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COMMERCIAL PROPERTY ADVICE



SUPPORTING PLANNING STATEMENT

Town and Country Planning Act 1990

Planning and Compulsory Purchase Act 2004

Localism Act 2011

Land at Crabtree Farm, Hinckley Road, Barwell, Leicestershire

- **Application A : Full Planning Application for the Development of 16 Dwellings and Associated Infrastructure (North East Parcel)**
- **Application B : Full Planning Application for the Development of 51 Dwellings, and Associated Infrastructure (Eastern Parcel)**
- **Application C : Full Planning Application for the Development of 14 Dwellings and Associated Infrastructure (North West Parcel)**
- **Application D : Full Planning Application for the Development of 45 Dwellings, and Associated Infrastructure (Western Parcel)**

On Behalf Of: Barwell Capital

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Land at Crabtree Farm, Hinckley Road, Barwell, Leicestershire

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1.0 INTRODUCTION

1.1 This Supporting Planning Statement (“**SPS**”) has been prepared by Harris Lamb Planning Consultancy (“**HLPC**”) on behalf of Barwell Capital (“**the Applicant**”). It supports four separate planning applications proposing the residential led development of a parcel of land to the south of Hinckley Road, Barwell, known as Crabtree Farm (“**the Application Site**”). The Applicant is the owner of the site.

1.2 As detailed within this SPS the entirety of the Application Site has the benefit of residential planning permission. The purpose of the four planning applications is to increase the number of dwellings across the site, making the most efficient use and maximising the development opportunity presented by this sustainable and deliverable location.

1.3 The planning applications are all submitted as ‘full’ applications. The Descriptions of Developments, as they appear on the applications forms are:

- Application A – Proposed construction of 16 dwellinghouses with garage and associated driveway, and associated infrastructure – north east corner of the Application Site.
- Application B – Proposed construction of 51 dwellinghouses with garage and associated driveway, open space, landscaping, drainage and LEAP – eastern section of the Application Site.
- Application C – Proposed construction of 14 dwellinghouses with garage and associated driveway, and associated infrastructure – north west corner of the Application Site.
- Application D – Proposed construction of 45 dwellinghouses with garage and associated driveway, open space, landscaping, drainage and LEAP – western section of the Application Site.

- 1.4 The applications have been submitted simultaneously so they can be determined concurrently. The four planning applications have been prepared to bring forward the development of the site as a whole and provide a comprehensive design solution. The plan provided in Appendix 1 demonstrates how the entirety of the site would be developed if planning permission is granted for each scheme.

Rationale Behind the Planning Application Submission

- 1.5 On 6th October 2023 the Council granted full planning permission reference 22/01053/FUL, that allowed for the development of 45 dwellings with garages, associated driveways, open space, landscaping and a LEAP on the western section of the Application Site. This planning permission is an extant planning permission.
- 1.6 On 31st March 2023 planning application reference 21/00695/FUL was approved at appeal, granting full planning permission for the development of 51 dwellings with associated access and parking on the eastern section of the Application Site.
- 1.7 Regulation 8 of the 2012 Fee Regulations allows for a “free go”, meaning that a planning application can be made without paying a fee where:
- The application is made by or on behalf of the same applicant.
 - The application is made within 12 months of the date of the grant of planning permission or the grant of the approval of Reserved Matters.
 - That the application relates to the same site and to no other land except land included solely for the purposes of providing a means of access to the site.

