air quality issue and that it arises mostly from road traffic on Cranbrook Road. Notwithstanding WHO guidelines, the value of 40µg/m³ for NO₂ is identified in The Air Quality (England) Regulations 2000. This value is expressed as an objective rather than as a limit. While roadside NO₂

³⁸⁸ CD12.14

³⁸⁹ CD9.8

concentrations are decreasing at a national level and at Hawkhurst, the NO₂ 40µg/m³ objective was exceeded close to Cranbrook Road in 2018 and 2019. As a consequence an AQMA will be declared. [215-216, 530-521]

751. Applying the applicant's methodology, which is based on a model that the evidence indicates was found to be acceptable by Defra as part of the Hawkhurst AQMA work, with the proposed development the 40µg/m³ objective would be achieved at the Hawkhurst crossroads at some point in time between 2023 and 2025. During that period no more than three homes would be affected. The predicted increase in levels associated with the proposed development relative to levels that are predicted without the scheme would be small, with no more than an approximately 2% increase in NO₂ concentrations as a result of the development relative to the objective. As such any exceedance of the 40µg/m³ objective would be primarily a consequence of the existing situation. In any event, the forecast predicts that the 40µg/m³ objective would be met at all receptors by 2025 with or without the development.³⁹⁰ [215, 521-522]
752. There is disagreement between the witnesses over meteorological data, traffic data and cumulative effects, and uncertainty associated, for instance, with future vehicle emissions and modal shift. Nonetheless, the methodology and assumptions made in the AQA prepared as part of the application submissions appear to be reasonable in those and all other respects. [221-223, 523-532]
753. It also appears to be consistent with government guidance, for example, in terms of the approach to traffic data and cumulative effects relative to the Air Quality section of the PPG. The evidence also indicates that this, as well as the approach to meteorological data, is consistent with the approach Dr Holman took in an AQA in Hawkhurst she produced for another, separate matter in 2020. [221-223, 523-532]
754. The evidence indicates that the effects of the proposal would not be significant. This is because any exceedance of the NO₂ objective forecast would be short term and few receptors would be likely to be effected. Moreover, the effect on concentrations resulting from the development over and above the baseline would be no greater than 0.6µg/m³. On this basis, beyond the measures that are incorporated into the development proposals, such as the Travel Plan, onsite cycle storage and electric vehicle charging infrastructure, and the works to Hawkhurst junction, no further air quality mitigation would be warranted. [224-225, 533-535]
755. The evidence indicates that air quality will continue to improve at Hawkhurst in any event. While the proposed development would be likely to have a small effect on the timing of that improvement, for the reasons outlined above, its likely overall effect would not be significant such that it accords with the Framework, including paras 8(c), 174(e), 185, and 186, and with the development plan, including Core Strategy Core Policy 5, in that regard. [53, 184, 214-227, 259, 520-535]
756. However, as eLP Policy EN 21 requires that sensitive receptors are safeguarded at all times, there would be conflict with this Policy, albeit to a very limited extent. Policy EN 22 of the eLP would also be breached given that the

³⁹⁰ CD2.6 Table 8

S106 Agreement would not secure contributions to mitigate the identified impact, albeit that, for the reasons outlined above and in the particular circumstances of this case, such a payment would not be necessary.

(4) *Housing Delivery* [53-54, 94, 184, 187, 243-246, 255, 263, 381-384, 388-389, 392, 577-581]

757. The evidence indicates that the Council cannot currently demonstrate a Framework compliant supply of deliverable housing land and that supply amounts to 4.89 years. The data and circumstances that lead to this figure are set out in the Council's latest Five-Year Housing Land Supply Statement 2020/21 as qualified in the Addendum SoCG.³⁹¹
758. There are a few considerations that lead to this housing land supply figure that may be of particular assistance in understanding how it is arrived at. The most recently adopted element of the development plan, the Core Strategy, is more than 5 years old. Accordingly, housing land supply must be calculated using the Standard Method, which leads to the supply figure of 4.93 years in the Council's latest Housing Land Supply Statement. This is qualified by the subsequent removal of 25 units from supply within the relevant 5 years period, which in turn leads to the figure of 4.89 years.
759. The shortfall is identified as 52 homes in the latest Housing Land Supply Statement to which the 25 removed units should be added. This results in a total current shortfall over the 5 years period in question of 77 homes.
760. This five year housing land supply figure of 4.89 years was not seriously challenged during the Inquiry process and I have found no reason to conclude that it is incorrect. I also note that a shortfall of this sort of magnitude was, in a fairly recent appeal decision concerning a nearby site, described as slight³⁹². This seems a reasonable description. I also note that housing delivery in the Borough appears to have improved in recent times. There is, nonetheless, a shortfall. [94, 184, 244, 263]
761. The proposed development would deliver 165 dwellings, of which 66 would be affordable homes. There is uncertainty over the ownership of a small area of land on the BKF site which, at least in theory, could cast doubt on the delivery of one of the links proposed between the application development site and the development permitted on that neighbouring site. Nonetheless, were planning permission to be granted for the application scheme there is no good reason to believe that that landownership matter, or any other consideration, would cause a significant delay to the delivery of the housing here proposed bearing in mind that alternative links would be available. [211, 373, 518]
762. On that basis, the development would be very likely to address and exceed the identified 5 years housing land supply shortfall of 77 homes. For plan-making the Framework also requires the Council to plan for up to 15 years ahead. Using the Standard Method, the OAN across the eLP period 2020-2038 is a total of 12,204 dwellings. This figure was not contested during the Inquiry, but of course it may well change during the plan-making process. Whatever the final adopted figure proves to be, the proposed development would also make an important contribution to achieving that target, as well as to the Government's objective of

³⁹¹ CD12.16 and CD9.1.1, paras 2.1 to 2.10 respectively

³⁹² CD19.08, para 133

significantly boosting the supply of houses. [381, 578, 585]

763. Regarding affordable housing, the Council's most recent Housing Needs Assessment Topic Paper³⁹³ refers to three separate studies, all of which show that there is a substantial need for affordable housing in the Borough. The evidence also indicates that the Housing Register, which covers need that is presented to the Council as housing authority, fluctuates between 870 and 970 households, included some 918 households in August 2021 and that of those households 175 applicants have specified they want to live in Cranbrook whilst 62 households have a local connection to Cranbrook. [54, 184, 245, 248, 384, 389, 458, 579]

764. There is, therefore, a clear need for both market and affordable housing in the Borough. The proposed development would make a significant contribution to the delivery of both.

765. I return to the effect of the Council not currently being able to demonstrate a five year supply of deliverable housing land in terms of the operation of Framework para 11 in the *Planning Balance* subsection below.

766. In the context of housing delivery, it should also be noted that the proposed development is clearly at odds with the spatial strategy for new housing as set out in the adopted development plan. As such, given that the site is in the countryside beyond the LBD of Cranbrook and that the proposed development does not meet any of the relevant exception criterion, it conflicts, in this regard, with Core Policies 1, 12 and 14 of the Core Strategy, Policy LBD1 of the Local Plan and the associated Policy AL/STR1 of the Allocations LP. [21, 24, 28-29]

(5) *Historic Environment* [53, 72-74, 108-112, 121-133, 138, 145, 184, 186, 190, 198, 202-208, 363-370, 495-512]

767. At the time the application was reported to the Council's Planning Committee it was common ground between the applicant and the Council that the proposed development would lead to less than substantial harm to the significance of designated heritage assets in the terms of the Framework. [53]

768. The Council's case remains that there would be less than substantial harm to the significance of the Conservation Area, the Grade II* listed Goddards Green Farmhouse, and the Grade II listed Barn at Goddards Green and The Cottage as expressed via the evidence of its witness Ms Salter [363-370]. CPRE Kent's witness, Mr Page, also maintains that there would be harm to the Conservation Area as a result of the proposed development [202-208].

769. In contrast, the applicant's position has changed significantly in light of the evidence of its heritage witness, Dr Miele, such that it now maintains that there would be no harm to any heritage assets [495-512]. I have also come to the conclusion that the proposed development would not harm any heritage assets on the basis that I largely agree with Dr Miele's evidence. I also largely agree with his evidence and conclusions regarding historic settlement pattern and fieldscapes. I set out below the main reason why I favour Dr Miele's evidence relative to that of the other witnesses. I deal firstly with historic settlement pattern and fieldscapes matters and then return to the Conservation Area and listed buildings.

³⁹³ CD14.2.4

770. While Turnden is a historic farmstead, the loss of the listed building has substantially reduced its contribution to the historic settlement pattern to the extent that it no longer makes a significant contribution in that regard. Moreover, as Dr Miele identifies, in this part of the HWAONB *the pattern of historic settlements ... in the setting of Cranbrook and outlying collections of buildings, has been disrupted and therefore has such a low sensitivity to the kind of change now proposed ... that there is no material harm to that pattern ...* .^[413, 507]
771. Regarding fieldscapes, it is first noteworthy that Dr Miele, like Mr Duckett, has visited and surveyed the site at large in contrast to the witnesses who appeared at the Inquiry for parties who are opposed to the development. Dr Banister, whose work was cited to support the case made against the proposed scheme, has not visited and surveyed the site at large either. While her work is helpful and of value, it does not extend into the same level of detail that Dr Miele's does and nor is it as recent. As a consequence, it is shown by Dr Miele's evidence to have shortcomings, such that it attracts considerably less weight than that of Dr Miele.^[504-509]
772. For similar reasons, Historic England's consultation comment that *surviving historic landscape character of dispersed farmsteads surrounded by a network of field systems is a non-designated heritage asset*, attracts limited weight compared to Dr Miele's evidence.^[504-508]
773. The ES for the development does refer to there being evidence of consolidated strip fields³⁹⁴. The evidence has been reviewed by Dr Miele. He has gone to considerable lengths to try to find such evidence and in spite of this, in my view, there remains no remaining compelling evidence of consolidated strip fields either on site or in the parish. While the evidence indicates that the basic fieldscape framework is medieval, there have been significant changes to the fieldscape over time, including the removal and straightening of some boundaries as well as the loss of the farmstead building to which they related. This has led to the material erosion of the character and quality of the fieldscape as historic landscape, such that the proposed development would not harm any significant historic landscape resource and all of the individual features which could be of potential interest would be retained.^[504-508]
774. Furthermore, the proposed reinstatement of hedgerows along historic boundaries and of the shaw in the southern fields would be beneficial to the time-depth character of the HWAONB. The proposed re-creation of Tanner's Lane would also be beneficial in heritage terms as it would reinstate a historic feature in the local landscape.^[509]
775. Regarding the Conservation Area and four listed buildings identified at para 11 above I have found no reason to disagree with the ES's assessment of their significance³⁹⁵. The Conservation Area Appraisal³⁹⁶ also notes 11 distinctive features of the Conservation Area under the heading *Summary of the Conservation Area's Special Features*. It is from these features³⁹⁷ that the Conservation Area's significance derives.

³⁹⁴ CD5.8, including CD5.8.1 and CD5.8.3

³⁹⁵ CD5.8.2 paras 7.50 to 7.54 inclusive

³⁹⁶ CD12.10

³⁹⁷ In the interest of brevity I do not recite them in full here – they can be found at para 3.1 of CD12.10

776. The Grade 2* Goddards Green Farmhouse is located some 240m north of the site on the opposite side of the A299. Its significance stems primarily from its historic and architectural interest as a fine 15th/16th Century cloth hall and farm, having a good assemblage of historic farm buildings, with high communal, aesthetic, evidential and historic value. It also has strong group value with The Barn at Goddards Green Farmhouse and other unlisted historic farm buildings in the same group, as well as some group value with The Cottage and the War Memorial. The significance of The Barn principally derives from its associations with Goddards Green Farmhouse and from its historic and architectural interest as an attractive 17th Century 5-bay timber-framed and weatherboarded barn with a plain tiled roof.
777. Whilst much of the historic landholding of Goddard's Green Farmhouse lay to the north of what is now the A299, after 1781 the three northernmost fields of the site formed part of its landholding such that it has a historic tenurial/use relationship with part of the site, together with further fields to the north-east, now largely built over by the modern Orchard Way and Green Way / Goddards Close estate.
778. The Grade II Cottage is located at the junction of the A299 and High Street some 140m to the north of the site. Its significance stems mainly from its historic interest and to some extent its architectural interest as a modest 18th Century roadside cottage, drawing significance from its relationship to Hartley Road, Goddard's Green Farmhouse and the War Memorial, as well as from the surviving undeveloped setting to its rear.
779. None of the listed buildings are within the site or adjacent to it. The site is not within the Conservation Area nor adjacent to it. Indeed the closest part of the Conservation Area stands some 300m to the north-east of the site, with the BKF site intervening. Consequently, the proposed development could only potentially affect the significance of the Conservation Area and that of these listed buildings through any effect it might have on their respective settings. [11, 53, 499, 510]
780. None of the main parties appears to have concluded that there would be any harm caused to the Grade II War Memorial as a result of the proposed development. I have also found no reason to disagree with the assessment set out in the ES which concludes that the development would have a neutral impact on this listed building.
781. I agree with Dr Miele's conclusion that the proposals would cause no harm to the character or appearance of the Conservation Area, primarily due to a lack of intervisibility. Having been tested, the evidence indicates that the site does not possess any characteristic which contributes meaningfully to the appreciation of the Conservation Area's special interest. Although the Conservation Area Appraisal does make reference to specific areas of green space that are important to the Conservation Area, the site is not mentioned amongst them or at all in the Appraisal. Farmsteads were generally independent of towns and not part of the town economy. There is no evidence of a specific link between Turnden Farmstead and Cranbrook. Accordingly, the site does not contribute in any significant sense to the experience of the Conservation Area by reason of views or its uses. [511]
782. The development of the BKF site, which abuts the Conservation Area, would diminish any relationship the Conservation Area and application site have. Even

if the BKF development were not to proceed, the extent of open land remaining would provide an adequate landscape buffer between the site and the nearest part of the Conservation Area, such that the ability to appreciate what is special about the Conservation Area and what the landscape contributes to that special interest / significance would be undiminished. ^[511]

783. The same broad principles apply to the respective and combined relationships between the relevant listed buildings and the site, such that there would be no material impact on the settings of these listed buildings as a result of the proposed development. Consequently, it would preserve these listed buildings and their settings, as well as the features of special architectural and historic interest which they possess. ^[512]

784. For these reasons the development would not conflict with the development plan, including Core Policy CP 4 of the Core Strategy and Policy EN5 of the Local Plan, in terms of its effect on the historic environment and would also accord with the Conservation Area Appraisal and Section 16 of the Framework.

(6) *Sustainable Transport* ^[53, 184, 209-213, 371-374, 513-519, 616, 701]

785. Although KCC, as Local Highway Authority, had concerns about the proposed development, these have now been resolved as set out in the Highways SoCG³⁹⁸. ^[53, 513, 701]

786. There is nothing in the evidence that seriously calls into question the proposed development's effect in terms of it having any significant impact on highway safety. Indeed the proposed vehicular access works have been the subject of a stage 1 safety audit and agreed by KCC. It also seems likely that works proposed to the A299 in the vicinity of the site, such as limiting overtaking through the introduction of islands and reduced carriageway width, may improve highway safety. ^[53, 513]

787. Other highways safety measures, including a reduction in the speed limit, would also come with the TF and BKF developments. While these would come about irrespective of the application scheme, such that they do not carry weight in favour of the scheme as such, they do nonetheless, provide context to the proposals. ^[514]

788. The evidence also indicates that the proposed improvements at the Hawkhurst crossroads would bring benefits to its users in the form of reduced delays even allowing for the additional traffic from the development, including increased bus priority. Notwithstanding the concerns raised in this regard, including those of CPRE Kent, these are matters that have been reviewed and accepted by KCC as Local Highway Authority as set out in the Highways SoCG. In this regard I also see no reason why the Hawkhurst Golf Club appeal referred to by CPRE Kent should have a bearing on the determination of this application as the proposed works to Hawkhurst crossroads have been identified as being necessary to facilitate and mitigate the proposed development based on what is known at this stage. ^[184, 212-213, 249-252, 513, 515, 517, 701]

³⁹⁸ CD9.20

789. Overall, therefore, there is no good reason to believe that the proposed development, alone or in combination with other development, would have a significant effect on highways safety other than in a positive sense.
790. I note the evidence of Ms Daley, CPRE Kent's witness on transport, particularly in respect to the practicality and expense of using modes of transport other than the private car in this area to access work and facilities locally and further afield. Interested parties have also raised similar concerns. I recognise that these alternative options are not ideal. [209-210]
791. Nonetheless, the wider evidence does indicate that the site is reasonably well located in terms of its accessibility. I would particularly draw the Secretary of State's attention to Section 3 of the Highways SoCG, which provides a helpful summary of walking, cycling and public transport options, links within and external to the site, and local facilities relative to the site. KCC has confirmed via that SoCG that, provided the improvements to the walking and cycling routes summarised therein are secured, it considers that the site has good quality walking and cycling links to nearby bus stops, Cranbrook town centre and local amenities. The SoCG between the Council and applicant also states that the site is in an accessible location, having regard to local bus routes, schools, shops and services³⁹⁹.
792. For example, the site is located within reasonable proximity to Cranbrook town centre, roughly a 20 minute walk, 6 minute cycle and 6 minute bus journey away. There is also a wide range of facilities fairly nearby, including schools, supermarkets, shops, leisure and medical facilities. Most local facilities are within some 2km of the centre of the site and the majority of which are within some 1.6km. Nonetheless, I recognise that factors such as topography and traffic, including vehicle speeds, may discourage some people from walking and cycling, and that local public transport services have their limitations. It should also be borne in mind that the High Weald Academy appears to be closing, albeit that it seems likely that it will become a Special Educational Needs Centre. Its closure would result in a need for students to travel further afield to access state secondary education. Of course this would affect all students and staff not just residents of the proposed development. [209-210, 371-374, 514-516]
793. Notwithstanding such constraints and limitations and while they may not suit everybody at all times, there are currently reasonable alternatives available to the private car, including pedestrian, cycle and bus infrastructure and services, as illustrated in the Highways SoCG. These would be enhanced with the delivery of the application development and with the planned neighbouring development. As outlined in the *Housing Delivery* subsection, while the deliverability of one of the four planned pedestrian links via the BKF site was questioned during the Inquiry, there is good reason to believe that it would be secured, but if it were not, good alternatives would be available. Suitable cycle storage facilities are also included within the detail of the proposed development. The proposed Travel Plan would support the use of these alternative modes of transport such that there is a good prospect of achieving the shift toward sustainable travel envisaged within Section 9 of the Framework. [209-211, 373, 371-374, 514-516, 518]

³⁹⁹ CD9.1, para 7.11

794. For these reasons, therefore, the development would promote sustainable transport in the terms of the Framework and accord with relevant development plan policy in that regard.

(7) Other Issues and the Planning Balance

795. Before dealing with the overall planning balance there are a few other matters that also need to be taken into consideration. These include the weight carried by policies of the development plan where I have found conflict, the effect of granting planning permission on the eLP, particularly in terms of development effecting the HWAONB, and whether the proposed scheme accords with Framework policy on AONBs, including para 177. I deal with this latter matter first as many of the associated issues inform what follows.

AONB – Exceptional Circumstances and Public Interest [57-60, 91-101, 179-183, 228-248, 375-404, 566-611]

796. Framework para 176 states, amongst other things, that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs.

797. The application proposals would result in major development in an AONB. Consequently, with reference to Framework para 177, the starting point is that planning permission should be refused. Only if there are found to be exceptional circumstances to justify the development and only if it is found to be in the public interest can the requirements of para 177 be met.

798. While they are self-evident, it is worth pausing to flag two relevant aspects of para 177. The first is that it is a high test, and rightly so given the importance of AONBs. The second is that, while it may be preferable for any new development sites to come forward initially via the plan-led process, para 177 provides a mechanism by which major development can be delivered in AONBs via the development management process regardless of whether the site in question is allocated in the development plan or not, but only if that high test is met.

799. The Glover Report⁴⁰⁰ although relevant, is not government policy. This is in spite of the Framework having been revised since the Report's publication. Consequently, although the possibility remains that it might affect government policy in the future, at this stage it attracts very limited weight only given the degree of uncertainty over whether it will affect policy and, if it does, in what regard and to what extent.

800. When assessing whether there are exceptional circumstances in the context of para 177, the relevant legal authorities indicate that, while it is not a conventional balancing exercise, all of the benefits of the development in question can be taken into account, each benefit does not have to be exceptional alone and nor do they have to be unlikely to occur in a similar fashion elsewhere.

801. Market housing and affordable housing could in theory be developed elsewhere instead of at the application site. Yet some 70% of the Borough is within the HWAONB while a further approximately 22% of it is Green Belt. There are also a range of other constraints, such as biodiversity resources and heritage assets, which further limit the land that might be suitable for development within the Borough. This is reflected in the work and evidence that has informed the eLP.

⁴⁰⁰ CD16.9

802. The eLP itself attracts only limited weight at this stage and, of course, the housing requirement may well change in the final adopted version. Nonetheless, the evidence base illustrates why the Council has approached housing allocation in the way it has, as reflected in the eLP. That work shows, conceptually at least, that there are very likely to be other sites in the Borough where housing of the scale and type here proposed might be delivered. However, as the proposed housing allocation sites in the eLP are all needed to meet the OAN as it currently stands, they cannot be considered to be alternatives to the application site. Moreover, there can be no guarantee that these proposed allocations will be included in the final adopted version of the local plan. Indeed, the evidence indicates that if major development cannot take place in the HWAONB the Council would not be able to meet the current 12,204 OAN housing figure.
803. In short, there is a need for housing to be delivered at the Borough level, the ability to respond to that need is heavily constrained, and the proposed development would contribute to meeting that need.
804. An assessment of housing need in the Parish undertaken as part of the ongoing work towards a neighbourhood plan, suggested at least 610 net dwellings are needed between 2017-2033. The applicant has added that if housing need were to be distributed across the Borough proportionate to existing populations, Cranbrook's 'proportionate share' of the Borough-wide need would be 585 dwellings over 15 years. While there is no policy requirement for a calculation or approach of this type, and it does not follow that localised needs will necessarily reflect Borough-wide need, I see this as a helpful benchmark, especially in the context of the broadly comparable 610 figure referred to above. For the reasons set out in the *Housing Delivery* subsection above, there is also good reason to believe that local housing need will include a significant proportion and total of affordable housing need.
805. Accordingly, it appears likely that the clear need for both market and affordable housing in the Borough will be reflected in need in the Cranbrook area. Supplying new homes elsewhere in the Borough, such as at Tunbridge Wells, Southborough, Paddock Wood and Hawkhurst, would not directly address such local need. While the planned development at the TF and BKF sites would go some way to responding to the likely level of local need in Cranbrook, it also seems most likely that it would fall some way short of meeting such need.
806. Cranbrook and its surroundings are within the HWAONB. There are areas within the Parish that lie outside the HWAONB, but these are located well away from Cranbrook's LBD and have been rejected by Council officers as being unsustainable for housing development in terms of meeting the need in Cranbrook. NE has not undertaken any assessment of the availability of alternative sites. CPRE Kent maintain, with reference to work undertaken for the eC&SNP, including a draft assessment produced by AECOM⁴⁰¹, that there are alternative sites available to meet housing need in the Parish.
807. However, the evidence of Mr Hazelgrove, the Council's planning witness, strongly indicates that the sites referred to in the evidence of Cllr Warne, CPRE Kent's witness, are unlikely to be suitable for housing development bearing in

⁴⁰¹ CD13.2

mind that they have all either been rejected during the SHELAA⁴⁰² process or refused planning permission. I also note that the Parish Council objected to several of those planning applications. The evidence of Mr Cook, the applicant's witness, also suggests that none of the sites identified in the AECOM assessment could come forward with less harm to the HWAONB than the application site⁴⁰³ and I have found no good reason to disagree.

808. In contrast the Council has undertaken a comprehensive and extensive process of site selection across the Borough, including in this area, as part of the eLP process. Of course the eLP has yet to be examined. Nonetheless, parts of its evidence base were before the Inquiry in this case, and they offer valuable insight into housing need and likely site availability to meet that need, including locally. For example, the SHELAA process took account of the need to conserve and enhance the HWAONB, leading the Council to seek to deliver as much as possible of its planned housing outside the HWAONB. Furthermore, the sites proposed for major development within the HWAONB that remain in the current version of the eLP, including the application site, have been the subject of detailed assessment, for instance in terms of their landscape and biodiversity effects, as discussed in the respective preceding subsections.
809. The applicant's assessment of alternative sites in the Cranbrook area is also helpful in this regard, particularly in the context of the Council's Borough-wide assessment outlined above. I also note that it is not contested by the Council.
810. There is, therefore, a very compelling case for the need for development of this type and in Cranbrook. Given the absence of evidence to support the existence of realistic genuine alternatives, it is also reasonable to conclude that this particular proposed development is needed. In addition to the considerable benefits associated with delivering market and affordable housing, the proposed development would also bring a number of other benefits. NE and CPRE Kent both acknowledge that there would be benefits associated with the development, as summarised in their respective SoCG.
811. The benefits include that the scheme would provide additional footpaths connecting to the existing network and to those planned at the TF and BKF sites. It would also provide substantial new publicly accessible amenity space. These measures would enhance recreational opportunities. There would be significant BNG. Hedgerows and field boundaries would be reinstated. There would also be new woodland planting and management of existing woodland. All of which would be to the benefit of the environment and the landscape. Consequently, I see no reason why BNG should not be included within the assessment of exceptional circumstances. Indeed, while I have focussed on the matters most directly related to para 177 and the HWAONB, and as outlined above, all of the benefits of the development can be taken into account.
812. I have found that the development would cause some harm to the landscape and scenic beauty of the HWAONB, which attracts great weight. There would also be very limited harm to air quality. However, given the limited extent of harm, including to the HWAONB, in the context of the area's particular housing needs and constraints alongside the wider benefits that would be delivered, these

⁴⁰² CD14.2.8

⁴⁰³ CD23.1.7, Section 12

considerations amount to exceptional circumstances to justify development in the HWAONB in this location and the development would be in the public interest.

813. I would stress that this conclusion is not just a consequence of unmet housing need. Rather it is a unique combination of factors including market and affordable housing need, there being no adopted strategy to fully address current and on-going housing need, uncertainty over when, if and in what form the eLP might be adopted, the constrained nature of the Borough and the apparent lack of available alternative sites, and the limited extent and degree of harm that would arise from the proposed development. It is these matters, combined with the other identified benefits that would be delivered, that come together to form the exceptional circumstances required to justify this proposed development in the terms of para 177 of the Framework.

Prematurity and the Emerging Local Plan [56, 63, 102-103, 294-296 & 618-621]

814. None of the main parties advanced a case that the development is so substantial alone that to grant permission would undermine the plan-making process in the terms of Framework para 49. However, there remains the possibility that if planning permission were to be granted it might lead to other sites identified for development in the eLP being permitted, including for major development in the HWAONB, thereby undermining the plan-making process. Moreover, it might predetermine the fundamental consideration of the eLP in terms of setting the Development Strategy, and the scale and location of new development on the basis that the evidence and arguments underpinning the site as a draft allocation apply to other draft allocations for major development in the HWAONB. However, I do not see these as significant dangers in practice such that they attract very limited weight at the most.

815. While there are a number of reasons for this conclusion, it is primarily because, clearly, each of the sites in question differs. While they may have some features, attributes and characteristics in common, they are by their nature unique. Consequently, the site specific evidence within the eLP evidence base which has led to them being included in the eLP as proposed housing allocations also differs and it is on this basis that the proposed allocations will be assessed when the eLP is examined. If planning applications were to be made for any such site, be it within the HWAONB or elsewhere, it would be supported by material specific to that site and to the development proposed in that case. Any such application would, like this application, have to be assessed and determined on its individual merits, including having due regard to Framework para 177 in respect to major development in the HWAONB.

816. Consequently, if planning permission were to be granted in this case, I have found no good reason to believe that it would have any significant effect on the plan-making process of the eLP.

Development Plan [20-30, 53, 263-265 & 406-407]

817. I have identified above that the proposed development would conflict with Policies LBD1 and EN25 of the Local Plan, Core Policies 1, 12 and 14 of the Core Strategy, and Policy AL/STR 1 of the Site Allocations LP. These are all listed amongst the most important policies for determining the application by Mr Hazelgrove, the Council's planning witness. I have found no reason to disagree with him on this matter.

818. In terms of how they relate to matters of character and appearance, including effects on the HWAONB, Local Plan Policy EN25 criteria 2 and Core Policy 14 criterion 6, concerning landscape setting and countryside protection, are both broadly consistent with the Framework such that I have given them full weight for the purposes of this assessment.
819. However, given that the Council cannot currently demonstrate a Framework compliant supply of deliverable housing land, Policy LBD1 of the Local Plan, Core Policies 1, 12 and 14 of the Core Strategy and Policy AL/STR 1 of the Site Allocations LP carry no more than limited weight in respect to the roles they play in the Council's spatial strategy and the negative effect they have in terms of constraining housing delivery, and as such they are out of date in regard to those matters.

Other Matters

820. I have taken into account all of the representations made up to the point that the Inquiry closed ^[654-697]. I would note though that I have given limited weight only to the 35 letters submitted by the applicant in support of the proposed development ^[696]. I have done so on the basis that the source of each letter is unclear as the addresses are redacted, such that they have not affected my overall assessment of the development or my recommendation below.
821. I also note the identified and alleged conflict with the eLP and the eC&SNP. However, as neither document currently carries any greater than limited weight, any such potential policy conflict would not carry sufficient weight to alter the outcome of the planning balance. I am also mindful that the application site is a proposed housing allocation within the eLP. ^[32, 35 & 53]

Planning Balance

822. Framework para 11 sets out how the presumption in favour of sustainable development is to be applied. It indicates that where the policies which are most important for determining the application are out-of-date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance, including AONBs and designated heritage assets, provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This mechanism is commonly referred to as the 'tilted balance'.
823. As outlined above, there would be no harm to designated heritage assets. Although there would be some harm to the HWAONB, it would be limited. While harm to the landscape and scenic beauty of the HWAONB attracts great weight under Framework para 176, exceptional circumstances exist to justify this development, which would also be in the public interest in the terms of Framework para 177. I have found no other significant potential conflict with policies in the Framework that protect areas or assets of particular importance. Consequently, no such policies of the Framework provide a clear reason for refusing the proposed development, such that the 'tilted balance' is engaged.
824. There would be harm resulting from the development, most notably in relation to the HWAONB and to air quality. Harm to the landscape and scenic beauty of the HWAONB attracts great weight. However, for the reasons outlined in the

Exceptional Circumstances subsection above, the combined adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole bearing in mind the substantial combined weight of those benefits, particularly those associated with housing delivery. Accordingly, the scheme would be sustainable development in the terms of the Framework for which there is a presumption in its favour.

825. I am mindful that the Secretary of State may come to a different conclusion on various aspects of the evidence, which have the potential to require a different approach to Framework para 11. The various scenarios are too numerous to helpfully set out and work through here. Nonetheless, it may be of assistance to briefly explain that if the Secretary of State were to find that the development would harm the significance of one or more heritage asset, I would suggest that any such harm would be no greater than the Council's heritage witness, Ms Salter, has identified as set out in her evidence⁴⁰⁴. In that scenario, I would add that that would not alter the outcome of the balancing exercise under para 11 for reasons broadly in line with those set out in Mr Hazelgrove's evidence, such that the application scheme would remain sustainable development in the terms of the Framework.

826. To draw this section to a close I refer back to the points the Council puts by way of introduction to its case, which neatly summarise some of the key considerations that make this not only an acceptable development but a good development. It is not an overstatement to say that it is rare for a scheme to deliver such a package of exceptional benefits, on a site located adjacent to a second tier settlement, delivering much needed housing, including affordable housing above the rate required by the development plan, in a highly constrained area, and which delivers landscape enhancements with limited associated harm, as well as biodiversity enhancements, while developing only a small proportion of the overall site and in doing so provides a strong long term settlement edge. ^[261]

Conditions

827. Conditions to be imposed on a grant of permission were discussed at the Inquiry and were agreed between the Council and the applicant⁴⁰⁵. I have considered these in the light of government guidance on the use of conditions in planning permissions and made amendments accordingly as contained in the attached Annex. My conclusions are summarised below.

828. In order to provide certainty, a condition requiring that the development is carried out in accordance with the approved plans would be necessary, as would a condition to control the phasing of development. I have adjusted the wording of the 'approved plans' condition on the basis that many of the other conditions could result in minor deviation from some aspects of the detail included in those 'approved plans' while remaining within the confines of the development as proposed. Consequently, without such amendment there would be potential conflict between that condition and some of the other conditions.

829. The submission and approval of a Construction/Demolition Environmental Management Plan would also be necessary to safeguard the living conditions of

⁴⁰⁴ CD23.2.3

⁴⁰⁵ ID32

- local residents and in the interests of highway safety. Conditions to control foul and surface water drainage and management would be necessary in the interests of flood prevention and biodiversity, as well as to protect the environment and to secure acceptable living conditions for residents.
830. To ensure that the development harmonises with its context, a condition would be necessary to control the design and location of utility meters, the pumping station and enclosure, and below ground water booster tank and equipment. For the same reason conditions would also be necessary to control materials used on the exterior of buildings and structures, as well as the details of boundary treatment / means of enclosure and of refuse/recycling areas. In the interests of highway safety and to secure suitable access arrangements, including emergency access, conditions would also be necessary to control the details of the site access and of on-site roads, footways, cycleways, parking areas and associated works and infrastructure, and to secure off-site highway works.
831. Conditions to control the detail and delivery of play areas and open space would be necessary to ensure that residents of the development would have adequate suitable facilities close to their homes. To help create a secure and safe environment a condition would be necessary to control the implementation of crime prevention measures. Conditions to control ground levels and external lighting, to protect retained trees and hedges, to deliver and manage new planting and landscaping, to secure compliance with the LEMP and to control the proposed movement / depositing of spoil would all be necessary to ensure that the development harmonises with its context and in the interests of biodiversity. I have adjusted the wording of several conditions relating to lighting to avoid unnecessary duplication. Also in the interests of biodiversity, conditions would also be required to secure measures to protect wildlife, including birds, dormice and bats, and their habitat.
832. A condition to safeguard against unsuspected contamination that might affect the site, along with any requisite remediation, would be necessary to protect the health and well-being of future occupiers and off-site receptors as well as in the interests of biodiversity. To promote sustainable modes of transport and reduce the need for travel and in the interests of highway safety, conditions to secure the implementation of a Travel Plan and to ensure the delivery of the proposed cycle storage would also be necessary. While securing the proposed refuse storage and bin collection facilities would be necessary to protect the character and appearance of the area as well as the living conditions of residents, and in the interests of highways safety, I have omitted the suggested freestanding condition as these matters appear to be addressed via Condition 9 as amended.
833. A condition to secure energy efficiency measures would be necessary to reduce carbon release and to safeguard the environment. Given the sensitive location of the development in the HWAONB and the associated need to carefully manage the effects of any additional development the withdrawal of a number of permitted development rights would, exceptionally, be necessary in this case. A condition would also be necessary to ensure that features of archaeological interest are properly examined/recorded.
834. To protect the living conditions of residents in terms of privacy, a condition to control outlook from the specific windows would be necessary. A condition to secure a scheme of wayfinding, heritage, arboriculture, and ecological

interpretation as a form of public art, would be necessary to ensure that information on the heritage, arboriculture and ecology of the site is recorded and made suitably accessible as part of the development. In the interests of air quality, a condition to control the type of boilers / heating systems used in the proposed homes would also be necessary.

835. The Secretary of State may also wish to note that the conditions are intended, alongside the planning obligations, to secure the mitigation measures identified in each chapter of the ES, including via the LEMP, the Construction/Demolition Environmental Management Plan, and the Travel Plan. I have also included within some of the conditions wording along the lines of 'unless otherwise approved in writing by the Local Planning Authority' on the basis that potential change would be minor, thereby giving the Council reasonable scope to agree changes that remain firmly within the confines of the development as proposed.

Obligations

836. I have considered the S106 Agreement and the associated DoM in light of Regulation 122 of The Community Infrastructure Levy Regulations 2010 (as amended) and government policy and guidance on the use of planning obligations. Having done so, I am satisfied that the obligations therein would be required by and accord with the policies set out in the Council's Planning Obligations Statement. Moreover, for the reasons outlined above and those set out in that Statement, and to secure elements of the mitigation identified as being required in the ES, I also consider that those obligations are directly related to the proposed development, fairly and reasonably related to it and necessary to make it acceptable in planning terms. ^[699-700]

Overall Conclusion

837. The proposed development would cause some harm to the landscape and scenic beauty of the HWAONB, which attracts great weight. There would be associated conflict with Local Plan Policy EN25 and Core Strategy Policy 14. There would also be very limited harm to air quality. Although the site is located outside of the LBD of Cranbrook such that the development would also be at odds with the currently adopted spatial strategy for new development in the Borough, contrary to Local Plan Policy LBD1, Core Strategy Core Policies 1, 12 and 14, and Site Allocations LP Policy AL/STR 1, this attracts limited weight given that the Council cannot currently demonstrate a Framework compliant supply of housing land.

838. However, given the limited extent of harm including to the HWAONB, in the context of the area's particular housing needs and constraints alongside the wider substantial benefits that would be delivered, exceptional circumstances exist to justify the proposed development and it would be in the public interest. In the current circumstances, therefore, the combined adverse impacts would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

839. Accordingly, the application scheme would represent sustainable development in the terms of the Framework, which is a material consideration that, in the particular circumstances of the case, outweighs the conflict with the development plan as a whole.

Recommendation

840. I recommend that planning permission is granted, subject to the conditions set out in the attached Annex.

G D Jones

INSPECTOR

Appearances

FOR THE APPLICANT:

James Maurici, of Queens Counsel He called Colin Pullan BA(Hons) DipUD Andrew Cook BA(Hons) MLD CMLI MIEMA CENV Chris Miele PhD MRTPI IHBC David Bird BSc CEng MICE Tim Goodwin BSc(Hons) MSc MIEnvSc MCIEEM MIALE Ben Marner BSc(Hons) PhD MIEnvSc MIAQM CSci Simon Slatford BA(Hons) MRTPI BPI	Instructed by Claire Dutch, Ashurst LLP Head of Urban Design and Masterplanning, Lambert Smith Hampton - <i>Design Landscape & Visual</i> Executive Director, Pegasus Group – <i>Landscape & Visual</i> Senior Partner, Montagu Evans LLP – <i>Heritage</i> Director, Vectos - <i>Transport</i> Director, Ecology Solutions – <i>Biodiversity</i> Director, Air Quality Consultants Ltd – <i>Air Quality</i> Senior Director, Lichfields - <i>Planning</i>
Olivia Barton ⁴⁰⁶	Ashurst LLP

FOR THE LOCAL PLANNING AUTHORITY:

Emmaline Lambert, of Counsel She called Brian Duckett BSc(Hons) BPhil CMLI Debbie Salter BA(Hons) MA IHBC David Scully CMLI BA(Hons) DipLA MA Cert Richard Hazelgrove BA(Hons) MA RTPI(Licentiate)	Instructed by Head of Mid Kent Legal Services Managing Director, Hankinson Duckett Associates – <i>Landscape & Visual</i> Conservation & Urban Design Officer, Tunbridge Wells Borough Council – <i>Heritage</i> Landscape & Biodiversity Officer, Tunbridge Wells Borough Council – <i>Biodiversity</i> Principal Planning Officer, Tunbridge Wells Borough Council – <i>Planning</i>
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FOR NATURAL ENGLAND:

Andrew Byass, of Counsel He called Alison Farmer BA(Hons) MLD CMLI Helen Kent BA(Hons) MSc PGDip MRTPI MIEMA	Instructed by Natural England Director, Alison Farmer Associates Ltd – <i>Landscape & Visual</i> Associate Director of Planning, LUC – <i>Planning</i>
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⁴⁰⁶ Ms Barton contributed to the session on S106 Agreement/DoM only

FOR THE HIGH WEALD AONB UNIT:

Claire Tester She called Sally Marsh BSc MSc FLI	Instructed by the High Weald AONB Unit Director, High Weald AONB Unit – <i>Landscape & Visual and Biodiversity</i> ⁴⁰⁷
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FOR CPRE KENT:

John Wotton He called Stuart Page RIBA Liz Daley Claire Holman BSc(Hons) PhD CSci CEnv FIEEnvSc FIAQM Nancy Warne	Instructed by CPRE Kent Conservation Architect – <i>Heritage</i> Local Resident - <i>Transport</i> Director, Air Pollution Services – <i>Air Quality</i> Parish Councillor – <i>Planning</i>
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INTERESTED PERSONS:

Philippa Gill June Bell Tim Kemp	Hartley Save Our Fields Hartley Save Our Fields Local Resident
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Documents⁴⁰⁸**Core Documents**

No.	Document	Date
0.	Principal Plans	
0.1.1	19183 – S101J (Site Location Plan)	January 2020
0.1.2	19183 - C108E - Parking Plan	September 2020
0.1.3	19183 – P106D – Proposed Site Layout Boundary Treatment	February 2020
0.1.4	19183 – P108V - Proposed Site Layout Open Space	February 2020
0.1.5	19183 - C101K - Coloured Site Layout	August 2020
0.1.6	19183 – SK106B – Proposed Site Location Plan Indicating LEMP Area	January 2021

⁴⁰⁷ Ms Marsh was called twice, once for each of the topic areas of *Landscape & Visual and Biodiversity*

⁴⁰⁸ All Core Documents (CDs), Inquiry Documents (IDs) and the parties' closing submissions can be found at this link: https://tunbridgewells.gov.uk/planning/applications/public-inquiries-core-documents/turnden-core-documents?root_node_selection=397474&search_page_397475_submit_button>Show+documents

No.	Document	Date
0.1.7	19183 - SK107C – Proposed Site Layout showing LEMP and Wider Land Holding Area	January 2021
0.1.8	19183 - C102C - Coloured Street Scenes AA BB CC	August 2020
0.1.9	19183 - C103B - Coloured Street Scenes DD EE	August 2020
0.1.10	19183 - C104D - Coloured Street Scene FF	August 2020
0.1.11	19183 - C111B - Coloured Perspective View from Hartley Road	September 2020
0.1.12	19183 - C105C - Coloured Street Scene GG	August 2020
0.1.13	19183 - C112B - Coloured Perspective View across The Green	September 2020
0.1.14	19183 - C113A - Coloured Aerial View	September 2020
0.1.15	6958_010-E Landscape Proposals to Woodland Buffer	August 2020
0.1.16	6958_011-A Lighting Strategy	August 2020
0.1.17	6958_012 Illustrative Landscape Masterplan	March 2020
0.1.18	6958_SK017-E Betterment Plan	June 2020
0.1.19	19012 P200 I3 Bulk Earthworks Bund Plan	March 2020
0.1.20	19012 P201 I3 Bulk Earthworks Bund Sections	March 2020
0.1.21	19012 P100 P4 Proposed Site Levels Plan - Key Plan	January 2020
0.1.22	19012 P120 P1 Proposed Contour Plan	August 2020
0.1.23	19072-001 Rev D - Site Access General Arrangement Plan	29 September 2020
0.1.24	19072-003 Rev A – Proposed Road Hierarchy Plan	7 September 2020
1.	Application documents	
1.1	Application form and covering letters	
1.1.1	Covering letter– submission of planning application	6 March 2020
1.1.2	Application form	11 March 2020
1.1.3	Covering letter – soil level changes and Landscape and Ecology Management Plan	23 April 2020
1.2	Full list of current plans	