- Where the form of the application is the same (i.e. a full planning application can only be submitted where the site has a full planning permission).
- 1.8 It is, therefore, possible to submit “free go” applications in respect of the two aforementioned planning permissions. Planning Application D, proposing the development of 45 dwellings, is a “free go” application made in conjunction with planning permission reference 22/01053/FUL. Planning Application B, for the development of 51 dwellings, is a “free go” planning application made in respect of planning permission reference 21/00695/FUL.
- 1.9 As required by Regulation 8 of the 2012 Fee Regulations the extent of the red line for these applications is exactly the same at the preceding planning permission. In both cases the residential development is focused on the central and southern sections of the site, meaning that with the exception of the road access and attenuation basin, no development is proposed within the northern sections of the site. The layout plans for these applications are provided in Appendix 2 and 3. The wider development scheme is ‘hatched out’ on each plan to demonstrate how the schemes interrelate.
- 1.10 Planning Applications C and A propose the development of 14 and 16 dwellings respectively. Both applications relate to the northern section of the Application Site. They propose the development of new housing in the surplus land identified by Planning Applications B and D. They in no way compromise the delivery of Planning Applications B and D or directly affect the delivery of the schemes in any way (thereby passing the Hillside Parks Limited case). The layout plans for these applications are provided in Appendix 3 and 4. The wider development scheme is ‘hatched out’ on each plan to demonstrate how the schemes interrelate. Both these planning applications incur an application fee.
- 1.11 Whilst a single planning application could have been submitted for the entire scheme, the Applicant is entitled to a “free go” in respect of the 45 and 51 dwellings previously approved, having paid the appropriate application fee for

these schemes. As a consequence, the development is being delivered by way of 4 separate planning applications. Whilst it is acknowledged that this approach is unusual, it is entirely appropriate within the confines of the fee regulations and allows for the comprehensive redevelopment of the site in exactly the same way as a single planning application would.

The Supporting Planning Statement

- 1.12 This SPS has been prepared in order to help inform the determination of all four planning applications by demonstrating that the proposed developments are sustainable and suitable. A review of the planning policies relevant to the determination of the applications has been undertaken. Where appropriate appeal decisions and previous planning permissions are referred to in order to assist in the proper interpretation of Local Plan policies and the weight to be attached to material considerations. It is HLPC's view that there are significant material considerations to support the grant of planning permission, not least that the fact that the site already has the benefit of residential planning permission.
- 1.13 This SPS should be read alongside the other application documents and does not seek to repeat information that can be found elsewhere in the submission. For example, each planning application is accompanied by a standalone Design and Access Statement that identifies and addresses the relevant design policies. Design policies are not, therefore, addressed in the SPS in order to avoid unnecessary duplication. The Design and Access Statement also explains how the design of each parcel of land relates to one another and how the scheme as a whole delivers a comprehensive development.
- 1.14 The SPS relies upon the conclusions of the supporting reports, it addresses matters in relation to the principle of development only.

2.0 DESCRIPTION OF PROPOSALS

- 2.1 The four planning applications propose the comprehensive development of the Application Site. The Design and Access Statements accompanying each application provide a detailed description of each proposed development and an explanation as to how the scheme works in its entirety. Set out below is a summary of the Applicant's development aspirations for the Application Site as a whole, followed by a brief description of the key elements of the four separate planning applications.

Crabtree Farm – Comprehensive Redevelopment Proposal

- 2.2 The four planning applications as a whole propose the development of the Crabtree Farm site for a total of 126 dwellings with associated children's play area, balancing pond, public open space and infrastructure.
- 2.3 The scheme has been designed so that there will be two accesses to the site from the Hinckley Road. The eastern access will serve 67 dwellings and the western access, 59 dwellings. A central spine road is located through the middle of both sites, with secondary roads and private drives serving the dwellings.
- 2.4 The northern section of the site has been designed so that the western most properties have the same building line as the existing properties facing on to the Hinckley Road to the east. A balancing pond is located towards the central section of the northern part of the site. To the west of the balancing pond is an area of open space that separates the dwellings in this location from Hinckley Road to the north. All of the dwellings on the northern edge of the site face towards Hinckley Road to create an attractive outlook.
- 2.5 The eastern boundary of the site adjoins existing residential properties. The dwellings in this location have been positioned to protect the privacy and amenity of these dwellings whilst reflecting their scale and location. The scheme allows for an access to be created to the existing play area to the

east of the site and with potential connections to Crabtree Road and Powers Road to the east.