No.	Document	Date
1.2.1	19183 – S102 (Site Topographical Survey)	March 2020
1.2.2	19183 - P101AH - Proposed Site Layout Roof Level	December 2019
1.2.3	19183 - P105E - Proposed Site Layout - Materials Layout	February 2020
1.2.4	19183 - P107B - Proposed Site Layout Refuse Strategy	February 2020
1.2.5	19183 – P110-D - 5H1b – Proposed Plans and Elevations – Plots 1, 4, 15 & 126	5 February 2020
1.2.6	19183 – P111-B - 4H7 – Proposed Plans and Elevations – Plots 2 & 14	6 February 2020
1.2.7	19183 – P112-C - 4H7 - Proposed Plans and Elevations – Plots 3, 9	6 February 2020
1.2.8	19183 - P113-D - 4A1 - Proposed Plans and Elevations - Plot 5	13 January 2020
1.2.9	19183 - P114-B - 4H7 - Proposed Plans and Elevations - Plot 6	6 February 2020
1.2.10	19183 - P115-B - 4H7 - Proposed Plans and Elevations - Plot 7	6 February 2020
1.2.11	19183 - P116-B - 4A1 - Proposed Plans and Elevations - Plot 36	13 January 2020
1.2.12	19183 - P117-C - 4C - Proposed Plans and Elevations - Plot 35	11 February 2020
1.2.13	19183 - P118-D - 3H9b-3H1 - Proposed Plans and Elevations - Plots 10-11 & 16-17	January 2020
1.2.14	19183 - P119-C - 3H10 - Proposed Plans and Elevations - Plots 12, 25, 129, 159	6 February 2020
1.2.15	19183 - P120-D - 3H10 - Proposed Plans and Elevations - Plot 13	6 February 2020
1.2.16	19183 - P121-B - 3A.1.2 - Proposed Plans and Elevations - Plot 19	11 February 2020
1.2.17	19183 - P122-A - 4C - Proposed Plans and Elevations - Plot 20	11 February 2020
1.2.18	19183 - P123-B - 3A.1.2 - Proposed Plans and Elevations - Plots 21, 127	11 February 2020
1.2.19	19183 - P124-B - 3H10-4H18 - Proposed Plans and Elevations - Plots 22-23	January 2020

No.	Document	Date
1.2.20	19183 - P125-C - 4C - Proposed Plans and Elevations - Plots 24 & 162	11 February 2020
1.2.21	19183 - P126-B - 3E.1 B - 3E.1 - Proposed Plans and Elevations Plot 26-27, 28-29, 136-137, 151-152	January 2020
1.2.22	19183 - P127-D - 3A.1.2 - Proposed Plans and Elevations - Plot 30, 32, 33, 37, 138, 158	11 February 2020
1.2.23	19183 - P128-D - 3A.1.2 - Proposed Plans and Elevation - Plot 31	11 February 2020
1.2.24	19183 - P129-A - 4C - Proposed Plans and Elevations - Plot 34	11 February 2020
1.2.25	19183 - P130-E - 4A1 - Proposed Plans and Elevations - Plots 134, 149	13 January 2020
1.2.26	19183 - P131-D - 3H10 - Proposed Plans and Elevations - Plots 81 & 82	January 2020
1.2.27	19183 - P132-B - 3H1 - Proposed Plans and Elevations - Plots 83-84 & 147-148	January 2020
1.2.28	19183 - P133-C - 3H1 - Proposed Plans and Elevations - Plots 104-106	January 2020
1.2.29	19183 - P134-B - 3H1 - Proposed Plans and Elevations - Plots 107-108	January 2020
1.2.30	19183 - P136-D - 3H10-4H18 - Proposed Plans and Elevations - Plots 111-112	January 2020
1.2.31	19183 - P137-E - 4C - Proposed Plans and Elevations - Plots 128 & 157	11 February 2020
1.2.32	19183 - P138-B - 3H1 - Proposed Plans and Elevations - Plots 121-125	January 2020
1.2.33	19183 - P139-C - 4C - Proposed Plans and Elevations - Plot 8	11 February 2020
1.2.34	19183 - P140C - 3A1.2 - Proposed Plans and Elevations - Plot 109	January 2020
1.2.35	19183 - P141C - 3H9 - Proposed Plans and Elevations - Plot 131	January 2020
1.2.36	19183 - P143B - 3H1 - Proposed Plans and Elevations - Plot 135	January 2020

No.	Document	Date
1.2.37	19183 - P146B - 4H7 - Proposed Plans and Elevations - Plot 150	6 February 2020
1.2.38	19183 - P144D - 3E.1b - Proposed Plans and Elevations - Plot 141	January 2020
1.2.39	19183 - P147D - 4A1 - Proposed Plans and Elevations - Plot 153	13 January 2020
1.2.40	19183 - P148B - 4H7- Proposed Plans and Elevations - Plot 154	6 February 2020
1.2.41	19183 - P149F - 5H1 - Proposed Plans and Elevations - Plots 155 & 165	20 February 2020
1.2.42	19183 - P150D - 4A1 - Proposed Plans and Elevations - Plots 156 & 163	13 January 2020
1.2.43	19183 - P151C - 3E1.b - Proposed Plans and Elevations - Plot 160	January 2020
1.2.44	19183 - P153D - 4C - Proposed Plans and Elevations - Plots 113 & 114	11 February 2020
1.2.45	19183 - P152C - 3H9 - Proposed Plans and Elevations - Plot 161	January 2020
1.2.46	19183 - P154B - 4H7 - Proposed Plans and Elevations - Plot 164	6 February 2020
1.2.47	19183 - P155 - 4C - Proposed Plans and Elevations - Plot 110	11 February 2020
1.2.48	19183 - P156 - 3A1.2 - Proposed Plans and Elevations - Plots 130 & 133	January 2020
1.2.49	19183 - P157 - 3A1.2- Proposed Plans and Elevations - Plot 132	January 2020
1.2.50	19183 - P158 - 3H10 - Proposed Plans and Elevations - Plots 139 & 140	January 2020
1.2.51	19183 - P165D - 2BFG - Proposed Plans and Elevations - Plots 38-39 & 92-93	January 2020
1.2.52	19183 - P166E - 2BFG - Proposed Plans and Elevations - Plots 18 & 55	January 2020
1.2.53	19183 - P170E - HT2A - Proposed Plans and Elevations - Plots 52-54, 70-72, 85-87, 94-96	January 2020

No.	Document	Date
1.2.54	19183 - P171D - HT4A & HT2A - Plans and Elevations - Plots 62-64	January 2020
1.2.55	19183 - P172D - HT3A & HT2A - Proposed Plans and Elevations Plots 65-67	January 2020
1.2.56	19183 - P173F - HT2A - Proposed Plans and Elevations Plots 68-69	January 2020
1.2.57	19183 - P174E - HT2A - Proposed Plans and Elevations Plots 79-80, 100-101	January 2020
1.2.58	19183 - P175E - HT4A & HT3A & SOHT3B - Plans and Elevations Plots 88-91	January 2020
1.2.59	19183 - P176C - HT3A4P - Proposed Plans and Elevations - Plots 97-99	January 2020
1.2.60	19183 - P177D - HT3A4P - Proposed Plans and Elevations - Plots 102-103	January 2020
1.2.61	19183 - P178D - HT2A - Proposed Plans and Elevations - Plots 142-146	January 2020
1.2.62	19183 - P180D - Proposed Floor Plans - Apartment Building A - Plots 115-120	January 2020
1.2.63	19183 - P182D - Proposed Elevations - Apartment Building A - Plots 115-120	July 2020
1.2.64	19183 - P183D - Apartment Building B (Plots 56-61) & Plot 56, Proposed Plans	January 2020
1.2.65	19183 - P184C - Apartment Building B (Plots 56-61) & Plot 56, Proposed Elevations	January 2020
1.2.66	19183 - P185C - Proposed Floor Plans - Apartment Building C - Plots 73-78	January 2020
1.2.67	19183 - P186D - Proposed Floor Elevations - Apartment Building C - Plots 73-78	January 2020
1.2.68	19183 - P187C - Proposed Ground & First Floor Plans - Building D - Plots 40-51	January 2020
1.2.69	19183 - P188C - Proposed Second Floor & Roof Plans - Building D - Plots 40-51	January 2020
1.2.70	19183 - P189C - Proposed Elevations - Building D - Plots 40 -51	January 2020

No.	Document	Date
1.2.71	19183 - P190B - Proposed Elevations - Building D - Plots 40 -51	February 2020
1.2.72	19183 - P160C - Proposed Plans and Elevations - Detached Garages	January 2020
1.2.73	19183 - P161C - Proposed Plans and Elevations - Detached Car Barns	January 2020
1.2.74	19183 - P162E - Proposed Plans and Elevations - Detached Car Barns & Substations	February 2020
1.2.75	6958_002-H Landscape Proposals Hardworks 1 of 2	February 2020
1.2.76	6958_003-G Landscape Proposals Hardworks 2 of 2	February 2020
1.2.77	6958_004 Landscape Proposals Soft works 1 of 6	February 2020
1.2.78	6958_005 Landscape Proposals Soft works 2 of 6	February 2020
1.2.79	6958_006 Landscape Proposals Soft works 3 of 6	August 2020
1.2.80	6958_007 Landscape Proposals Soft works 4 of 6	August 2020
1.2.81	6958_008 Landscape Proposals Soft works 5 of 6	August 2020
1.2.82	6958_009 Landscape Proposals Soft works 6 of 6	August 2020
1.2.83	6958_101 Illustrative Sections AA & BB – Pond 1A	August 2020
1.2.84	6958_102 Illustrative Sections AA & BB – Pond 1B	August 2020
1.2.85	6958_103 Illustrative Sections AA & BB – Pond 2	August 2020
1.2.86	19012 P202 I2 Bulk Earthworks Bund Sections	March 2020
1.2.87	19012 P203 I2 Bulk Earthworks Additional Sections	July 2020
1.2.88	19012 P101 P5 Proposed Site Levels Sheet 1	January 2020
1.2.89	19012 P102 P4 Proposed Site Levels Sheet 2	January 2020
1.2.90	19012 P103 P4 Proposed Site Levels Sheet 3	January 2020
1.2.91	19012 P104 P4 Proposed Site Levels Sheet 4	January 2020
1.2.92	19012 P105 P5 Proposed Site Levels Sheet 5	January 2020
1.2.93	19012 P106 P5 Proposed Site Levels Sheet 6	January 2020
1.2.94	19012 P107 P5 Proposed Site Levels Sheet 7	January 2020

No.	Document	Date
1.2.95	19012 P108 P4 Proposed Site Levels Sheet 8	January 2020
1.2.96	19012 P109 P4 Proposed Site Levels Sheet 9	January 2020
1.2.97	19012 P110 P4 Proposed Site Levels Sheet 10	January 2020
1.2.98	19012 P111 P3 Proposed Site Levels Sheet 11	March 2020
1.2.99	19012 P112 P3 Proposed Site Levels Sheet 12	March 2020
1.2.100	19072-TK06 – Fire Tender Swept Path Analysis	6 October 2020
1.2.101	19072-TK03-RevE – Refuse Vehicle Swept Path Analysis	5 October 2020
1.2.102	19-012-P01 – Proposed Drainage Strategy Plan – P5	February 2020
1.2.103	19-012-P02 Exceedance Flow Plan-P6	January 2020
1.3 Reports submitted with original application		
1.3.1	Planning statement	March 2020
1.3.2	Covering letter – minor amendment to Design and Access Statement	30 April 2020
1.3.3	Design and Access Statement (revised)	March 2020
1.3.4	Ground Appraisal Report	June 2018
1.3.5	Statement of Community Involvement	March 2020
1.3.6	Covering letter	2 June 2020
1.3.7	Residential dwelling units supplementary information	N/A
1.3.8	Arboricultural Method Statement	27 February 2020
1.3.9	Arboricultural Impact Assessment	27 February 2020
1.3.10	Detailed Drainage Strategy	March 2020
1.3.11	Landscape Statement	March 2020
2. Additional application documents post-original submission (May/June 2020)		
2.1	Covering letter – ecology and figure updates	12 May 2020
2.2	Biodiversity Net Calculation spreadsheet	N/A
2.3	Covering letter – updated detailed drainage strategy	19 May 2020
2.4	Detailed drainage strategy	May 2020

No.	Document	Date
2.5	Covering letter – Air Quality Assessment	3 June 2020
2.6	Air Quality Assessment	June 2020
2.7	Letter – clarification regarding affordable housing	21 May 2020
2.8	Letter – response to various queries	2 June 2020
3. Amended application documents (September 2020)		
3.1	Covering letter – revised submission (new/updated reports and drawings)	9 September 2020
3.2	Design and Access Statement Addendum	August 2020
3.3	Planning Statement Addendum	August 2020
3.4	Landscape and Ecological Management Plan 2020	26 August 2020
3.5	Arboricultural Method Statement (Revised)	26 August 2020
3.6	Arboricultural Impact Assessment (Revised)	25 August 2020
3.7	Landscape Statement	August 2020
3.8	Archaeology and Built Heritage Addendum	27 August 2020
3.9	Revised Built Heritage and Archaeology Addendum: Earth Movements	21 August 2020
3.10	Detailed Drainage Strategy	August 2020
3.11	Air Quality Technical Note – HGV Assessment	August 2020
3.12	Alternative Site Assessment	August 2020
3.13	Supplementary Note on Site Access Visibility	September 2020
4. Additional application documents (submitted post-September 2020)		
4.1	Covering letter – responses to consultee comments	10 September 2020
4.2	Covering letter –highways, open space, s106 obligations and additional plans	20 October 2020
4.3	Covering letter – landscape scheme and associated management provisions	18 December 2020
4.4	Landscape and Ecology Management Plan	December 2020
4.5	Arboricultural Impact Assessment	10 November 2020

No.	Document	Date
4.6	Arboricultural Method Statement	10 November 2020
4.7	Landscape Statement	December 2020
4.8	Detailed Drainage Strategy	November 2020
4.9	Biodiversity Metric Calculation Tool	26 August 2020
4.10	Biodiversity Net Gain Report	26 October 2020
4.11	Covering email - updated plans	12 January 2021
4.12	Landscape and Ecology Management Plan	March 2021
4.13	Email – response to consultation comments	9 December 2020
5.	Environmental Statement	
5.0	Environmental Statement: Main Report – cover and contents	March 2020
5.1	Chapter 1	
5.1.1	Chapter 1 - Introduction	March 2020
5.1.2	Appendix 1.1 - ES Author(s) CVs	March 2020
5.2	Chapter 2	
5.2.1	Chapter 2 – Site Description and Proposed Development	March 2020
5.2.2	Appendix 2.1 – Proposed Levels (original submission)	March 2020
5.2.3	Appendix 2.1 – Proposed Levels (Revised)	August 2020
5.3	Chapter 3	
5.3.1	Chapter 3 – Methodology and Scope of the EIA	March 2020
5.3.2	Appendix 3.1 - Scoping Report	March 2020
5.3.3	Appendix 3.2 - TWBC Scoping Opinion	March 2020
5.3.4	Appendix 3.3 - Response to TWBC Scoping Opinion	March 2020
5.4	Chapter 4	
5.4.1	Chapter 4 – Traffic and Transport	March 2020
5.4.2	Appendix 4.1 – Transport Assessment	March 2020
5.4.3	Appendix 4.2 – Travel Plan	March 2020

No.	Document	Date
5.4.4	Appendix 4.3 – Transport Assessment Addendum	August 2020
5.4.5	Transport Assessment Addendum II	October 2020
5.4.6	Transport Assessment Addendum III	January 2021
5.5	Chapter 7	
5.5.1	Chapter 7 – Socio-economics	March 2020
5.6	Chapter 9	
5.6.1	Chapter 9 - Ecology	March 2020
5.6.2	Not used	
5.6.3	Not used	
5.6.4	Not used	
5.6.5	Not used	
5.6.6	Not used	
5.6.7	Appendix 9.3 (Addendum) – Phase 2 Ecological Appraisal (<i>confidential</i>)	August 2020
5.6.8	Not used	
5.6.9	Not used	
5.6.10	Not used	
5.6.11	Not used	
5.6.12	Appendix 9.5 – Biodiversity Net Gain Calculation Report (revised)	October 2020
5.6.13	Biodiversity Metric – Calculation Tool spreadsheet	August 2020
5.6.14	Not used	
5.6.15	Not used	
5.6.16	Appendix 9.7 (Addendum) – Ancient Woodland Assessment	August 2020
5.6.17	Appendix 9.8 (Addendum) – Cranbrook Soil Compatibility Report	August 2020
5.7	Chapter 10	

No.	Document	Date
5.7.1	Chapter 10 – Landscape and Visual Impact (original submission)	March 2020
5.7.2	Chapter 10 – Landscape and Visual Impact (revised)	August 2020
5.7.3	Figure 10.4 (revised) – Zone of Theoretical Visibility Study and Viewpoints	May 2020
5.7.4	Figure 10.5 (revised) – Zone of Theoretical Visibility Study, Zone of Visual Influence and Viewpoints	May 2020
5.7.5	Appendix 10.1 – Glossary	March 2020
5.7.6	Appendix 10.2 – Methodology	March 2020
5.7.7	Appendix 10.3 – Visualisations and ZTV Studies	March 2020
5.7.8	Appendix 10.4 – National Planning Policy	March 2020
5.7.9	Appendix 10.5 – Brick Kiln Farm Parameters Plan (16/502860/OUT)	March 2020
5.7.10	Appendix 10.6 – Turnden Farmstead Masterplan (18/02571/FULL)	March 2020
5.7.11	Appendix 10.7 - Extracts from Landscape Character Assessment	March 2020
5.7.12	Appendix 10.8 – Study Area and Viewpoint Agreement	March 2020
5.7.13	Appendix 10.9 - Extract from Kent County Council Public Rights of Way online Map	March 2020
5.7.14	Appendix 10.10 - Extracts from High Weald AONB Management Plan	March 2020
5.7.15	Appendix 10.11 - High Weald AONB Cranbrook Character Map (original submission)	March 2020
5.7.16	Appendix 10.11 (Addendum) - High Weald AONB Cranbrook Character Map	August 2020
5.7.17	Appendix 10.12 - Initial Assessment of Effects on High Weald AONB (original submission)	March 2020
5.7.18	Appendix 10.12 (Addendum) - Initial Assessment of Effects on High Weald AONB	August 2020
5.7.19	Appendix 10.13 – Extract from Campaign for the Protection of Rural England (CPRE) Light Pollution and Dark Skies Map	March 2020

No.	Document	Date
5.7.20	Appendix 10.14 – Viewpoint 1, Baseline Photomontage of Brick Kiln Farm and Turnden Farmstead	March 2020
5.8	Chapter 11	
5.8.1	Chapter 11 – Archaeology and Cultural Heritage	March 2020
5.8.2	Appendix 11.1 – Baseline Heritage Statement (original submission)	March 2020
5.8.3	Appendix 11.1 (Addendum) – Baseline Heritage Statement	August 2020
5.8.4	Appendix 11.2 – Desk Based Assessment (Archaeological) (original submission)	March 2020
5.8.5	Appendix 11.2 (Addendum) – Desk Based Assessment (Archaeological)	August 2020
5.9	Chapter 12	
5.9.1	Chapter 12 – Summary	March 2020
5.10	Chapter 13	
5.10.1	Chapter 13 – Glossary of Terms and Abbreviations	March 2020
5.11	Non-Technical Summary	
5.11.1	Environmental Statement – non-technical summary	March 2020
5.12	Environmental Statement: Soil Movement Addendum	
5.12.1	Environmental Statement: Addendum	April 2020
5.12.2	Appendix 2.1 – Existing and Proposed Site Levels	March 2020
5.12.3	Bulk Earthworks Turnden Farmstead Bund Sections (Drawing 19-012/P202 Rev I2)	March 2020
5.12.4	Bulk Earthworks Turnden Phase 2 Bund Sections (Drawing 19-012/P201 Rev I2)	March 2020
5.12.5	Spoil Heap Placement Overall Plan (Drawing 19-012/P200 Rev I2)	March 2020
6.	Key consultation responses	
6.1	Consultee: Campaign for the Protection of Rural England	
6.1.1	Campaign for the Protection of Rural England, Kent – Correspondence	7 May 2020

No.	Document	Date
6.1.2	Campaign for the Protection of Rural England, Kent – Correspondence	27 October 2020
6.1.3	Campaign for the Protection of Rural England, Kent – Comments	25 January 2021
6.2	Consultee: Cranbrook & Sissinghurst Parish Council	
6.2.1	Cranbrook & Sissinghurst Parish Council – Consultee Comments	29 April 2020
6.2.2	Cranbrook & Sissinghurst Parish Council – Correspondence	30 April 2020
6.2.3	Cranbrook & Sissinghurst Parish Council – Correspondence	6 May 2020
6.2.4	Cranbrook & Sissinghurst Parish Council – "Section 2 Project Costs" – Appendix to correspondence dated 6 May 2020	N/A
6.2.5	Cranbrook & Sissinghurst Parish Council – Consultee Comments	6 October 2020
6.2.6	Cranbrook & Sissinghurst Parish Council – Consultee Comments	4 November 2020
6.2.7	Cranbrook & Sissinghurst Parish Council – Consultee Comments	19 November 2020
6.2.8	Cranbrook & Sissinghurst Parish Council – Correspondence	26 January 2021
6.3	Consultee: Forestry Commission	
6.3.1	Forestry Commission – correspondence	21 April 2020
6.3.2	Forestry Commission – correspondence	5 October 2020
6.4	Consultee: Hawkhurst Parish Council	
6.4.1	Hawkhurst Parish Council – correspondence	26 May 2020
6.4.2	Hawkhurst Parish Council – Letter - Attachment to correspondence dated 26 May 2020	26 May 2020
6.5	Consultee: High Weald AONB Unit	
6.5.1	High Weald AONB Unit – Letter with three appendices: <ul style="list-style-type: none"> • Appendix 1 – Detailed comments on the submitted documents; 	12 May 2020

No.	Document	Date
	<ul style="list-style-type: none"> • Appendix 2 – Report by Nicola Bannister on 'Hartley and Turnden, Cranbrook Historic Landscape Assessment' and responses to Archaeological Desk-Based Assessment and Addendum; • Appendix 3 – Report by Kate Ryland, BSc, CEnv, MCIEEM of Dolphin Ecological Surveys on the ecological information submitted. 	
6.5.2	Not used	
6.5.3	Not used	
6.5.4	Not used	
6.5.5	Not used	
6.5.6	Not used	
6.5.7	High Weald AONB Unit – Letter	12 October 2020
6.6	Consultee: Historic England	
6.6.1	Historic England – Correspondence dated 17 April 2020	17 April 2020
6.6.2	Historic England – Email appending Letter from Historic England to TWBC regarding application	27 May 2020
6.6.3	Historic England – Letter following scheme revisions	18 September 2020
6.7	Consultee: KCC Economic Development	
6.7.1	KCC Economic Development – Correspondence	14 April 2020
6.7.2	KCC Economic Development - Appendix 1 to correspondence of 14 April 2020	9 April 2020
6.7.3	KCC Economic Development - Appendix 2 to correspondence dated 14 April 2020	14 April 2020
6.7.4	KCC Economic Development – Correspondence	21 September 2020
6.7.5	KCC Economic Development – Appendix to correspondence of 21 September 2020	21 September 2020
6.8	Consultee: KCC Heritage	
6.8.1	KCC Heritage – Correspondence	4 May 2020
6.8.2	KCC Heritage – Correspondence	5 October 2020

No.	Document	Date
6.9	Consultee: KCC Highways	
6.9.1	KCC Highways – Correspondence	3 September 2020
6.9.2	KCC Highways – "Road Layout Appraisal CA 185 Vehicle Speed Measurement" – Attachment to correspondence dated 3 September 2020	N/A
6.9.3	KCC Highways - Correspondence	17 September 2020
6.9.4	KCC Highways – Technical Note prepared by Project Centre, "Review of ARCADY / PICADY / LINSIG Modelling" - Attachment to Correspondence dated 17 September 2020	September 2020
6.9.5	KCC Highways – Correspondence	22 September 2020
6.9.6	KCC Highways - Correspondence	16 December 2020
6.9.7	KCC Highways - Correspondence	7 January 2021
6.9.8	KCC Highways – Business case for the retention and/or enhancement of bus services in Cranbrook	N/A
6.10	Consultee: KCC Public Rights of Way and Access Service	
6.10.1	KCC Public Rights of Way and Access Service – Correspondence	27 April 2020
6.10.2	KCC Public Rights of Way and Access Service – "Extract of the Working Copy of the Definitive Map of Public Rights of Way for the County of Kent", Issue Date 27/04/2020 - Appendix to Correspondence dated 27 April 2020	27 April 2020
6.10.3	KCC Public Rights of Way and Access Service – Correspondence	2 October 2020
6.11	Consultee: Kent Wildlife Trust	
6.11.1	Kent Wildlife Trust – Correspondence	28 April 2020
6.11.2	Kent Wildlife Trust - Correspondence	20 May 2020
6.11.3	Kent Wildlife Trust - Correspondence	13 August 2020
6.12	Consultee: Natural England	
6.12.1	Natural England - Correspondence	3 June 2020
6.12.2	Natural England - Correspondence	13 October 2020

No.	Document	Date
6.13	Consultee: TWBC Conservation Officer	
6.13.1	TWBC Conservation Officer – "Design and Heritage Consultation Response "	12 May 2020
6.13.2	TWBC Conservation Officer – "Design and Heritage Consultation Response - ADDENDUM"	6 October 2020
6.14	Consultee: TWBC Landscape & Biodiversity Officer	
6.14.1	TWBC Landscape and Biodiversity Officer – Consultee comments (Richard)	5 May 2020
6.14.2	TWBC Landscape and Biodiversity Officer – Consultee comments addendum (Richard)	1 June 2020
6.14.3	TWBC Landscape and Biodiversity Officer – Consultee comments addendum (Richard)	22 December 2020
6.14.4	TWBC Landscape and Biodiversity Officer – Correspondence	13 January 2021
6.14.5	TWBC Landscape and Biodiversity Officer – Correspondence	10 March 2021
6.15	Consultee: TWBC Parking Services	
6.15.1	TWBC Parking Services - Correspondence	7 April 2020
6.16	Consultee: TWBC Tree Officer	
6.16.1	TWBC Tree Officer – "Tree Officer Consultation" – Consultee comments	5 June 2020
6.16.2	TWBC Tree Officer – Correspondence	3 November 2020
6.16.3	TWBC Tree Officer – Correspondence	15 December 2020
6.17	Consultee: Woodland Trust	
6.17.1	Woodland Trust – Correspondence	28 April 2020
6.17.2	Woodland Trust – Correspondence	29 October 2020
6.18	Consultee: TWBC Planning Environmental Officer	
6.18.1	TWBC Planning Environmental Officer – Memorandum	2 May 2020
6.19	Consultee: NHS Kent and Medway CCG	
6.19.1	Letter – section 106 request	22 September 2020

No.	Document	Date
6.20	Consultee: TWBC Environmental Health Officer	
6.20.1	TWBC Environmental Health Officer – Consultee comments	24 April 2020
6.20.2	TWBC Environmental Health Officer – Consultee comments	7 July 2020
6.21	Consultee: TWBC Senior Scientific Officer	
6.21.1	TWBC Senior Scientific Officer – Consultee comments	16 September 2020
6.22	Neighbour response: Cranbrook & Sissinghurst Neighbourhood Development Plan Group	
6.22.1	Correspondence – Cranbrook & Sissinghurst Neighbourhood Development Plan Group	10 May 2020
6.23	Neighbour response: Hartley Save Our Fields	
6.23.1	Correspondence – Hartley Save Our Fields	11 May 2020
6.24	Neighbour response: Liz Daley	
6.24.1	Correspondence – Liz Daley	7 May 2020
6.24.2	Correspondence – Liz Daley	5 June 2020
6.25	Neighbour response: Philippa Gill	
6.25.1	Comments – Philippa Gill	8 May 2020
6.25.2	Comments – Philippa Gill	15 October 2020
6.26	Neighbour response: Philip Govan	
6.26.1	Comments – Philip Govan	15 May 2020
6.27	Neighbour response: June Bell	
6.27.1	Comments – June Bell	21 April 2020
6.27.2	Correspondence – June Bell	3 June 2020
6.27.3	Comments – June Bell	13 November 2020
7.	Determination documents	
7.1	Committee Report	27 January 2021
7.2	Case officer update to Members at 27 January 2021 Planning Committee Meeting	N/A

No.	Document	Date
7.3	Planning Committee Meeting Minutes	27 January 2021
7.4	Presentation to Members for 27 January 2021 Planning Committee Meeting	N/A
7.5	Section 106 agreement between Tunbridge Wells Borough Council, Kent County Council and Berkeley Homes (Eastern Counties) Limited	30 March 2021
8. Call-in correspondence with PINS and Secretary of State		
8.1	Letter from Secretary of State to Applicant – decision to call in planning application 20/00815/FULL	12 April 2021
8.2	Letter from Ashurst to PINS – inquiries procedure	29 April 2021
8.3	Letter from PINS to TWBC – inquiry procedure	4 May 2021
8.4	Letter from PINS to Applicant – inquiry procedure	4 May 2021
8.5	Not used	
8.6	Letter from PINS – confirmation of Rule 6 status of HWAONB	17 May 2021
8.7	Letter from Ashurst to PINS – inquiry procedure	17 May 2021
8.8	Various email correspondence	April – June 2021
8.9	CPRE Kent Call In Letter	15 April 2021
9. Call-in documents		
9.1	Statement of Common Ground between the Applicant and TWBC	18 June 2021
9.1.1	Statement of Common Ground between the Applicant and TWBC (Addendum)	24 August 2021
9.2	Statement of Common and Uncommon Ground between the Applicant, TWBC and Natural England	29 July 2021
9.3	Applicant's Statement of Case	June 2021
9.4	Tunbridge Wells Borough Council Statement of Case and appendices (unless included elsewhere in the CDs)	N/A
9.5	High Weald AONB Unit Statement of Case and Appendix	N/A
9.6	Natural England Statement of Case	17 June 2021

No.	Document	Date
9.7	CPRE Kent Statement of Case and appendices (unless included elsewhere in the CDs)	17 June 2021
9.7.1	CPRE Kent Statement of Case – Appendix 4: Draft statement of Nancy Warne including AECOM Site Assessment July 2017, AECOM Housing Needs Assessment and AECOM Strategic Environmental Assessment July 2019	July 2017 and July 2019
9.7.2	CPRE Kent Statement of Case – Appendix 5 - Report of Dr Claire Holman of Air Pollution Services	14 June 2021
9.7.3	CPRE Kent Statement of Case – Appendix 6 - CPRE Kent’s response to the pre-submission version of the Local Plan	N/A
9.7.4	CPRE Kent Statement of Case – Appendix 7 - the Secretary of State for Housing Communities and Local Government letter to Roger Gale MP on 21 April	21 April 2021
9.7.5	CPRE Kent Statement of Case – Appendix 8 - Draft statement of Liz Daley (including June Bells submission)	N/A
9.7.6	CPRE Kent Statement of Case – Appendix 1 – The transcript of the virtual Committee meeting on 27th January 2021	27 January 2021
9.8	Statement of Common Ground between Applicant and CPRE relating to Air Quality	12 August 2021
9.9	Planning Inspectorate Pre-Case Management Conference Note	19 July 2021
9.10	Planning Inspectorate Case Management Conference Summary Note	26 July 2021
9.11	KCC Economic Development Statement of Case Covering Email	4 June 2021
9.12	KCC Economic Development Statement of Case	N/A
9.13	KCC Economic Development Statement of Case Appendix 1	30 March 2021
9.14	KCC Economic Development Statement of Case Appendix 2	14 April 2020
9.15	KCC Economic Development Statement of Case Appendix 3	9 April 2020

No.	Document	Date
9.16	KCC Economic Development Statement of Case Appendix 4	26 May 2021
9.17	KCC Economic Development Statement of Case Appendix 5	16 December 2020
9.18	Statement of Common and Uncommon Ground between the Applicant, TWBC and CPRE Kent	24 August 2021
9.19	Statement of Common and Uncommon Ground between the Applicant, TWBC and the High Weald AONB Unit	13 August 2021
9.20	Statement of Common Ground agreed between Kent County Council and Vectos (on behalf of Berkeley Homes)	August 2021
10.	National policy and practice guidance	
10.1	Comparison showing changes between the National Planning Policy Framework July 2021 against February 2019	20 July 2021 and February 2019
10.2	National Planning Practice Guidance: Design Process and Tools	1 October 2019 (last updated)
10.3	National Planning Practice Guidance: Determining planning applications	24 June 2021 (last updated)
10.4	National Planning Practice Guidance: Climate change	15 March 2019 (last updated)
10.5	National Planning Practice Guidance: Historic environment	23 July 2019 (last updated)
10.6	National Planning Practice Guidance: Natural environment	21 July 2019 (last updated)
10.7	National Planning Practice Guidance: Air Quality	1 November 2019 (last updated)
10.8	National Planning Practice Guidance: Transport evidence bases in plan making and decision taking	13 March 2015 (published)
10.9	National Planning Practice Guidance: Travel Plans, Transport Assessments and Statements	6 March 2014 (published)
10.10	National Design Guide	January 2021
10.11	National Model Design Code – Part 1	June 2021
10.12	National Model Design Code – Part 2	June 2021

No.	Document	Date
11.	Development Plan policies	
11.1	Site Allocations Local Plan (adopted 2016) - Policy AL/STR 1: Limits to Built Development	July 2016
11.2	Site Allocations Local Plan (adopted 2016) – Policy AL/CR 4 (Land adjacent to the Crane Valley) and AL/CR 6 (Wilkes Field)	July 2016
11.3	Site Allocations Local Plan Adopted July 2016 - Cranbrook Proposals Map	July 2016
11.4	<p>Tunbridge Wells Borough Council Core Strategy 2010</p> <ul style="list-style-type: none"> • Chapters 1-4 • Strategic Objective 1; • Strategic Objective 4; • Strategic Objective 7; • Core Policy 1: Delivery of Development; • Core Policy 3: Transport Infrastructure; • Core Policy 4: Environment; • Core Policy 5: Sustainable Design and Construction; • Core Policy 6: Housing Provision; • Core Policy 8: Retail, Leisure and Community Provision; • Core Policy 12: Development in Cranbrook; • Core Policy 13: Development in Hawkhurst; • Core Policy 14: Development in Villages and Rural Areas. 	June 2010
11.5	Tunbridge Wells Borough Local Plan 2006 - Introduction and strategy chapters	March 2006
11.6	Tunbridge Wells Borough Local Plan 2006 – Policy CS4: Development contributions to school provision for developments over 10 bedspaces	March 2006
11.7	<p>Tunbridge Wells Borough Local Plan 2006</p> <ul style="list-style-type: none"> • Policy EN1: Development Control Criteria 	March 2006

No.	Document	Date
	<ul style="list-style-type: none"> • Policy EN5: Conservation Areas • Policy EN10: Archaeological sites • Policy EN13: Tree and Woodland Protection • Policy EN16: Protection of Groundwater and other watercourses • Policy EN18: Flood Risk • Policy EN25: Development affecting the rural landscape 	
11.8	Tunbridge Wells Borough Local Plan 2006 - Policy H2: Dwelling mix	March 2006
11.9	Tunbridge Wells Borough Local Plan 2006 - - Chapter 5 (Town, Neighbourhood and Village Centres (incorporating Retail Development)): <ul style="list-style-type: none"> • Chapter 5, paragraph 5.1 – 5.38 • Chapter 5, paragraph 5.116 – 5.129 	March 2006
11.10	Tunbridge Wells Borough Local Plan 2006 – Policy LBD1: Development outside the Limits to Built Development	March 2006
11.11	Tunbridge Wells Borough Local Plan 2006 - Policy R2: Recreation and Open Space over 10 bedspaces	March 2006
11.12	Tunbridge Wells Borough Local Plan 2006 <ul style="list-style-type: none"> • Chapter 11: Introduction • Policy TP1: Major development requiring Transport Assessment and Travel Plan • Policy TP3: Larger scale residential development • Policy TP4: Access to Road Network • Policy TP5: Vehicle Parking Standards • Policy TP9: Cycle Parking 	March 2006
11.13	Inspector's Report to Tunbridge Wells Borough Council on the Examination into the TWBC Site Allocations Local Plan	9 June 2016
12. Other local policy and guidance		
12.1	Kent County Council Local Transport Plan 4	N/A

No.	Document	Date
12.2	Rural Lanes SPD	January 1998
12.3	Recreation and Open Space SPD	July 2006
12.4	Affordable Housing SPD	October 2007
12.5	Renewable Energy SPD	April 2007
12.6	Renewable Energy SPD (update)	January 2014
12.7	2019 Energy Policy Position Statement	July 2019
12.8	Tunbridge Wells Borough: Landscape Character Assessment Supplementary Planning Document	December 2017
12.9	Tunbridge Wells Borough Local Plan – Farmsteads Assessment Guidance for Tunbridge Wells Borough	February 2016
12.10	Cranbrook Conservation Area Appraisal plus townscape map	June 2010
12.11	Kent Design Guide	N/A
12.12	Kent Design Guide Review: Interim Guidance Note 3 (Residential parking)	20 November 2008
12.13	High Weald AONB Management Plan 2019-24	2019
12.14	TWBC - Planning Position Statement for proposed developments which may impact on air quality in Hawkhurst	June 2020
12.15	High Weald Housing Design Guide	November 2019
12.16	Five-Year Housing Land Supply Statement 2020/2021	Position as at 1 April 2021
12.17	Legislation and Planning Policy in the High Weald AONB	July 2021
12.18	TWBC map showing position of site relative to Cranbrook Conservation Area	28 April 2021
12.19	Local Landscape Character Area (TWLCA) – LCA 4: Cranbrook Fruit Belt	February 2017
12.20	Local Landscape Character Area (TWLCA) – LCA 6: Benenden Wooded Farmland	February 2017
12.21	Local Landscape Character Area (TWLCA) – LCA 10: Kilndown Wooded Farmland	February 2017

No.	Document	Date
12.22	Landscape Sensitivity Assessment of additional settlements in Tunbridge Wells Paddock Wood, Horsmonden, Hawkhurst, Cranbrook	July 2018
12.23	Landscape Character Assessment and Capacity Study: <ul style="list-style-type: none"> • Volume 1: Main Report • Volume 2: Tables 1-3 - Criteria • Volume 2, Figure 9: Table 7 – Character Area Landscape Capacity Evaluation Cranbrook 	March 2009
13. Neighbourhood plan		
13.1	Draft Cranbrook Neighbourhood Plan – Regulation 14 version	October 2020
14. Draft Plan and relevant evidence base		
14.1 General		
14.1.1	Pre-Submission Local Plan – Regulation 19 Consultation: Section 2: Setting the Scene Policies: <ul style="list-style-type: none"> • STR 1: Development Strategy; • STR 2: Place Shaping and Design; • STR 6: Transport and Parking; • STR 7: Climate Change; • STR 8: Conserving and Enhancing the Natural, Built, and Historic Environment; • AL/CRS 1: Land at Brick Kiln Farm, Cranbrook; • AL/CRS 3: Turnden Farm, Hartley Road, Cranbrook; • AL/CRS 4: Cranbrook School; • EN1: Sustainable Design; • EN2: Sustainable Design Standards; • EN4: Historic Environment; • EN5: Heritage Assets; 	N/A

No.	Document	Date
	<ul style="list-style-type: none"> • EN9: Biodiversity Net Gain; • EN12: Trees, Woodland, Hedges and Development; • EN13: Ancient Woodland and Veteran Trees; • EN19: The High Weald Area of Outstanding Natural Beauty; • EN21: Air Quality; • EN 22: Air Quality Management Areas; • H1: Housing Mix; • H2: Housing Density; • H3: Affordable Housing; • TP1: Transport Assessments/Statements and Travel Plans; • TP3: Parking Standards; • STR/CRS 1: The Strategy for Cranbrook & Sissinghurst Parish; • STR/HA 1: The Strategy for Hawkhurst Parish 	
14.1.2	Sustainability Appraisal of the Draft Local Plan: <ul style="list-style-type: none"> • Non-technical summary • Cranbrook and Sissinghurst 	September 2019
14.1.3	Natural England's comments on Landscape Policies on the Rural Landscape and the AONB, Biodiversity and ecology policies	23 October 2018
14.1.4	Natural England Regulation 19 consultation response to TWBC Local Plan	4 June 2021
14.1.5	High Weald AONB Unit comments on Regulation 19 plan	N/A
14.1.6	CPRE comments on the Regulation 19 plan	N/A
14.1.7	Natural England final Regulation 18 consultation response to TWBC Local Plan	15 November 2019
14.2	Evidence base: Housing	
14.2.1	Distribution of Development Topic Paper	September 2019

No.	Document	Date
14.2.2	Development Strategy Topic Paper	February 2021
14.2.3	Housing Needs Assessment Topic Paper	August 2019
14.2.4	Housing Needs Assessment Topic Paper	February 2021
14.2.5	Review of Local Housing Needs	December 2020
14.2.6	Housing Needs Study	July 2018
14.2.7	Housing Supply and Trajectory Topic Paper	September 2019
14.2.8	Strategic Housing and Economic Land Availability Assessment	January 2021
14.2.8(a))	Strategic Housing and Economic Land Availability Assessment – Site assessment sheets for Cranbrook & Sissinghurst Parish	January 2021
14.2.8(b))	Strategic Housing and Economic Land Availability Assessment – Site assessment sheets for Cranbrook & Sissinghurst Parish (addendum)	April 2021
14.2.9	Strategic Housing Market Assessment Update 2017	January 2017
14.2.10	Brownfield and Urban Land Topic Paper	January 2021
14.3 Evidence base: Environment and landscape		
14.3.1	Not used	
14.3.2	Development Constraints Study	October 2016
14.3.3	Green Infrastructure Framework	September 2019
14.3.4	Not used	
14.3.5	Not used	
14.3.6	Historic Environment Review – Part 1	January 2018
14.3.7	Historic Landscape Characterisation 2017 – Section I User Guide & Interpretation	June 2017
14.3.8	Historic Landscape Characterisation: Parishes of Hawkhurst, Cranbrook, Goudhurst, and Benenden 2015	August 2015
14.3.9	Tunbridge Wells – Landscape and Visual Impact Assessment of Proposed Allocation Sites within the High Weald AONB (Issue 3)	November 2020