- 2.6 The dwellings on the southern edge of the site all face outwards and are served by private drives. This helps create a transition between the development site and the open fields beyond. There is the opportunity for landscape planting along the southern edge of the site helping to enhance and reinforce the existing hedgerow in this location.
- 2.7 The western boundary of the site is formed by a landscape buffer that extends the entire length of the site. There is existing hedgerow in this location that will be reinforced through additional planting to help create a clear degree of separation between the built up area of Barwell and the fields to the west.
- 2.8 A LEAP is located towards the centre of the site so it is within easy access of all the site's residents. The scheme as a whole provides a variety of property types helping to ensure that it meets the needs of all the community.
- 2.9 In order to assist in the determination of this application an overall masterplan plan is provided. This plan demonstrates how the site can be brought forward in a comparative fashion through the combination of all four planning applications. The overall masterplan can be found at Appendix 1.
- 2.10 Submitted with each applications are individual masterplans, that show the development proposed by that scheme and how it interacts with the adjoining development proposals. The boundary plan identifies the extent of the red line for each application and the development proposed within the red line. The plans also show the development proposed by the three other planning applications, cross hatched out, so it can be clearly seen what development is proposed by each application. The boundary plans for Applications A, B, C and D can be found at Appendices 2 to 5 of this SPS.

Planning Application A – 16 dwellinghouses with garage and associated driveway, and associated infrastructure

2.11 Planning Application A relates to the north east corner of Crabtree Farm. Full planning permission is sought for the development of 16 dwellings and associated infrastructure, including a balancing pond.

2.12 This scheme is served by a central spine road connected to the Hinckley Road to the immediate west of 45 Hinckley Road. 11 properties are proposed to the west of the spine road and a further 3 to the east. The majority of the properties front on to the Hinckley Road or spine road.

Planning Application B – 51 dwellinghouses with garage and associated driveway, open space, landscaping, drainage and LEAP

2.13 Planning Application B has the same red line as planning permission 21/00695/FUL. It is a full planning application proposing the development of 51 dwellings, a balancing pond, LEAP, public open space and associated infrastructure. The balancing pond is proposed in the same location and is identical to balancing pond proposed by application A, so it is consistent across the entire development. The balancing pond is required to serve the development proposal.

2.14 The site is connected to the Hinckley Road by a spine road that passes through the site of Application A. The dwellings in the central section and southern edge of the site are accessed from the spine road, or a series of private drives connecting to the spine road. The dwellings on the eastern edge of the site are designed and arranged to respond and reflect the character of the properties to the east. The dwellings on the southern edge of the site face outwards, across the private drive, to the countryside beyond.

2.15 The LEAP is located on the western central boundary of the site. It is in the same location as that shown by Application D.

Planning Application C – 14 dwellinghouses with garage and associated driveway, and associated infrastructure

- 2.16 The red line for Planning Application C encompasses land generally located in the north west corner of the Crabtree Farm site. The application is a full application for 14 dwellings alongside the balancing pond and associated infrastructure. The red edge of this application overlaps with Application A, so that both schemes can provide the balancing pond, as this drainage infrastructure is required to serve both developments.
- 2.17 This site is served by an access from Hinckley Road. The access road broadly follows the western edge of the Application Site extending to the site's southern boundary. 13 of the residential properties are located to the east of this road, predominantly serviced from a private drive. A further residential dwelling is proposed on the western edge of the site.

Planning Application D – 45 dwellinghouses with garage and associated driveway, open space, landscaping, drainage and LEAP

- 2.18 Planning Application D encompasses the western edge of the Crabtree Farm site. The red line is the same as that for planning permission 22/01053/FUL.
- 2.19 This planning application proposes the development of a balancing pond in the north east corner of the site. This is the same position as the balancing pond proposed in the other applications. It also includes the first part of the spine leading towards the central and southern sections of the site, in exactly the same way as Planning Application B includes the part of the spine road shown in Application A.
- 2.20 8 dwellings are proposed in the north west corner of the site. These dwellings have a shared rear garden line and face north and south towards the Hinckley Road and a private drive. The dwelling at the entrance to the site and where the spine road turns are corner turners.
- 2.21 The central and southern section of the site provides the remainder of the dwellings. The dwellings on the western edge of the site face the central spine road and the rear gardens immediately abut the landscape buffer that runs

along the full edge of the site. The properties on the southern edge of the site face outwards, overlooking the fields beyond. The dwellings in the centre east of the site are accessed from private drives, beyond which is the LEAP and an area of public open space.