No.	Document	Date
14.3.9(a))	Tunbridge Wells – Landscape and Visual Impact Assessment of Proposed Allocation Sites within the High Weald AONB (Issue 3) –Cranbrook sites	November 2020
14.3.10	Landscape Sensitivity Assessment Report – Main Report	February 2017
14.3.11	Landscape Sensitivity Assessment Report – Sub Area Assessments Part 1	February 2017
14.3.12	Landscape Sensitivity Assessment Report – Sub Area Assessments Part 2	February 2017
14.3.13	Not used	
14.4 Correspondence relating to Local Plan Inspector		
14.4.1	Correspondence from Local Plan Inspector to Sevenoaks District Council	December 2019
14.4.2	Correspondence from Local Plan Inspector to Tonbridge and Malling Borough Council	December 2020
14.4.3	Correspondence from Tonbridge and Malling Borough Council to Local Plan Inspector	March 2021
15. Heritage documents		
15.1	Historic England guidance note, Good Practice Advice in Planning Note 3 – The Setting of Heritage Assets	December 2017
15.2	Listed Building Details – The Cottage, Hartley Road	Entry on 28 April 2021
15.3	Listed Building Details – Cranbrook War Memorial, Angley Road	Entry on 28 April 2021
15.4	Listed Building Details – Barn at Goddard's Green Farm, Angley Road	Entry on 28 April 2021
15.5	Listed Building Details – Goddards Green Farmhouse, Angley Road	Entry on 28 April 2021
15.6	Not used	
15.7	Listed Building Details – Turnden (now delisted)	Listing date – 19 May 1986
15.8	Historic England Good Practice Advice Note, No. 2, 'Managing Significance in Decision-Taking in the Historic Environment'	July 2015
16. Landscape and AONB documents		

No.	Document	Date
16.1	Guidelines for Landscape and Visual Impact Assessment (GLVIA) third edition: <ul style="list-style-type: none"> • Glossary • Chapter 3 • Chapter 4 • Chapter 7 	April 2013
16.2	National Landscape Character Areas: NCA 122 High Weald (NE 508)	N/A
16.3	Natural England Standard: Responding to consultations on development (NESTND037)	1 September 2016
16.4	HWAONB Cranbrook Landscape Character Maps: <ul style="list-style-type: none"> • GIS character component data • Ancient woodland map • Historic settlement map • Historic routeways map • Field & Heath map • Geology, landform, water systems & climate map 	August 2018
16.5	Kent County Council, 'Natural Solutions to Climate Change in Kent'	18 March 2021
16.6	HWAONB: The Making of the High Weald	November 2003
16.7	CPRE – Beauty Still Betrayed: State of our AONBs (2021)	April 2021
16.8	An Independent Review of Housing In England’s Areas of Outstanding Natural Beauty 2012-2017 Final Report, prepared by David Dixon, Neil Sinden and Tim Crabtree	November 2017
16.9	DEFRA: The Landscapes Review ('The Glover Report')	September 2019
16.10	Minutes of High Weald Officer Steering Group	25 November 2020
16.11	Grassland Assessment Survey of Selected Sites within the High Weald AONB	September 2020
16.12	Historic England, Farmstead and Landscape Statement: High Weald (National Character Area 122)	N/A

No.	Document	Date
16.13	<i>England's statutory landscape designations: a practical guide to your duty of regard</i> (Natural England, 2010)	2010
16.14	Biodiversity Metric 3.0 documents: <ul style="list-style-type: none"> • Biodiversity Metric 3.0 - habitat condition assessment sheets with instructions • Summary of Changes from Biodiversity Metric 2.0 to Metric 3.0 • Biodiversity Metric 3.0 - User Guide, • Biodiversity Metric 3.0 - Technical Supplement • Biodiversity Metric 3.0 - Short User Guide 	July 2021
16.15	Biodiversity Metric 2.0 documents: <ul style="list-style-type: none"> • The Biodiversity Metric 2.0 - User Guide • The Biodiversity Metric 2.0 - Technical Supplement • The Biodiversity Metric 2.0 - Calculation Tool: User Guide 	July & October 2019
16.16	Natural England advice to TWBC on of LVIA in assessing candidate major development allocations sites within the High Weald AONB	1 May 2020
16.17	CIRIA, Biodiversity Net Gain: Good practice principles for development	2016
16.18	Biodiversity Net Gain: Good practice principles for development, A Practical Guide	2019
16.19	UK Habitat Classification Field Key	N/A
16.20	The UK Habitat Classification – Habitat Definitions Version 1.1	September 2020
16.21	Natural England Technical Information Note TIN050: Selecting Indicators of Success for Grassland Enhancement	20 January 2009
16.22	Nicola Bannister, Field Systems Character Statement: Field Systems in the High Weald	March 2017
16.23	Dr Ronald B Harris, Summary of Historic Settlement Development in the High Weald	September 2011
16.24	Forum Heritage Services, Historic Farmsteads & Landscape Character in the High Weald AONB	2008
16.25	Not used	
16.26	Zu Ermgassen et al, Exploring the ecological outcomes of mandatory biodiversity net gain using evidence from early-adopter jurisdictions in England	23 May 2021
16.27	Correspondence on BNG research between David Scully and Sophus Zu Ermgassen	29 January 2021
16.28	A landscape approach to field system assessment: Towards an assessment framework for fields in the planning system	March 2017
16.29	Guidance for assessing landscapes for designation as National Park or Area of Outstanding Natural Beauty in England, Natural England 2011	2 March 2011

No.	Document	Date
16.30	An Approach to Landscape Character Assessment, Natural England 2014	October 2014
16.31	Commons, Greens and Settlement in the High Weald, Dr Nicola Bannister 2011	July 2011
16.32	JNCC (2010) Handbook for Phase 1 habitat survey	2010
16.33	A National Vegetation Classification (NVC) Survey Land East of Oxford Road, Calne, Wiltshire	N/A
16.34	Natural England (2013), National Vegetation Classification: MG5 grassland: Technical Information Note TIN147	2 April 2013
17. Transport documents		
17.1	Institute of Highways and Transportation: Planning for Walking, 2015	March 2015
17.2	Institute of Highways and Transportation: Planning for Cycling, 2015	October 2014
17.3	National Travel Survey	5 August 2020
17.4	Manual for Streets (2007) (MS 2)	September 2010
18. Recent planning permissions granted by TWBC / planning applications made to TWBC		
18.1	Turnden, Hartley Road, Cranbrook Kent (18/02571/FULL) – Decision Notice	26 February 2019
18.2	Turnden, Hartley Road, Cranbrook Kent (18/02571/FULL) – Officer's Report	13 December 2018
18.3	Turnden, Hartley Road, Cranbrook Kent (18/02571/FULL) – Natural England Consultation Comments	7 September 2018 and 21 November 2018
18.4	Brick Kiln Farm High Street Cranbrook Kent (16/502860/OUT) – Decision Notice	17 February 2020
18.5	Brick Kiln Farm High Street Cranbrook Kent (16/502860/OUT) – Committee Report	28 March 2018
18.6	Brick Kiln Farm High Street Cranbrook Kent (16/502860/OUT) – Design Principles	August 2017
18.7	Brick Kiln Farm High Street Cranbrook Kent (16/502860/OUT) – Parameter Plan Drawing number 7115-L-02 Rev M, Green Infrastructure	28 July 2017
18.8	Brick Kiln Farm High Street Cranbrook Kent (16/502860/OUT) – Master Plan Drawing 7115-L-26 Rev H	17 October 2017

No.	Document	Date
18.9	Brick Kiln Farm High Street Cranbrook Kent (16/502860/OUT) – Natural England Consultation Comments	2 June 2016 and 13 October 2017
18.10	Wilkes Field Community Centre Cranbrook Kent (16/503953/FULL) – Decision Notice	7 September 2016
18.11	Wilkes Field Community Centre Cranbrook Kent (16/503953/FULL) – Officer's Report	31 August 2016
18.12	Brick Kiln Farm High Street Cranbrook Kent (20/00814/REM) – Withdrawal Notice	4 March 2021
18.13	Brick Kiln Farm High Street Cranbrook Kent (20/00814/REM) – Detailed Layout Plan Drawing 7115-L-100 AA	16 September 2020
18.14	Turnden, Hartley Road, Cranbrook Kent (18/02571/FULL) – High Weald AONB Unit Consultation Comments	27 September 2018
18.15	Turnden, Hartley Road, Cranbrook Kent (18/02571/FULL) – Design and Access Statement	August 2018
18.16	Turnden, Hartley Road, Cranbrook Kent (21/01379/FULL) – Design and Access Statement (Addendum)	April 2021
18.17	Turnden, Hartley Road, Cranbrook Kent (18/02571/FULL) – Replacement Farmhouse & Revised Layout Plan	April 2021
18.18	Turnden, Hartley Road, Cranbrook Kent (21/01379/FULL) – view of new farmhouse	N/A

No.	Document	Date
18.19	Brick Kiln Farm High Street Cranbrook Kent (16/502860/OUT) – High Weald AONB Unit Comments via email	26 September 2017
18.20	Brick Kiln Farm High Street Cranbrook Kent (16/502860/OUT) – High Weald AONB Unit Consultation Comments	N/A
18.21	Brick Kiln Farm High Street Cranbrook Kent (20/00814/REM) – High Weald AONB Unit Comments	5 June 2020
18.22	Brick Kiln Farm High Street Cranbrook Kent (16/502860/OUT) – Landscape and Visual Appraisal Addendum	August 2017
18.23	Land Adjacent Wilsley Farm, Angley Road, Cranbrook, Kent (20/003816/FULL) – Decision Notice	6 April 2021
18.24	Land off Angley Road, Cranbrook, Kent (21/00519/FULL) – Decision Notice	27 May 2021
18.25	Land Adjacent Frisco Cottage, Hawkhurst Road, Cranbrook, Kent (21/00602/FULL) – Decision Notice	13 May 2021
18.26	Brick Kiln Farm High Street Cranbrook Kent (20/00814/REM) – Committee Report	27 January 2021
19.	Appeal and call-in decisions	
19.1	Steel Cross, Crowborough (WD/2013/2410/MEA) – Appeal APP/C1435/A/14/2223431	16 July 2015
19.2	Not used	
19.3	Land at Perrybrook (12/01256/OUT) – Appeal APP/G1630/V/14/2229497	31 March 2016
19.4	CABI International (P15/S3387/FUL) – Appeal APP/Q3115/W/16/3165351	31 August 2017
19.5	Old Red Lion Great Missenden – Appeal APP/X0415/W/18/3202026	4 September 2018
19.6	Land at Citroen Site, Capital Interchange Way (GLA/4279 & 01508/A/P6) – Appeal APP/G6100/V/19/3226914 (extracts only)	10 September 2020
19.7	Land to the west of Heartenoak Road, Hawkhurst (18/03976/OUT) – Appeal APP/M2270/W/20/3247397	6 November 2020

No.	Document	Date
19.8	Land at Gate Farm, Hartley Road, Hartley, Cranbrook (19/02170/OUT) - Appeal APP/M2270/W/20/3247977	10 February 2021
19.9	Not used	
19.10	Little Sparrows, Sonning Common, Oxfordshire RG4 9NY (P19/S4576/O) – Appeal APP/Q3115/W/20/3265861	25 June 2021
19.11	Land south of High Street Milton-under-Wychwood – Appeal APP/D3125/W/3143885	26 July 2016
19.12	Land to the west of Leamington Road, Broadway, Worcestershire – APP/H1840/A/14/2224292	2 July 2015
19.13	Land south of Newhouse Farm, Old Crawley Road, Horsham – Appeal APP/Z3825/W/21/3266503	30 July 2021
20.	Case law	
20.1	<i>R. (on the application of Prideaux) v Buckinghamshire CC</i> [2013] Env. L.R. 32	29 April 2013
20.2	<i>Bedford BC v SSCLG</i> [2013] EWHC 2847 (Admin)	26 July 2013
20.3	<i>Mordue v SSCLG</i> [2015] EWCA Civ 1243	3 December 2015
20.4	<i>R (Luton) v Central Beds</i> [2015] 2 P&CR 19	20 May 2015
20.5	<i>SSCLG v Wealden DC</i> [2018] Env LR 5	31 January 2017
20.6	<i>Hawkhurst PC v Tunbridge Wells DC</i> [2020] EWHC 3019 (Admin)	11 November 2020
20.7	<i>R. (Mevagissey Parish Council) v Cornwall Council</i> [2013] EWHC 3684 (Admin)	27 November 2013
20.8	<i>Monkhill Ltd v Secretary of State for Housing, Communities and Local Government</i> [2021] EWCA Civ 74	28 January 2021
20.9	<i>City and Country Bramshill Limited v SSCLG</i> [2021] EWCA Civ 320	9 March 2021
20.10	<i>Peel Investments (North) Limited v SSHCLG and Salford City Council</i> [2020] EWCA Civ 1175	3 September 2020
20.11	<i>Suffolk Coastal DC v Hopkins Homes Ltd; and Richborough Estates Partnership LLP v Cheshire East BC</i> [2017] UKSC 37	10 May 2017
20.12	<i>Wavendon Properties v SSHCLG & Milton Keynes Council</i> [2019] EWHC 1524 (Admin)	14 June 2019

No.	Document	Date
20.13	<i>Mansell v Tonbridge and Malling BC</i> [2017] EWCA Civ 1314	8 September 2017
20.14	<i>SSCLG and Knight Developments v Wealden District Council</i> [2017] EWCA Civ 39	31 January 2017
20.15	<i>R (on the application of Advearse) v Dorset Council</i> [2020] EWHC 807 (Admin)	6 April 2020
20.16	<i>Catesby Estates Ltd v Steer</i> [2018] EWCA Civ 1697	18 July 2018
20.17	<i>Compton PC v Guildford BC</i> [2020] JPL 661	4 December 2019
21.	Relevant legislation	
21.1	Not used	
21.2	Section 99 of the Natural Environment and Rural Communities Act 2006	2006
21.3	Section 38 of the Planning and Compulsory Purchase Act 2004	2004
21.4	Section 82 of the Countryside and Rights of Way Act 2000	2000
21.5	Section 84 of the Countryside and Rights of Way Act 2000	2000
21.6	Section 85 of the Countryside and Rights of Way Act 2000	2000
21.7	Section 92 of the Countryside and Rights of Way Act 2000	2000
21.8	Section 99 of the Countryside and Rights of Way Act 2000	2000
21.9	Section 66 of the Planning (Listed Buildings & Conservation Areas) Act 1990	1990
21.10	Section 72 of the Planning (Listed Buildings & Conservation Areas) Act 1990	1990
21.11	Not used	
22.	Miscellaneous documents	

No.	Document	Date
22.1	Hawkhurst Golf Club High Street Hawkhurst (19/02025/HYBRID) ⁴⁰⁹ – Decision Notice	19 April 2021
22.2	Hawkhurst Golf Club High Street Hawkhurst (19/02025/HYBRID) – Officer's Report and Appendix	19 April 2021
22.3	EPUK/IAQM, Land-Use Planning & Development Control: Planning for Air Quality	January 2017
23.	Proofs of Evidence	
23.1	Applicant – proofs of evidence	
23.1.1	Ben Marner – Air Quality	August 2021
23.1.2	Chris Miele – Historic Environment	August 2021
23.1.3	Colin Pullan – Urban Design	20 August 2021
23.1.4	David Bird - Transport	August 2021
23.1.5	Simon Slatford – Planning	23 August 2021
23.1.6	Tim Goodwin - Ecology	August 2021
23.1.7	Andrew Cook – Landscape and Visual	23 August 2021
23.2	Tunbridge Wells Borough Council – proofs of evidence	
23.2.1	Richard Hazelgrove – Planning	August 2021
23.2.2	Brian Duckett – Landscape	August 2021
23.2.3	Debbie Salter – Heritage	10 August 2021
23.2.4	David Scully - Biodiversity	23 August 2021
23.3	CPRE Kent – proofs of evidence	
23.3.1	Dr Claire Holman – Air Quality	20 August 2021
23.3.2	Stuart Page – Heritage	23 August 2021
23.3.3	Nancy Warne – Planning (Neighbourhood Plan)	N/A
23.3.4	Liz Daley – Transport	
23.3.5	Position Statement with respect to Conditions and Obligations	N/A

⁴⁰⁹ There is an appeal against non-determination in progress

No.	Document	Date
23.4	High Weald AONB Unit – proofs of evidence	
23.4.1	Sally Marsh – Landscape & Visual and Biodiversity	24 August 2021
23.5	Natural England – proofs of evidence	
23.5.1	Alison Farmer – Landscape and Visual	August 2021
23.5.2	Helen Kent – Planning	August 2021
23.6	Rebuttal and Supplemental Evidence	
23.6.1	Rebuttal Proof of Ben Marner (Air Quality)	September 2021
23.6.2	Rebuttal Proof of Tim Goodwin (Ecology)	September 2021
23.6.3	Supplement to Figure 5 of Colin Pullan Proof (BKF Exhibition)	September 2021
23.6.4	Richard Hazelgrove Supplementary Proof of Evidence	September 2021
23.6.5	Richard Hazelgrove Rebuttal Evidence	September 2021
23.6.6	Brian Duckett Landscape Rebuttal Evidence	September 2021
23.7	Chris Miele Addendum to Proof of Evidence	September 2021

Inquiry Documents

Documents submitted during course of Inquiry (ID)	
1.	Opening statement - Applicant
2.	Opening statement – TWBC
3.	Opening statement – Natural England
4.	Opening statement – HWAONB
5.	Opening statement – CPRE
6.	Submission of Tim Kemp
7.	Submission of Hartley Save Our Fields
8.	Submission from local resident
9.	Colin Pullan - presentation
10.	TWBC Landscape Brick Kiln Farm comments
11.	Neighbourhood plan - viewpoints
12.	Alison Farmer - Composite Plan
13.	HSOF Location of Viewpoints for Photos 1 & 2
14.	Alison Farmer presentation
15.	Sally Marsh presentation
16.	Brian Duckett presentation
17.	Complaint made by AONB Unit
18.	Response to AONB Unit Complaint
19.	Email chain between Council and AONB Unit relating to complaint

20.	Technical Guidance Note by LVIA institute
21.	Andy Cook presentation
22.	Singleton Report – A History of Turnden
23.	Letter from Ashurst to PINs dated 8 September 2021
24.	Email from Claire Tester regarding Chris Miele Proof of Evidence dated 9 September 2021
25.	Email from Alison Farmer regarding Chris Miele Proof of Evidence dated 14 September 2021
26.	Chris Miele presentation
27.	Letter to Inspector from TWBC Portfolio Holder
28.	Ashurst letter to PINS dated 12 October 2021, enclosed letters of support
29.	Liz Daley Bus Timetable Comparison
30.	David Bird Presentation
31.	Manual for Streets 2007
32.	Revised and agreed conditions
33.	Department for Transport Decarbonising Transport Report (14 July 2021)
34.	Copy of BSG and Ecology Solutions Metric Comparison
35.	Wildflower Grasslands in the Weald
36.	UK Habitat Classification translator
37.	TWBC's GES grassland survey Appendices
38.	Natural England TIN060 Yellow Rattle
39.	Natural England TIN067 Arable reversion to species rich grassland
40.	Weald Native Origin Wildflower and Grass Seed
41.	Brick Kiln Farm landscape plan
42.	Brick Kiln Farm connectivity plan
43.	Sally Marsh presentation
44.	Turnden Deed of Variation to S106 Agreement, unsigned
45.	Extract from Housing Supply and Delivery PPG
46.	Authority Monitoring Report 2019-2020
47.	Draft Neighbourhood Plan Sustainability Appraisal (June 2019)
48.	Draft Neighbourhood Plan – Reg 16 version
49.	Nancy Warne presentation
50.	Nancy Warne – Inquiry Statement
51.	Errata sheet accompanying Proof of Evidence of Richard Hazelgrove
52.	TWBC response to Submission of AECOM SEA Report - text and appendices
53.	TWBC map response to submission of AECOM SEA report
54.	TWBC summary of working draft of Cranbrook & Sissinghurst Neighbourhood Plan
55.	CPRE Kent - updated statement on conditions and obligations
56.	CPRE Kent - submission re Hawkhurst Golf Course
57.	E-mails re conditions (TWBC and HWAONB Unit)
58.	Delegated report for planning permission 21/01379/FULL
59.	Decision notice for planning permission 21/01379/FULL
60.	SK107 Map Search Plan with Brick Kiln Farm Connectivity Plan Overlay
61.	SK110 Map Search Plan with Location Plan Overlay
62.	Email from Sarah Bonser on behalf of KCC formally withdrawing objection dated 4 November 2021
63.	TWBC Local Plan – Schedule of Minor Modifications
64.	TWBC Local Plan – Submission Version
65.	CIL Compliance Statement

Closing Submissions

- For the applicant
- For the Council
- For Natural England
- For the High Weald AONB Unit
- For CPRE Kent

Annex: Recommended Conditions

Definitions (relating to the Conditions below)

'Initial Enabling Works' means: Initial infrastructure enabling and site set up works required for the development which include:

- Ecological enabling works required for the development which include ecology works, including ecological vegetation/hedgerow/tree works, clearance, management, mitigation, enhancement measures and compensatory habitat construction, and all works under Natural England licence;
- Site establishment and temporary welfare facilities and temporary site accommodation;
- Installation of construction plant;
- Utilities diversions and reinforcements insofar as necessary to enable the construction of the development to commence;
- Temporary drainage, temporary surface water management, power and water supply for construction;
- Archaeological investigations; and
- Contamination investigations.

'Above Ground Works' means: Development hereby permitted above the finished floor level approved under Condition 13.

Conditions

- (1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.
- (2) The development hereby permitted shall be carried out in accordance with the following approved plans unless superseded by details approved under the terms of the following conditions:

Site Plans

- S101J - Location Plan
- C101-K Coloured Site Layout
- C108-E Parking Plan
- P101-AH Proposed Roof Level Plan
- P105-E Materials Site Plan
- P106-D Boundaries Plan
- P107-B Refuse Plan
- P108-V Open Space Plan

Housetypes

- P110-D - Plots 1, 4, 15 & 126 - 5H1b
- P111-B - Plots 2 & 14 - 4H7
- P112-C - Plots 3 & 9 - 4H7
- P113-D - Plots 5 - 4A1
- P114-B - Plots 6 - 4H7
- P115-B - Plots 7 - 4H7
- P116-B - Plots 36 - 4A1
- P117-C - Plots 35 - 4C
- P118-D - Plots 10-11 & 16-17 - 3H9b/3H1
- P119-C - Plots 12, 25, 129 & 159 - 3H10

- P120-D - Plots 13 - 3H10
- P121-B - Plots 19 3A.1.2
- P122-A - Plots 20 - 4C
- P123-B - Plots 21, 127 - 3A.1.2
- P124-B - Plots 22-23 - 3H10/4H18
- P125-C - Plots 24 & 162 - 4C
- P126-B - Plots 26-27, 28-29, 136-137, 151-152 - 3E.1b/3E.1
- P127-D - Plots 30, 32, 33, 37, 138 & 158 - 3A.1.2
- P128-D - Plots 31 - 3A.1.2
- P129-A - Plots 34 - 4C
- P130-E - Plots 134 & 149 - 4A1
- P131-D - Plots 81 & 82 - 3H10
- P132-B - Plots 83-84 & 147-148 - 3H9b/3H1
- P133-C - Plots 104-106 - 3x3H1
- P134-B - Plots 107-108 - 2x3H1
- P136-D - Plots 111-112 - 3H10/4H18
- P137-E - Plots 128 & 157 - 4C
- P138-B - Plots 121-125 - 5 x 3H1
- P139-C - Plots 8 - 4C
- P140-C - Plots 109 - 3A.1.2
- P141-C - Plots 131 - 3H9
- P143-B - Plots 135 - 3H1
- P144-D - Plots 141 - 3E.1
- P146-B - Plots 150 - 4H7
- P147-D - Plots 153 - 4A1
- P148-B - Plots 154 - 4H7
- P149-F - Plots 155 & 156 - 5H1
- P150-D - Plots 155 & 165 - 5H1
- P151-C - Plots 160 - 3E1.b
- P152-C - Plots 161 - 3H9
- P153-D - Plots 113 & 114 - 4C
- P154-B - Plots 164 - 4H7
- P155 - Plots 110 - 4C
- P156 - Plots 130, 133 - 3A.1.2
- P157 - Plots 132 - 3A.1.2
- P158 - Plots 139 & 140 - 3H10
- P165-D - Plots 38-39 & 92-93 - FOG 2BFG
- P166-E - Plots 15 & 55 - FOG - 2BFG
- P170-E - Plots 52-54, 70-72, 85-87, 94-9 - Aff HT2A
- P171-D - Plots 62-64 - Aff HT4A & HT2A
- P172-D - Plots 65-67 - Aff HT3A & HT2A
- P173-F - Plots 68-69 - Aff HT2A
- P174-E - Plots 79-80 & 100-101 - Aff HT2A
- P175-E - Plots 88-91 - Aff HT4A HT3A & SO HT3B
- P176-C - Plots 97-99 - Aff HT3A4P
- P177-D - Plots 102-103 - Aff HT3A4P
- P178-D - Plots 142-146 - Aff HT2A

Apartment Types

- P180-D - Block A - Plots 115-120
- P182-D - Block A - Plots 115-120
- P183-D - Block B - Plots 56 & 57-61

- P184-C - Block B - Plots 56 & 57-61
- P185-C - Block C - Plots 73-78
- P186-D - Block C - Plots 73-78
- P187-C - Block D - Plots 40-51
- P188-C - Block D - Plots 40-51
- P189-C - Block D - Plots 40-51
- P190-B - Block D - Plots 40-51

Garages and Car Ports

- P160-C Proposed Detached Garages
- P161-C Proposed Car Barns
- P162-E Proposed Car Barns and Substations

Street Scenes

- C102-C Coloured Street Scene AA, BB, CC
- C103-B Coloured Street Scene DD, EE
- C104-D Coloured Street Scene FF
- C105-C Coloured Street Scene GG

Landscaping Plans

- 6958-002-H Landscape Hardworks Sheet 1
- 6958-003-G Landscape Hardworks Sheet 2
- 6958_004-H Landscape Soft works 1 of 6
- 6958_005-J Landscape Soft works 2 of 6
- 6958_006-I Landscape Soft works 3 of 6
- 6958_007-J Landscape Soft works 4 of 6
- 6958_008-G Landscape Soft works 5 of 6
- 6958_009-F Landscape Soft works 6 of 6
- 6958_010-E Landscape Woodland Buffer
- 6958_011-A Lighting Strategy
- 6958_101-C Illustrative Section Pond 1A
- 6958_103-C Illustrative Section Pond 2
- 6958_SK017-E Betterment Plan
- 6958_012 - Illustrative Landscape Masterplan

Highways Plans

- 19072/001-D Site Access General Arrangement Plan
- Drainage Plans
- 19-012/P01 P5 Drainage Strategy Plan
- 19-012/P02 P6 Exceedance Flow Plan

Levels Plans

- 19-012-P200 I3 Bulk Earthworks Bund Plan
- 19-012-P201 I3 Bulk Earthworks Bund Sections
- 19-012-P202 I2 Bulk Earthworks Bund Sections
- 19-012-P203 I2 Bulk Earthworks Bund Sections
- 19-012-P100-P4 Proposed Site Levels Site Plan
- 19-012-P101-P5 Proposed Site Levels Sheet 1
- 19-012-P102-P4 Proposed Site Levels Sheet 2
- 19-012-P103-P4 Proposed Site Levels Sheet 3
- 19-012-P104-P4 Proposed Site Levels Sheet 4
- 19-012-P105-P5 Proposed Site Levels Sheet 5
- 19-012-P106-P5 Proposed Site Levels Sheet 6
- 19-012-P107-P5 Proposed Site Levels Sheet 7
- 19-012-P108-P4 Proposed Site Levels Sheet 8

- 19-012-P109-P4 Proposed Site Levels Sheet 9
- 19-012-P110-P4 Proposed Site Levels Sheet 10
- 19-012-P111-P3 Proposed Site Levels Sheet 11
- 19-012-P112-P3 Proposed Site Levels Sheet 12
- 19-012-P120-P1 Contour Plan

LEMP

- Landscape and Ecology Management Plan March 2021
- (3) No development (excluding 'Initial Enabling Works' as described in the 'Definitions' above) shall take place until a scheme detailing the phasing of the construction of the development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved.
- (4) Notwithstanding the submitted details and approved plans, no development (excluding ecological enabling works required for the development which includes ecology works, including ecological vegetation/hedgerow/tree works, clearance, management, mitigation, enhancement measures and compensatory habitat construction, and all works under Natural England licence) shall take place until a site specific Construction/Demolition Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority (LPA). The Plan shall demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The Plan shall include, but not be limited to:
- All works and ancillary operations which are audible at the site boundary or at such other place as may be approved by the LPA, shall be carried out only between the following hours: 07:30 hours and 18:00 hours on Mondays to Fridays, 08:30 and 13:00 hours on Saturdays and at no time on Sundays and Bank Holidays, unless in association with an emergency or with the prior written approval of the LPA;
 - Deliveries to and removal of plant, equipment, machinery and waste from the site shall only take place within the permitted hours detailed above;
 - Measures to minimise the production of dust on the site;
 - Measures to minimise noise and vibration generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s);
 - Design and provision of site hoardings;
 - Management of traffic visiting the site including temporary parking or holding areas;
 - Provision of off road parking for all site operatives;
 - Measures to prevent the transfer of mud and extraneous material onto the public highway;
 - Measures to manage the production of waste and to maximise the re-use of materials;
 - Measures to minimise the potential for pollution of groundwater and surface water;
 - The location and design of site office(s) and storage compounds;
 - The location of temporary vehicle access points to the site during the construction works;

- The arrangements for public consultation and liaison during the construction works; and
 - Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- (5) The approved details of foul drainage (drawing 19-012/P01 P5 Drainage Strategy Plan) shall be fully implemented concurrent with the development and shall not be varied without details being first submitted to and approved in writing by the Local Planning Authority.
- (6) Notwithstanding the submitted details and approved plans, development (excluding 'Initial Enabling Works' as described in the 'Definitions' above) shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The detailed drainage scheme shall be based upon the detailed Drainage Strategy prepared by Withers Design Associates (Rev D 06 November 2020) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance) that:
- Silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters; and
 - Appropriate operational, maintenance and access requirements for each drainage feature or sustainable drainage system component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.
- The approved drainage scheme shall be consistent with the details approved under Condition 20 and shall be fully implemented in accordance with the approved details, including a timetable for implementation.
- (7) No building on any phase of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system associated to that Phase, has been submitted to and approved in writing by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system, associated to that Phase, where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed associated to the Phase.
- (8) Prior to the commencement of 'Above Ground Works', as described in the 'Definitions' above, on any phase of development, details (including source/manufacturer, and photographic samples) of bricks, tiles and cladding materials to be used externally on that phase, together with details relating to windows and dormer windows, and details associated with the appearance of Block A shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

- (9) Notwithstanding the submitted details and approved plans, prior to the commencement of 'Above Ground Works', as described in the 'Definitions' above, on any phase of development, detailed plans and information regarding the following aspects of the proposed development phase shall be submitted to and approved in writing by the Local Planning Authority:
- a) The alignment, height, positions, design, materials and type of boundary treatment / means of enclosure, including to parking forecourt gates;
 - b) Design and location of utility meters, the pumping station and enclosure, and below ground water booster tank and equipment;
 - c) The storage and screening of refuse and recycling areas, and bin collection points (in conjunction with approved drawing P107-B Refuse Plan); and
 - d) A timetable for the implementation for each aspect of the details.
- The development shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.
- (10) Notwithstanding the submitted details and approved plans, prior to the commencement of 'Above Ground Works', as described in the 'Definitions' above, on any phase of development, detailed plans and information regarding the following aspects of the proposed development phase shall be submitted to and approved in writing by the Local Planning Authority:
- The layout, position and widths of all proposed roads, footpaths, and parking areas (including the method of delineation between the road and the footpath) and the means of connecting to the existing highway, the materials to be used for final surfacing of the roads, footpaths and parking forecourts, and any street furniture;
 - Details of highway design, including kerbs, dropped kerbs, gulleys, utility trenches, bollards and signs;
 - Details showing how dedicated and continuous footway routes shall be demarked; and
 - Details of the demarcation of the cycleway or revised cycleway between Plot 36 and the side of Plot 31 to enhance legibility between these two points.
- The development shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority, including a timetable for implementation.
- (11) Notwithstanding the submitted details and approved plans, prior to the first occupation of development on any phase, detailed plans and information regarding the following aspects of the proposed development phase shall be submitted to and approved in writing by the Local Planning Authority:
- Details of on-site play areas, as indicatively shown in the submitted 'Landscape Statement' (December 2020), including details and finished levels or contours, means of enclosure (where applicable), surfacing materials, and play equipment;
 - Details of seating, litter bins and signs; and
 - Timetable for implementation of all the above.
- The development shall be carried out in accordance with the approved details, unless otherwise approved in writing by the Local Planning Authority.
- (12) The development hereby permitted shall incorporate measures to minimise the risk of crime. No phase shall be occupied until details of such measures,

according to the principles and physical security requirements of Crime Prevention through Environmental Design have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained.

- (13) Notwithstanding the submitted details and approved plans, no development (excluding 'Initial Enabling Works' as described in the 'Definitions' above) shall take place until details of existing and proposed levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved levels and shall not be varied without details being first submitted to and approved in writing by the Local Planning Authority.
- (14) Notwithstanding the submitted arboricultural documents, unless otherwise approved in writing by the Local Planning Authority, no development shall take place until an updated Arboricultural Method Statement in accordance with the current edition of British Standard BS 5837 has been submitted to and approved in writing by the Local Planning Authority. The Statement shall incorporate the following:
- A schedule of tree works;
 - An updated tree protection plan including, if appropriate, demolition/construction phases;
 - Specific measures to protect retained trees during level changes, spoil deposition and utility installation;
 - Specifications for the protective fencing, temporary ground protection and permanent cellular storage system(s) to be used;
 - Provision for a pre-commencement site meeting between the main contractor, appointed arboriculturist and appropriately qualified Council officer; and
 - A schedule of arboricultural supervision, including the contact details of the Arboriculturist to be appointed by the developer or their agents to oversee tree protection on the site, the frequency of visits and the reporting of findings.
- (15) The approved development shall be carried out by complying with the following:
- All trees to be retained shall be marked on site and protected during any operation on site by temporary fencing in accordance with the current edition of British Standard BS 5837 and in accordance with the approved Tree Protection Plan and Arboricultural Method Statement pursuant to Condition 14. Such tree protection measures shall remain throughout the period of construction;
 - No fires shall be lit within the spread of branches or upwind of the trees and other vegetation;
 - No materials or equipment shall be stored within the spread of the branches or Root Protection Area (RPA) of the trees and other vegetation;
 - No roots over 50mm diameter shall be cut, and no buildings, roads or other engineering operations shall be constructed or carried out within the spread of the branches or RPA of the trees and other vegetation;

- Ground levels within the spread of the branches or RPA (whichever the greater) of the trees and other vegetation shall not be raised or lowered in relation to the existing ground level, except as may be otherwise approved in writing by the Local Planning Authority; and
 - No trenches for underground services shall be commenced within the RPA of trees which are identified as being retained in the approved plans, or within 5m of hedgerows shown to be retained without the prior written consent of the Local Planning Authority. Such trenching as might be approved shall be carried out to National Joint Utilities Group recommendations.
- (16) All existing hedges or hedgerows shall be retained, unless shown on the approved drawings as being removed, or their removal is otherwise approved in writing by the Local Planning Authority (LPA) beforehand. All hedges and hedgerows on and immediately adjoining the site shall be protected from damage for the duration of works on the site.
- Any parts of hedges or hedgerows which become, in the opinion of the LPA, seriously diseased or otherwise damaged following contractual practical completion of the approved development shall be replaced as soon as is reasonably practicable and, in any case, by no later than the end of the first available planting season, with equivalent hedge or hedgerow species.
- (17) The development shall be implemented in accordance with the approved Landscape and Ecology Management Plan in perpetuity unless otherwise approved in writing by the Local Planning Authority.
- (18) Notwithstanding the submitted details and approved plans, prior to the commencement of 'Above Ground Works', as described in the 'Definitions' above, on any phase of the development, a scheme showing the specific locations of bird, dormouse and bat boxes on that phase of the development site, together with a timetable for installation, shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account of any protected species that have been identified on the site and shall have regard to the enhancement of biodiversity generally. The scheme(s) shall be fully implemented and retained unless otherwise approved in writing by the Local Planning Authority.
- (19) Prior to the commencement of development, suitable licences covering protected and notable species and habitats (as identified in the ecological site surveys), proposals for avoidance, mitigation, monitoring and future long-term site management shall be obtained and shall be submitted to and approved in writing by the Local Planning Authority. In addition to this, the submission shall include details of mitigation measures for species identified in the submitted ecological survey which are not required to be subject to Natural England licences. The works shall be implemented fully in accordance with the approved licences and details, unless otherwise approved in writing by the Local Planning Authority.
- (20) Prior to the commencement of development of the new ponds hereby approved (in accordance with Condition 6), details of the drainage outlet/overflow leading from them to the stream within the adjacent woodlands shall be submitted to and approved in writing by the Local Planning Authority. The details shall include a method statement, alignment of the drainage outlet and details of construction. The development shall be carried out in accordance with the approved details.

- (21) Notwithstanding the submitted details and approved plans, prior to any works of excavation, a full method statement for the deposition of spoil within the application site shall be submitted to and approved in writing by the Local Planning Authority. The method statement shall include appropriate controls for the handling of the soil, methods of working and remediation along with a timetable for this element of the development. The scheme shall also have regards to the position of the existing Southern Water sewer adjacent to Hartley Road. The development shall be carried out in accordance with the approved details.
- (22) Notwithstanding the submitted details and approved plans, prior to the commencement of 'Above Ground Works', as described in the 'Definitions' above, on any phase of the development, details of soft landscaping and a programme for carrying out the works associated with that phase shall be submitted to the Local Planning Authority (LPA) for approval in writing. The submitted details shall include details of soft landscape works, including planting plans, written specifications (including cultivation and other operations associated with the plant and grass establishment) and schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate. The submission shall include details of protection for new and retained structural planting.
- The landscaping scheme approved for each phase of development on any part of the site shall be carried out fully within 12 months of the completion of the development on that phase, or in accordance with a timetable to be approved in writing by the LPA. Except where otherwise indicated by the approved Landscape and Ecological Management Plan, any trees or other plants which, within a period of ten years from the completion of the development on that phase, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the LPA give prior written consent to any variation.
- (23) a) If during excavation/demolition works evidence of potential contamination is encountered, works shall cease and the site shall be fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to and approved in writing by the Local Planning Authority and the remediation has been completed;
- b) In the event that potential contamination is encountered, no dwelling shall be occupied within the relevant phase where the contamination has been found, until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of:
- i) Any sampling, remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology; and
 - ii) Any post-remedial sampling and analysis to show the site has reached the required clean-up criteria together with the necessary documentation detailing what waste materials have been removed from the site.
- (24) Notwithstanding the submitted details and approved plans, prior to the installation of any external lighting full details shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a lighting layout plan with beam orientation and a schedule of light equipment

proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

- (25) The areas shown in each phase of development on the approved plans as resident and visitor vehicle garaging, parking, servicing and turning shall be provided, surfaced and drained in that phase in accordance with details to be submitted to and approved in writing by the Local Planning Authority before the buildings they serve are occupied. After this they shall be retained as parking and turning areas, for the use of the occupiers of and visitors to the development in accordance with the details approved, and no permanent development, shall be carried out on that area of land so shown or in such a position as to preclude the use of such facilities for their intended purpose.
- (26) Prior to the commencement of above-ground development, details of off-site highway works within the A229 (Hartley Road) as shown in principle on approved drawing 19072/001-D shall be submitted to and approved in writing by the Local Planning Authority. The submission shall include details of the following:

- Footpath widening to the north and south of the proposed access onto the A229 (within the site frontage);
- Right hand turn ghost lane highway works into Turnden Road and the site access;
- Traffic Islands; and
- Details of the timetable for implementation and completion.

The works shall be carried out in accordance with the approved plans.

- (27) a) Prior to the commencement of development (excluding Initial Enabling Works as described in the 'Definitions' above) and only if used for construction and operative traffic, as determined by Condition 4, the access point to the highway shown on the approved plans shall be completed to a bound course in accordance with the approved drawing 19072/001-D (drawings associated with the submitted Transport Assessment Addendum II dated October 2020, Appendix 13). The area of land within the vision splays shown on the approved plan 19072/001-D shall be reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6 metres above the level of the nearest part of the carriageway and be so retained in accordance with the approved plan.

b) Prior to the first occupation of development the access point to the highway shown on the approved plans shall be practically completed in accordance with the approved drawing 19072/001-D (drawings associated with the submitted Transport Assessment Addendum II dated October 2020, Appendix 13), unless otherwise approved in writing by the Local Planning Authority.

- (28) Before the first occupation of any dwelling on any phase of the development, the following works shall be completed as follows:
- i. Footways and/or footpaths shall be completed, with the exception of the wearing course; and
 - ii. Carriageways completed, with the exception of the wearing course, including the provision of a turning facility beyond the dwelling together with related:
 - Highway drainage, including off-site works;

- Junction visibility splays; and
- Street lighting, street nameplates and highway structures if any.

Before the final occupation of the last dwelling, the final wearing course for the internal footpaths and roadways shall be completed.

- (29) No dwelling on any phase of the development shall be occupied until details of an emergency access have been submitted to and approved in writing by the Local Planning Authority. The details shall include the location and design of the emergency access linking the development and the adjacent development (reference 18/02571/FULL and 19/01863/NMAMD or subsequent variation thereof), the means of preventing access by other vehicles, and a timetable for the implementation of the emergency access in relation to the phasing of the development. The approved emergency access shall be provided in full in accordance with the approved details and timetable, and shall be retained thereafter.
- (30) Notwithstanding the submitted details and approved plans, no dwelling on any phase of the development shall be occupied until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan measures shall subsequently be implemented and thereafter maintained in accordance with a timetable for the implementation of each element that has been approved as part of the submission. The Travel Plan shall include the following:
- Setting objectives and targets;
 - Measures to promote and facilitate public transport use, walking and cycling;
 - Measures to reduce car usage;
 - Monitoring and review mechanisms;
 - Provision of travel information; and
 - Marketing of environmentally sensitive forms of travel.
- (31) Unless otherwise approved in writing by the Local Planning Authority, no flats within any phase of the development shall be occupied until secure cycle storage facilities to serve them have been provided in accordance with the approved details (P180-D - Block A - Plots 115-120, P183-D - Block B - Plots 56 & 57-61, P185-C - Block C - Plots 73-78, and P187-C - Block D - Plots 40-51). The cycle storage shall thereafter be retained.
- (32) Prior to the commencement of 'Above Ground Works', as described in the 'Definitions' above, on each phase of the development, full details of a scheme for the incorporation of energy efficiency measures and renewable energy (including the location of photovoltaic panels and resident/visitor electric vehicle charging points within that phase) shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details, which shall be retained thereafter.
- (33) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) 2015 (or any Order revoking or re-enacting that Order with or without modification), no development shall be carried out within Classes A, B or F of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order) without prior planning permission from the Local Planning Authority.

- (34) Prior to the commencement of any works that require ground breaking, the applicant, or their agents or successors in title, shall secure and implement:
- i. Archaeological field evaluation works in accordance with a specification and written timetable which have been submitted to and approved in writing by the Local Planning Authority (LPA); and
 - ii. Further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which have been submitted to and approved in writing by the LPA.
- (35) No dwelling on any phase of the development shall be occupied until details and the location of the provision of obscure glazing, and measures to control or restrict the opening of specific windows to dwellings within that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained unless otherwise approved in writing by the Local Planning Authority.
- (36) No dwelling on any phase of the development shall be occupied until details of a scheme of wayfinding, heritage, arboriculture, and ecological interpretation as a form of public art, including a timetable of implementation, has been submitted to and approved in writing by the Local Planning Authority (LPA). The approved details shall thereafter be implemented as approved and shall be retained thereafter, unless otherwise approved in writing by the LPA.
- (37) Prior to the commencement of 'Above Ground Works', as described in the 'Definitions' above, details of residential boilers / heating systems, to mitigate the air pollution arising from the development when in occupation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.



Department for Levelling Up, Housing & Communities

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RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

Appendix HLS15 - Maitland Lodge Appeal Decision



Appeal Decision

Inquiry held on 20 to 23 September 2022

Site visit made on 22 September 2022

by **O S Woodward BA(Hons.) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 November 2022

Appeal Ref: APP/V1505/W/22/3296116

Land at Maitland Lodge, Southend Road, Billericay CM11 2PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Inland Homes against Basildon Borough Council.
 - The application Ref 21/01687/FULL, is dated 17 November 2021.
 - The development proposed is the demolition of Maitland Lodge and the construction of 47 new homes (Class C3) with vehicular access onto Southend Road, together with associated infrastructure and landscaping works.
-

Decision

1. The appeal is allowed, and planning permission is granted for the demolition of Maitland Lodge and the construction of 47 new homes (Class C3) with vehicular access onto Southend Road, together with associated infrastructure and landscaping works, in accordance with the terms of the application Ref 21/01687/FULL, dated 17 November 2021, subject to the conditions at Annex C of this Decision.

Preliminary Matters

Planning policy

2. The Development Plan for the area includes the Basildon District Local Plan Saved Policies September 2007 (the LP). The emerging Basildon Borough Local Plan 2014-2034 was withdrawn in March 2022. Its policies, therefore, have no weight, although the plan and its evidence base remain material considerations in the determination of the appeal.

Documents and evidence

3. A number of submissions were received during the inquiry, as set out in Annex B. I am satisfied that in all cases the material was directly relevant to, and necessary for, my Decision. All parties were given opportunities to comment as required and there would be no prejudice to any party from my consideration of these documents. The appeal is therefore determined on the basis of the revised and additional documents and drawings.

Putative Reasons for Refusal

4. The proposal was taken to planning committee in June 2022, where the Council agreed two putative reasons for refusal. The first reason is that the proposal

represents inappropriate development in the Green Belt (GB) and that 'very special circumstances' do not exist. It states that the proposal would cause substantial harm to openness and that its poor design would exacerbate this harm and would fail to provide a high quality beautiful place.

5. The second reason is in relation to securing adequate provision for on and off-site infrastructure, effects on the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (Essex Coast RAMS), and the provision of affordable housing. Subsequent to the planning committee, a s106 planning obligation, dated 7 October 2022, has been submitted. It secures:
 - a healthcare contribution to expand South Green Surgery;
 - an employment and skills contribution to broker job opportunities;
 - an open space, culture, play and sports provision contribution;
 - a contribution in respect of the Essex Coast RAMS;
 - a County Council monitoring fee and a Council monitoring fee;
 - a primary education contribution towards primary education facilities within three miles of the development and/or within Basildon Primary Group 1 (Billericay);
 - a secondary education contribution towards secondary education facilities within three miles of the development and/or within Basildon Secondary Group 2 (Billericay);
 - 16 of the proposed dwellings to be affordable housing, of which 15 would be affordable rented units at least 20% below local open market rent, and one would be shared ownership where the purchaser would have an initial equity share of not less than 25% and not more than 75%;
 - an Affordable Housing Scheme, requiring details of the location of the proposed affordable housing, and a Shared Ownership Marketing Strategy;
 - a further five of the dwellings to be First Homes, allocated to first time buyers at a discount to the market rate of 30%;
 - an Employment and Skills Plan;
 - a management company to carry out the long term management and maintenance of the on-site Open Space; and,
 - an Open Space Specification and the Management Plan regarding the open space.
6. The Council and Essex County Council's joint CIL Compliance Statement sets out the detailed background and justification for each of the obligations. I am satisfied that the provisions of the submitted agreement would meet the tests set out in Regulation 122 of the CIL Regulations 2010 (the CIL Regulations) and the tests at paragraph 57 of the National Planning Policy Framework (the Framework), and I have taken them into account. The s106 therefore responds to these concerns and this putative reason for refusal is not a main issue for the appeal. I return to matters of weight and detail of the s106 throughout my Decision as appropriate.

Main Issues

7. The main issues are:
 - whether or not the proposal would be inappropriate development in the GB, including assessment of the effect of the proposal on the openness of the GB; and,
 - the effect of the proposal on the character and appearance of the area, in particular on landscape character.

Reasons

Green Belt

Inappropriate development

8. The majority of the appeal site lies in the GB. The area of the site outside the GB is Maitland Lodge and its garden and a thin sliver of land to the north east corner running along the back of the properties to the west of Southend Road. It is proposed to construct a number of new buildings within the GB land.
9. The GB land provides equestrian facilities, other buildings or built form and paddocks directly linked to the equestrian facilities and forming part of the curtilage of the equestrian buildings. The Framework states that the curtilage of developed land can be considered as, but is not necessarily, previously developed land (PDL). In this instance, the functional relationship of the paddocks to the developed stables and other buildings on the site is clear. The paddocks themselves include some built form and are a human intervention on the site. It is also common ground, and I agree, that none of the appeal site is in agricultural use. The residential garden areas to Maitland Lodge are within the part of the appeal site that is within the built-up area of Billericay. These are not, therefore PDL, as defined by the Framework. However, these areas are outside of the GB. I therefore agree with the appellant and the Council, who under cross-examination conceded this position, that all of the GB land within the appeal site is PDL.
10. It is also common ground, and I agree, that the proposal would include affordable housing that would meet an identified need within the Borough. This is expanded upon later in this Decision. Paragraph 149 of the Framework states that new buildings are inappropriate development in the GB, subject to a number of exceptions. Part g), second bullet point, relates to the redevelopment of PDL where the proposal would contribute to meeting an identified affordable housing need, and is therefore relevant to the appeal proposal. The bullet point states that, in such circumstances, development would not be 'inappropriate' if it would not cause substantial harm to the openness of the GB. I therefore assess the effect of the proposal on openness below.

Openness

11. The GB element of the appeal site is within a wider parcel of land in the GB called 'Area 25' as identified in the Basildon Borough Green Belt Topic Paper, October 2018 (the Topic Paper 2018). The appeal site is a small area of land within this wider parcel. There is open countryside to the west and the south, however there is extensive, mature boundary planting to the west, and lesser, but still significant, boundary planting to the south. The land to the east and west of the site is already built-up. The site is therefore highly visually constrained and makes only a limited contribution to the openness of the GB. This is a view shared by the Topic Paper 2018.
12. The GB element of the appeal site contains a number of buildings and structures associated with its equestrian and other uses. These are largely single storey. The proposal would be for 28 buildings, including a mix of houses and two blocks of flats, at up to three storeys but mostly either two or two and a half storeys in height. Overall, the proposal would result in an 80% increase

- in footprint and a 124% increase in volume of built-form on the GB element of the appeal site. The level of the proposed increase in built-form would therefore be relatively significant.
13. The proposed garages would link several of the buildings. The layout would be relatively dense, there would be runs of rooflines that would be fairly close together and prominent, and relatively limited landscaping, save for incidental street trees and an area of open space to the south west corner. These design detail considerations influence the harm to openness of the proposal but only to a limited degree, as was accepted by the Council under cross-examination.
 14. In addition, the proposal would spread built form across the whole site, rather than being concentrated to the eastern edge adjacent to the existing housing. There would also be a significant increase in activity on the site in comparison to the existing use for equestrian purposes and the gardens of the proposed dwellings would likely also be the subject of residential paraphernalia once occupied, further negatively affecting openness on the site.
 15. However, the appeal site is largely visually self-contained by the mature planting to the west and existing development to the north and east. The southern boundary also has a relatively mature hedgerow but is more open. The proposed landscaping scheme, including some trees, would lessen this openness but the proposal would still be more visible from the south through this boundary than the existing built form. Importantly, though, as viewed from the south the proposed development would be seen in the context of the existing housing of Billericay. The existing housing rises slightly up the hill as viewed from the south and is clearly visible and fairly prominent.
 16. Overall, there is relatively significant existing built form and the GB element of the appeal site is only a small part of a much wider parcel of GB land. The proposal would result in an increase in built form on the site both in overall footprint and volume and spread across the site. However, the appeal site is largely visually self-contained, with existing housing to Billericay to two sides of the site and the extensive existing and proposed boundary landscaping to the other two sides. Where the boundary planting would be more open the proposal would be seen in the context of the existing housing to Billericay. The harm to openness on the appeal site itself would therefore have limited effect on the wider GB. Allowing for the slightly greater harm to openness of the appeal site itself, the overall harm to the openness of the GB would be moderate.
 17. It is important to note that the threshold for the proposal to be considered as inappropriate development is substantial harm. This is a high bar and the proposal clearly falls below it. The proposal is therefore 'not inappropriate' development in the GB. I do not, therefore, need to further consider issues in relation to GB development or make a determination on 'very special circumstances'.

Character and appearance

18. The Council's case with regard to character and appearance relates primarily to the effect of the proposal on landscape character, which I assess in this section. The Council also raised matters regarding detailed design that fall outside the above, which I turn to in the Other Matters section later in my Decision.

Existing

19. The appeal site includes a detached house along the western side of Southend Road, with the majority of the site lying behind this house. The area behind comprises a number of buildings and stables and associated hardstanding, fences and other ancillary development. There are also two grass paddocks which take up the western and central part of the site. The existing buildings have an equestrian use character and are single storey apart from Maitland Lodge. Some buildings are in poor condition and the site has grown organically with no discernible pattern to the layout.
20. To the east and north of the rear part of the site lies the existing edge of Billericay, with a mix of houses lining Mill Road, Homefield Close and Southend Road. The Maitland Lodge house is one of the properties on Southend Road. The surrounding properties are of a variety of architectural styles, being either detached or semi-detached houses or bungalows, and there is little to unify the architectural character. It is a typical, unremarkable, suburb. To the south and west are fields with mostly open countryside beyond. The site sits within Landscape Character Area 12¹, defined as an area of sloping farmland. However, it is only a small part of this wider area, which includes the extensive open farmland surrounding Billericay. The appeal site does not contain most of the key characteristics of the area, such as large fields.
21. Other than the entrance element where Maitland Lodge sits, the appeal site is mostly visually self-contained. The dwellings to the north and east only afford glimpsed views through to the site. There is a very mature hedgerow including substantial trees to the western boundary and a less mature and lower hedgerow, but which is still relatively substantial, to the southern boundary. Even views from neighbouring properties are at least partially screened by existing vegetation and boundary features. The appeal site is, however, visible from the south, largely to drivers approaching Billericay along Southend Road, but there are also some footpaths at mid-distance from the site to the south and west. However, where the site is visible, it is seen in the context of the urban edge of Billericay. The existing properties are clearly visible, set on rising land towards the north.
22. The wider landscape to the south and west is largely open farmland and is of higher quality. However, whilst pleasant countryside, this is also largely unremarkable agricultural fields. It is common ground, and I agree, that the wider landscape is not a 'valued landscape' within the meaning of paragraph 174 of the Framework. I assess the wider area to have moderate sensitivity to change. The appeal site itself, however, is of low sensitivity, through a combination of the partly-urbanising effect of the existing buildings and ancillary structures and hard standing, the edge-of-settlement character and the visual containment.

Proposed

23. It is proposed to demolish all the existing buildings and structures on the site and comprehensively redevelop to provide 47 dwellings. The proposed layout includes an access road from Southend Road which turns into a circle within the main/rear part of the site. A building, containing two houses, is proposed to the Southend Road frontage, adjacent to the proposed access road. A variety

¹ As set out in the Landscape Character and Green Belt Landscape Capacity Study December 2014

of dwellings are proposed within the site, including detached and semi-detached houses at two or two and a half storeys, and two blocks of flats at two and three storeys. Many of the proposed houses are also provided with car ports and there would be additional off and on-street car parking, including on driveways and in small car parks. An area of communal open space is proposed to the south west corner, which would also incorporate a balancing pond drainage feature. Some new planting is proposed, including trees, to the southern boundary.

Assessment

24. There would be a fair degree of consistency in the proposed architectural style of the buildings in terms of scale and layout but a certain amount of variety through different fenestration patterns and materials. The Essex Design Guide 2018 advises to avoid or conceal wide gable ends to roofs. Some relatively wide gable ends are proposed, but these are largely to side elevations not viewed directly from the proposed street. These side elevations often also would have car ports, adding articulation. There would be a variety of roof forms, silhouettes and detailing which is a positive factor which contributes to the architectural interest of the proposal. Overall, the architectural approach achieves a successful balance and would be in-keeping with the varied detailed design but consistent suburban character and appearance of the wider area.
25. The proposal is relatively dense and the proposed car ports would visually and physically link many of the buildings. However, these would be set back and would be lower than the host buildings and would remain subservient to them. The density would be similar to the surrounding area. The proposed open space would be relatively limited, but it is in the location of the site that would most benefit from visual softening, in the south west corner surrounded by open fields, and as stated in the Basildon Outline Landscape Appraisals of Potential Strategic Development Sites 2017. Paragraphs 119 and 124 of the Framework promote the effective and efficient use of land to provide homes. In this physical and policy context, the proposal would be of an acceptable density.
26. Nevertheless, the proposal would undeniably result in a change in character and appearance to the appeal site from the current equestrian use and building styles, and an increase in density and built form across the site, particularly to the currently open paddocks to the west and centre of the site. However, the overall density and detailed design of the proposal would be in-keeping with the character and appearance of the area. The appeal site is also of low sensitivity, is highly visually self-contained and, where more visible from the south, would be seen in the context of the existing housing of Billericay to the north, limiting any effects on the wider area.
27. Consequently, the proposal would not result in material harm to the character and appearance of the area, with regard to landscape effects. The proposal would therefore comply with Policy BE12(i) of the LP, which resists residential development that would harm the character of the surrounding area.

Other Matters

Housing

Market housing

28. A housing land supply range has been agreed between the parties, of between 1.6 and 2.33 years. Anywhere within this range is a very substantial shortfall against the target to identify a five year supply of housing land as set out in paragraph 68 of the Framework. In numerical terms, the shortfall equates to between 3,345 and 4,200 homes. There is also an under-delivery of housing in the Borough. The Government's 2021 Housing Delivery Test figures confirm a delivery rate of 41% against the housing requirement. Footnote 8 of the Framework states that even a delivery rate of 75% should be considered as substantially below the requirement. 41% is therefore a very substantial under-delivery. The delivery is also on a downward trend, with the most recent results being 45% in 2020, 44% in 2019 and 75% in 2018.
29. Under cross-examination, the Council accepted that housing delivery has been persistently poor over several years. This is also stated at paragraph 2.4 of the Council's Draft Housing Delivery Test Action Plan July 2021 (the Action Plan 2021). It would be difficult to come to any other conclusion on the basis of the above evidence. The shortfalls in housing land supply and housing delivery are stark. There is also no evidence before me that there is likely to be a marked improvement in the delivery of housing in the short to medium term. The Council's Action Plan 2021 states that the level of supply is not expected to significantly improve until a new Local Plan is adopted. In this regard, the Council's emerging Local Plan was recently withdrawn and its tentative timetable for the production of a new Local Plan would result in adoption, at best, in 2027.
30. It is important to remember that there are real world implications from the under-delivery of homes, including increased house prices, decreased affordability and an increasing number of individuals and families being forced to remain in unsuitable accommodation for their current needs. I therefore place very substantial positive weight on the proposed 26 open market homes.

Affordable housing

31. The Council's affordable housing need is agreed between the main parties to be 860 dwellings per annum (dpa), based on removing the backlog in addition to ongoing requirements. The current overall shortfall is 2,494 homes. Over the past seven years, the net delivery of affordable housing, ie after accounting for Right to Buy sales, is just 5 dpa. Affordable housing delivery is abysmal. The shortfall is acute and persistent. As with market housing, there is no evidence before me that there is likely to be a marked improvement in the delivery of affordable housing in the short to medium term.
32. The length of the waiting list on the housing register is up by 44% in the past year. The multiple of the income of people on lower quartile incomes necessary to buy a home in the Borough is 32% higher than seven years ago. These statistics sit in the middle of a much wider socio-economic and political conversation, not all which, I accept, will have been driven by the lack of affordable housing delivery. However, the persistent extremely low affordable housing delivery in the past years has contributed towards this real-world

harm. Each of the 2,494 affordable homes that should have been built, but have not, represent a missed opportunity to help alleviate the housing concerns of individuals and families. The situation represents a significant conflict with the economic and social overarching objectives set out in paragraph 8 of the Framework.

33. Policy BAS S5 of the LP sets a requirement for affordable housing of between 15 to 30% of the total number of units on a development site. The 'split' of the affordable housing between different affordable tenure types is not prescribed in policy and all tenures of affordable housing contribute to the affordable housing supply for the Borough. The proposed provision of 45% of total units, at 21 homes, is in excess of the policy requirements. However, given the critical situation regarding affordable housing delivery in the Borough, I place very substantial positive weight on all of the proposed affordable homes, not just those over and above policy requirements.

Appeal site location and nature

Previously Developed Land (PDL)

34. As established above, the element of the appeal site in the GB is PDL. Most of the remainder of the appeal site is also PDL, as it is land with existing built form and associated hard standing. However, there are two small residential garden areas associated with Maitland Lodge that lie outside of the GB, both of which do not constitute PDL, as defined by the Framework. Nevertheless, a significant majority of the site is PDL. Despite this, the site is not particularly intensively used, with large relatively open spaces for the paddocks. The proposed development to provide 47 houses would therefore represent an efficient use of land for homes, on a mostly brownfield site, partly within and partly directly adjacent to an existing settlement.
35. In light of the above, and as directed by paragraph 120(c) of the Framework, I place substantial positive weight on the proposed dwellings on the part of the appeal site within Billericay. I also place significant positive weight on the remainder of the development in this regard, which accords with the promotion of the effective use of land to provide homes at paragraph 119 of the Framework.

Sequential preference

36. The Council's Development Plan is out-of-date. The Local Plan was adopted in 1998, based on the period 1991-2001, with a housing requirement based on a previous Structure Plan adopted in 1982. The GB boundaries are therefore based on very old housing requirements and a completely different planning policy and political backdrop. Most of the Borough outside the three main towns is GB. It is common ground, and I agree, that due to the significantly higher housing requirements that the Council now faces, and that it cannot demonstrate a five year supply of housing land, significant GB release is inevitable.
37. It would be preferable if the GB release could be managed through the emerging Local Plan process, as set out at paragraphs 15 and 140 of the Framework. However, as set out above, a new Local Plan is at least five, and potentially many more, years from being adopted. It is therefore necessary to

consider proposals that come forward in the GB ahead of adoption of the new Local Plan.

38. In this regard, the now withdrawn Local Plan and its evidence base is still a material consideration. The evidence base allocated the site for development² and the withdrawn Plan carried this through to a site allocation (Site H21b), albeit for around 20 self-build homes rather than the 47 dwellings proposed as part of the appeal proposal³. However, the important consideration is that the site was found to be suitable for development and to be removed from the GB. In addition, this inquiry has established that the GB element of the appeal site is all PDL.
39. Therefore, the appeal site in general is sequentially preferable to non-PDL sites in the GB, which make up the majority of GB land in the Borough. In any event, as established above, the specific appeal proposal is 'not inappropriate' development in the GB. I therefore find no harm from the location of the proposal in the GB in addition to its sequential preference over non-PDL GB sites. This is a significant positive benefit of the proposal in the context of a Borough where GB release is accepted as being inevitable to meet its housing needs.

Accessibility

40. The appeal site is directly adjacent to Billericay and accessible to its large range of services and facilities, and also easily accessible to a range of bus routes and also Billericay train station. It is common ground, and I agree, that the appeal site is in a highly accessible location. I place significant positive weight on this factor.

Economic

41. The proposal would create short term employment during construction and would result in long term economic benefits from expenditure from the future occupants on goods and services in the area. Some of the future occupants would potentially have only moved a short distance and already be in the local area, but many are likely to be from further afield. As required by paragraph 81 of the Framework, I place significant positive weight on the economic benefits.

Biodiversity

42. A package of mitigation measures, such as tree protection fencing or sensitive site clearance, is set out in the Ecological Impact Assessment May 2022 and could also be secured by condition. Compensation is also proposed, for example through the contribution towards the Essex Coast RAMS. It is therefore proposed to follow the hierarchy set out at paragraph 180 of the Framework by first mitigating ecological effects and only then compensating for them. In addition, a biodiversity net gain of 10% is proposed and could be secured by condition. The Framework only requires 'a' net gain, rather than a gain of 10%. The proposal therefore goes beyond policy requirements in this regard. I place significant positive weight on this benefit.

² Housing and Economic Land Availability Assessment (HELAA) Review 2018, September 2018 (Site SS0189)

³ Basildon Borough Revised Publication Local Plan 2014 – 2034, October 2018 (Site H21b) and Housing Options Topic Paper November 2018 (New Site 3)

Detailed design

43. The proposed layout with a circular road leading to a single access point logically responds to the square shape of the rear part of the site and the narrow access area to Southend Road. The proposed building along Southend Road retains a building fronting onto the road, in-keeping with the established character of the road. Nevertheless, there would be limited harm to the character and appearance of this frontage through the proposed relatively wide access road.
44. The proposed three storey block of flats would be slightly taller and more bulky than the proposed and existing semi-detached properties in the area. However, it would be relatively small, towards the centre of the site and not readily visible from public or private views. The proposed public open space would be relatively small but is proposed in the south west corner of the site which is the most appropriate location for open space as it is furthest away from Billericay and one of the most visible parts of the appeal site. The open space would also incorporate a drainage feature but the detail of this could be controlled by condition to be attractive and there would be sufficient remaining space for recreational use by the future residents. The proposed shared surface approach to the internal road would work well in the context of the relatively small scale of the proposal. The Highways Authority raises no objection to this approach in terms of highway safety.
45. Matters of detailed design of the proposed buildings and the proposed hard and soft landscaping could be controlled by condition(s). Overall, the detailed design of the proposal would be in-keeping with the character and appearance of the area and would be acceptable. This weighs neutrally in the planning balance.

Appropriate Assessment

46. The appeal site falls within the Zone of Influence (ZoI) for the Blackwater Estuary Special Protection Area and Ramsar (the SPA). The proposal is for residential development and the future occupants are likely to travel to the SPA for recreation purposes, due to the proximity and as established by the appeal site falling within the ZoI. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates the requirement for an Appropriate Assessment (AA) in such circumstances. As the Competent Authority, I have therefore undertaken an AA.
47. The conservation objectives for the SPA include maintaining or restoring the habitats for a number of breeding and non-breeding birds. The specific qualifying features likely to be affected by the potential increase in recreational pressure include the mudflat habitat that supports internationally and nationally important numbers of overwintering waterfowl, and semi-improved grassland that includes nationally scarce plants and rare invertebrates. The proposal would therefore likely result in adverse effects on the SPA, by itself and in combination with other development projects.
48. Consequently, I am satisfied that a mitigation payment is required to avoid an adverse effect on the integrity of the SPA. In this regard, the s106 secures a financial contribution, proportionate to the number of dwellings proposed, towards mitigating the effects of the likely increased recreational pressure. The payment has been calculated in accordance with the Essex Coast RAMS, which

applies to a number of protected areas include the SPA relevant to this appeal. The RAMS is a detailed strategy which has carefully considered the mitigation measures necessary to protect the designated sites. Natural England has confirmed that the contribution is appropriate and proportionate, and that, subject to the contribution, the proposal would not have an adverse effect on the integrity of the site. I am therefore satisfied that the mitigation would be effective. I am also satisfied that the planning obligation meets the tests set out in Regulation 122(2) of the CIL Regulations and paragraph 56 of the Framework.

49. Consequently, I consider that, subject to the s106, there would be no adverse effect on the integrity of the protected site, both on its own and in combination with other developments.

Interested parties

50. Several objections have been submitted, including from the Billericay District Residents Association, Great Burstead and South Green Village Council and the Campaign to Protect Rural England. The objections have commented on the issues covered above and also on drainage, flooding, highway safety, free-flow of traffic, harm to living conditions of neighbouring occupiers through lack of light and noise and outlook, contamination of groundwater, impact on local infrastructure eg schools and doctors, disruption during construction, and deterioration in air quality. Some neutral comments were also submitted requesting a horticultural scheme.

51. I have taken all of these factors into consideration. Most are not in dispute between the main parties. The Council concluded that there would be no material harm in these regards and I also note that both the Local Lead Flood Authority and Highways Authority have no objection to the proposal. No substantiated evidence has been submitted that leads me to any different view. Other concerns are addressed in my reasoning above, can be addressed by conditions or are dealt with by the planning obligations secured.

Conditions

52. A schedule of conditions was agreed between the parties ahead of the inquiry. This was discussed through a round-table session at the inquiry. I have considered the conditions against the tests in the Framework and the advice in the Planning Practice Guidance. I have made such amendments as necessary to comply with those documents and in the interests of clarity, precision, and simplicity. The appellant has confirmed acceptance of the pre-commencement conditions. I set out below specific reasons for each condition:
- In addition to the standard time limit condition, a condition specifying the relevant drawings provides certainty;
 - Construction Management Plan (CMP) and Site Waste Management Plan (SWMP) and Construction Environmental Management Plan (CEMP) conditions are necessary to protect the living conditions of neighbours, biodiversity, highway safety and the free-flow of traffic during construction;
 - The Biodiversity Survey and Biodiversity Enhancement Strategy, Landscape and Ecological Management Plan (LEMP), lighting design, Arboricultural Impact Assessment, and Ecological Impact Assessment conditions are necessary to protect existing biodiversity, to secure the proposed 10% biodiversity net gain, and to ensure maintenance of the relevant measures;

- Land contamination and remediation, archaeology, Secured by Design and waste and recycling conditions are necessary to ensure the proposal would have acceptable effects with regard to these technical considerations;
 - Tree protection, hard landscaping, soft landscaping, waste and recycling conditions, and Arboricultural Impact Assessment conditions are necessary to ensure a satisfactory standard of development protect and to protect and enhance biodiversity;
 - The materials and finished floor levels conditions are necessary to ensure a satisfactory standard of development;
 - The surface water drainage systems, maintenance of surface water drainage systems and finished floor levels conditions are necessary to ensure that suitable mitigation is provided regarding surface water drainage and flooding;
 - An Energy and Sustainability Strategy condition is necessary to ensure that the proposal reduces carbon dioxide emissions and therefore to mitigate climate change and assist in moving to a low carbon economy as set out in paragraph 8 of the Framework;
 - The visibility splays, access junction details and internal road and footway layout condition is necessary to protect highway safety and the free-flow of traffic;
 - The cycle parking and Residential Travel Information Pack conditions are necessary to encourage the use of a range of modes of transport other than the car; and,
 - The condition requiring details of upgrade works to nearby bus stops and pedestrian crossings is necessary to encourage the use of a range of modes of transport other than the car and to partially mitigate the increased pressure on public transport from the future occupiers of the development. It is necessarily worded as a Grampian type condition, since it relates to land outwith the control of the appellant.
53. A condition requiring electric vehicle charging points for all the proposed car parking spaces was requested by the Council but it is unnecessary because this provision is already set out in Requirement S1 of The Building Regulations 2010, Approved Document S 2021 Edition.
54. The CMP/SWMP, CEMP, Biodiversity Survey, land contamination and remediation, archaeology, tree protection, and hard and soft landscaping conditions are necessarily worded as pre-commencement conditions, as a later trigger for their submission and/or implementation would limit their effectiveness or the scope of measure which could be used.

Planning Balance

55. The proposal would not conflict with any Development Plan policies, including the four identified as most relevant to the appeal in the Statement of Common Ground, namely Policy BAS GB1 which sets the GB boundaries but has no specific control over GB development, Policy BAS S5 which sets affordable housing thresholds which the proposal exceeds, Policy BAS BE12 which requires proposals to conserve the character of the area, and Policy BAS BE24 which is in relation to crime prevention which could be adequately controlled by condition.
56. The proposal would not harm the character and appearance of the area, either with regard to landscape or detailed design. It would be 'not inappropriate'

development in the Green Belt. The s106 secures appropriate mitigation against any harms from the proposal on the SPA. These factors all weigh neutrally in the planning balance.

57. The proposed open market housing and affordable housing would be very substantial benefits of the proposal. The part of the proposal outside of the GB to be developed for housing would be a substantial benefit due to the use of suitable brownfield land within settlements for homes.
58. The remainder of the appeal site represents the effective use of land to provide homes. The appeal site is sequentially preferable to non-PDL sites in the GB in a Borough where GB release is inevitable to meet its housing needs. The appeal site is easily accessible to public transport, services and facilities, a biodiversity net gain over and above minimum policy requirements is proposed, and there would be both short term and long term economic benefits. These are all significant benefits.

Conclusion

59. The Council cannot demonstrate a five year supply of housing land and there is no clear reason for refusing the proposal related to areas or assets of particular importance. Having regard to paragraph 11d of the Framework, I have found no conflict with the Development Plan and a number of weighty benefits. Therefore, for the reasons above, the appeal is allowed.

O S Woodward
INSPECTOR

ANNEX A: APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Giles Atkinson, of Counsel. He called:

Emily Beavan ARB	Principal Urban Design Officer, Basildon Borough Council (BBC)
Louise Cook MRTPI	Principal Planning Officer, BBC
Christine Lyons MRTPI	Head of Planning, BBC
Adeola Pilgrim MRTPI	Principal Planner, BBC
Lisa Richardson	Principal Planner, BBC
Charlotte McKay cFILEX	Principal Lawyer, BBC
Anne Cook	Principal Infrastructure Planning Officer, Essex County Council

FOR THE APPELLANT:

Zack Simons, of Counsel. He called:

Colin Pullan	Head of Urban Design and Masterplanning, Lambert Smith Hampton
Charles Crawford CMLI	Director, LDA Design
Hywel James MRTPI	Associate, Nexus Planning
Oliver Bell MRTPI	Director, Nexus Planning
James Stacey MRTPI	Senior Director, Tetlow King Planning Ltd
Ben Standing	Partner, Browne Jackson
Dominick Veasey MRTPI	Director, Nexus Planning
Hywel James MRTPI	Associate, Nexus Planning

ANNEX B: DOCUMENTS SUBMITTED DURING THE INQUIRY

- 1 Addendum to Statement of Common Ground – Housing Issues, dated 20 September 2022
- 2 Affordable Housing Proof of Evidence Addendum and Errata Note of James Stacey BA (Hons) Dip TP MRTPI
- 3 *Herbert Hiley and The Secretary of State for Levelling Up, Housing and Communities vs East Lindsey District Council* [2022] EWHC 1289 (Admin)
- 4 Appellant’s Opening and List of Appearances
- 5 Opening Statement on behalf of the LPA
- 6 Site Visit Routes, dated September 2022
- 7 Email regarding conditions 27 and 28 from Hywel James, dated 23 September 2022
- 8 Open Space Plan/Management Plan Ref 1760/L/02
- 9 Closing submissions on behalf of the LPA, by Giles Atkinson, dated 23 September 2022
- 10 Appellant’s Closing Submissions, by Zack Simons and Isabella Buono, dated 23 September 2022

ANNEX C: CONDITIONS SCHEDULE

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs 16007/400; 1760/P/01 Rev B; 16007-10, 11 Rev B, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 Rev A, 35, 36, 37, 38, 39, 100, 101.

Pre-commencement

- 3) No development shall commence, including any works of demolition, until a Construction Environmental Management Plan (CEMP) and Site Waste Management Plan (SWMP) for the proposed development has been submitted to and approved in writing by the Local Planning Authority. The Plans shall incorporate details of:
 - a) the parking of vehicles of site operatives and visitors (construction traffic management);
 - b) loading and unloading and the storage of plant and materials used in constructing the development;
 - c) the erection and maintenance of security hoardings including decorative displays and facilities for public viewing, where appropriate;
 - d) wheel and underbody washing facilities;
 - e) measures to control the emission of noise, dust and dirt during construction;
 - f) a scheme for recycling/disposing of waste resulting from demolition and construction works; and,
 - g) details of a nominated developer/resident liaison representative with an address and contact telephone number to be circulated to those residents consulted on the application by the developer's representatives. This person will act as first point of contact for residents who have any problems or questions related to the ongoing development.

The approved CEMP and SWMP shall be implemented for the entire period of the construction works.

No materials produced as a result of the site development or clearance shall be burned on site.

- 4) Prior to the commencement of development, a construction environmental management plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Local Planning Authority following the recommendations made within the Ecological Impact Assessment ref. INL20854_EcIA dated 17.05.2022. The CEMP: Biodiversity shall include the following:
 - a) Risk assessment of potentially damaging construction activities;
 - b) Identification of "biodiversity protection zones";

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and,
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 5) A. No above ground new development, including demolition, shall commence until an updated Biodiversity Survey has been submitted to and approved in writing by the Local Planning Authority.
B. A Biodiversity Enhancement Strategy for any identified protected and priority species in accordance with the Biodiversity Survey approved at A., shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of the relevant part of the development. The content of the Strategy shall include the following:
 - a) measures equivalent to a 10% net gain in biodiversity;
 - b) purpose and conservation objectives for the proposed enhancement measures;
 - c) detailed designs to achieve stated objectives;
 - d) timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
 - e) locations of proposed enhancement measures by appropriate maps and plans;
 - f) persons responsible for implementing the enhancement measures; and,
 - g) details of initial aftercare and long-term maintenance (where relevant).C. The Strategy shall be implemented in accordance with the approved details and timetable and, where appropriate, shall be retained in that manner thereafter.
- 6) No development shall commence, including any works of demolition, until an updated desk-top study has been submitted to and approved in writing by the Local Planning Authority, to identify and evaluate all potential sources of contamination and the impacts on land and/or controlled waters, relevant to the proposed development.
- 7) If identified as being required following the completion of the desk-top study required pursuant to condition 6, a site investigation shall be carried out prior to commencement of development and effectively characterise the nature and extent of any land contamination and/or pollution of controlled waters. It shall specifically include a risk

assessment that adopts the Source-Pathway-Receptor principle, in order that any potential risks are adequately assessed, taking into account the sites existing status and proposed new use. The site investigation and findings shall be submitted to and approved in writing by the Local Planning Authority within three months of their completion.

- 8) If identified as being required following the completion of the site investigation pursuant to condition 7, a written method statement detailing the remediation requirements for land contamination and/or pollution of controlled waters affecting the site, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. Development shall be carried out in accordance with the written method statement. If, during redevelopment, contamination not previously considered is identified, then the Local Planning Authority shall be notified immediately, and no further work shall be carried out until a method statement detailing a scheme for dealing with the suspected contamination has been submitted to and approved in writing by the Local Planning Authority and all requirements shall be implemented and completed in accordance with the approved method statement.
- 9) Following completion of measures identified in the remediation scheme pursuant to condition 8, a full closure report shall be submitted to and approved in writing by the Local Planning Authority. The report shall provide verification that the required works regarding contamination have been carried out in accordance with the approved method statement(s).
- 10) A. No development shall commence until:
 - i. A programme of archaeological investigation has been secured in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the Local Planning Authority; and,
 - ii. Any fieldwork required in accordance with the submitted WSI has been completed.

B. A Final Archaeological Report shall be submitted to and approved in writing by the Local Planning Authority, prior to occupation of the development.

C. The deposition of a digital archive with the Archaeological Data Service must be submitted within six months of the completion of any fieldwork required.
- 11) No development shall commence, including any works of demolition, until all trees to be retained have been protected by secure, stout exclusion fencing erected at a minimum distance equivalent to the branch spread of the trees and in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations. The protective fencing shall be retained for the duration of the construction process.
- 12) The hard landscaping scheme set out in drawing Ref INL20854-12-Sheets 1, 2 and 3 and drawing Ref INL20854_10 shall be updated to accord with the additional landscaping features shown on drawing Ref 1760/P/01 Rev B. The updated hard landscaping scheme shall be submitted to and

approved in writing by the Local Planning Authority prior to the commencement of development. The approved hard landscaping scheme shall be implemented prior to occupation of the development in accordance with the approved details.

- 13) The soft landscaping scheme set out in drawing Ref INL20854-11-Sheets 1, 2 and 3 and drawing Ref INL20854_10 shall be updated to accord with the additional landscaping features shown on drawing Ref 1760/P/01 Rev B. The revised soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The approved landscaping scheme shall be carried out in the first planting and seeding seasons following the occupation or completion of the development, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Specific triggers

- 14) Prior to installation of external façade surfaces, full details, including samples, specifications, annotated plans and fire safety ratings, of all materials to be used in the construction of the external surfaces shall be submitted to and approved in writing by the Local Planning Authority. The external façade surfaces shall only be implemented in accordance with the approved details and shall be retained at all times thereafter.
- 15) No above ground new development shall commence, until an updated and detailed surface water drainage scheme for the proposed development, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following:
- a) Demonstrate that all storage features can half empty within 24 hours for the 1 in 30 plus 40% climate change critical storm event;
 - b) Final modelling and calculations for all areas of the drainage systems for all storm events up to and including the 1 in 100 year rate plus 40% allowance for climate change; and,
 - c) A final drainage plan which details exceedance and conveyance routes, FFL and ground levels, and location and sizing of any drainage features.

The approved scheme shall be implemented prior to occupation of the development.

- 16) No above ground new development shall commence until an Energy and Sustainability Strategy has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the development and shall be maintained at all times thereafter.
- 17) No above ground new development shall take place until details of the existing and finished site levels and the finished floor and ridge levels of the proposed development have been submitted to and approved in

writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Pre-occupation

- 18) Prior to occupation of the development, a Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. This must include details of management of trees on site. The content of the LEMP shall include the following:
- a) Description and evaluation of landscape and ecology to be managed to include all woodland;
 - b) Ecological trends and constraints on site that might influence management;
 - c) Aims and objectives of management (The southern and western boundary hedgerows will be protected from the development with garden fences, to prevent inappropriate management by the residents. The hedgerows will be appropriately managed long term by a management company);
 - d) Appropriate management options for achieving aims and objectives;
 - e) Prescriptions for management actions;
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
 - g) Details of the body or organisation responsible for implementation of the plan; and,
 - h) Ongoing monitoring and remedial measures.

The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved LEMP shall be implemented in accordance with the approved details.

- 19) A. Prior to occupation of the development, the access at its centre line shall be provided with a visibility splay with dimensions of 2.4 metres by 63 metres to the north and 2.4 metres by 64 metres to the south, as measured from and along the nearside edge of the carriageway to a 1 metre offset, as shown in principle on planning application drawing Ref 151883/PD02 rev A prepared by Vectos. Such vehicular visibility splays shall be retained free of any obstruction at all times.
- B. The width of the access at its junction with the highway shall not be less than 6 metres and shall be provided with two appropriate kerbed radii as shown in principle on planning application drawing Ref 1760/P/01 rev B prepared by Archtech.
- C. Prior to occupation of the development, footways a minimum of two metres wide shall be provided on both sides of the vehicular access. The footways shall extend from the site around the bellmouth junction, include a dropped kerb pedestrian crossing point and tie in with the existing footways on Southend Road.

- D. Prior to occupation of the development the internal estate road and footways shall be constructed as shown in principle on planning application drawing Ref 1760/P/01 rev B prepared by Archtech.
- E. Prior to occupation of the development, vehicular turning facilities, as shown on planning application drawing Ref 1760/P/01 rev B prepared by Archtech shall be constructed, surfaced and maintained free from obstruction within the site at all times for that sole purpose.
- 20) Prior to first occupation of the flats, details of the proposed secure and covered cycle parking for future occupiers of these units shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be made available prior to first occupation of the flats in accordance with the approved details and thereafter permanently retained.
- 21) No dwelling shall be occupied unless and until the existing bus stops known as Factory Site located on Southend Road adjacent to the site have been upgraded to provide raised Kassel kerbs, associated footway reprofiling, installation of bus stop clearway markings for both northbound and southbound stops, and a dropped kerb pedestrian crossing point provided on both sides of Southend Road in the vicinity of the northbound and southbound bus stops, in accordance with details that shall have previously been submitted to and approved in writing by the Local Planning Authority.
- 22) Prior to the first occupation of the relevant dwelling, a Residential Travel Information Pack (RTIP) for sustainable transport shall be submitted to and approved in writing by the Local Planning Authority. The RTIP shall subsequently be provided to the first occupant(s) of the relevant dwelling prior to first occupation of that dwelling. The RTIP shall include six one day travel vouchers for use with the relevant local public transport operator.
- 23) Prior to the first occupation of the proposed development, a lighting design scheme for biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify those features on site that are particularly sensitive for bats and that are likely to cause disturbance along important routes used for foraging; and show how and where external lighting will be installed (through the provision of appropriate technical specification) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. No external lighting shall be installed other than in accordance with the specifications and locations set out in the approved scheme and maintained thereafter in accordance with the scheme.
- 24) Prior to occupation of the development, a Maintenance Plan detailing the maintenance arrangements, including who is responsible for different elements of the surface water drainage system, and the maintenance activities / frequencies, shall be submitted to and approved writing by the Local Planning Authority. Should any part be maintainable by a maintenance company, details of long-term funding arrangements should also be provided. Drainage maintenance shall be carried out thereafter in accordance with the approved details. The applicant(s) or any successor(s) in title must maintain yearly Drainage Logs of maintenance which should be carried out in accordance with any approved

Maintenance Plan. These must be available for inspection upon a request by the Local Planning Authority.

- 25) Prior to occupation a detailed residential refuse and recycling strategy for the development, including the design and location of the refuse and recycling stores, shall be submitted to and approved in writing by the Local Planning Authority. The approved refuse and recycling stores shall be provided before the occupation of the development and thereafter permanently retained.

Pre-completion

- 26) A. The development hereby permitted shall use reasonable endeavours to achieve a Gold award of the Secured by Design for Homes (2019 Guide) or any equivalent document superseding this Guide.
- B. A certificated Post Construction Review, or other verification process agreed with the Local Planning Authority, shall be provided upon completion of the development confirming that the agreed standards at A. have been met.
- C. In the event that the agreed standards at A. are not achievable then prior to completion of the development the applicant shall submit to the Local Planning Authority for approval in writing justification for this and details of the highest award of the Secured by Design for Homes (2019 Guide) or any equivalent document superseding this Guide which is achievable for the development.
- D. A certificated Post Construction Review, or other verification process agreed with the Local Planning Authority, shall be provided upon completion of the relevant Phase of the development, confirming that the agreed standards at C., as relevant, have been met.

For observation

- 27) All works shall take place in accordance with the recommendations set out in the approved Arboricultural Impact Assessment and Method Statement Ref INL20854aia-amsA Rev A dated 10/02/2022 and the associated Tree Protection Plan Ref INL-20854-03 Rev B. Any works connected with the approved scheme within the branch spread of the trees shall be by hand only. No materials, supplies, plant or machinery shall be stored, parked or allowed access beneath the branch spread or within the exclusion fencing. Any trees that are damaged or felled during construction work must be replaced with semi-mature trees of the same or similar species in the next planting season, if not sooner.
- 28) All mitigation and enhancement measures and/or works shall be carried out in accordance with the details contained in the updated Ecological Impact Assessment (May 2022).

=====END OF SCHEDULE=====