- 2.22 It is appreciated that there is an interrelationship between all four schemes. It is the Applicant's view that the four schemes are entirely capable of independent implementation. However, if it is deemed necessary by Officers, the Applicant would be happy to discuss the use of conditions, or a planning obligation, in order to ensure that the scheme is brought forward as a whole.

3.0 DESCRIPTION OF THE APPLICATION SITE AND SURROUNDING AREA

- 3.1 Crabtree Farm as a whole comprises an irregular shaped greenfield site extending to approximately 4.8 hectares. It is an agricultural / pastoral field, albeit the full extent of the site has the benefit of extant planning permission for residential development.
- 3.2 The northern boundary of Crabtree Farm extends along the edge of the Hinckley Road. An area of trees separates the north western corner of the site from Hinckley Road. The eastern boundary of the site adjoins the gable ends of 45 Hinckley Road, 18 and 13 Crabtree Road and 13 and 14 of Powers Road. The southern edge and eastern edge of the site is formed by a well-defined hedge boundary.
- 3.3 To the north of the site is ribbon residential development along Hinckley Road, that extends beyond the western edge of the site. The land to the immediate east of the site is residential in nature, with Tweeds River Play Park located to the immediate east of the Application Site. To the south and west of the site are a series of fields and the A47 separating the site from Hinckley.
- 3.4 There are no particular features of note within Crabtree Farm. It is not subject to any environmental designation referred to in paragraph 6 of the National Planning Policy Framework (***“the Framework”***). It is not a designated habitat site, SSSI, Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, National Park, Defined Heritage Coast, irreplaceable habitat, a Designated Heritage Asset or an area at risk of flooding or coastal change.
- 3.5 Crabtree Farm is located in a sustainable location for development. This is demonstrated by the fact that the site has previously been granted planning permission for housing. Barwell has a good range of shops, services and facilities including an infant and primary school, a number of shops, including a Co-op supermarket, restaurants, public houses, a bank, medical centre and village / community hall, all of which are located within one kilometre of the site and are therefore accessible by walking and cycling.

3.6 Employment opportunities are available in the industrial estate located on the north side of Mill Street, just to the north of Crabtree Farm. Higher order shops, services and employment opportunities, along with secondary school provision, can be found in Hinckley which is located approximately 2km to the south of Barwell.

3.7 The closest bus stops to Crabtree Farm are located on Hinckley Road, approximately 200 metres from the entrance to the site, with services 43 and 158 stopping here and providing links to the centre of Barwell, Leicester, Nuneaton and Coventry. The closest train station is in Hinckley which provides links between Leicester and Birmingham.

Application A Site

3.8 Application Site A is located in the north east corner of Crabtree Farm. It extends to 0.94 hectares in size. It forms part of an undeveloped open field.

Application B Site

3.9 The red line for Application B Site encompasses the eastern section of Crabtree Farm. It extends to approximately 2.5 hectares in size. It comprises an agricultural field with strong defensible boundaries.

Application C Site

3.10 Application C Site is located in the north west corner of Crabtree Farm. It extends to 0.64 hectares in size and is part of the larger area of open fields with tree lined and well-defined landscape boundaries.

Application D Site

- 3.11 The red line of Application Site 3 encompasses the western part of Crabtree Farm. It extends to 2.29 hectares in size. It is in open field with tree lined, well-defined landscape boundaries.
- 3.12 The extent of each application site red line can be found in Appendices 2 to 5 of this SPS accordingly. The full extent of the Application Site can be seen on the plan provided at Appendix 1.

4.0 PLANNING HISTORY

- 4.1 Crabtree Farm been the subject of a number of different planning applications during the course of the last 5 years. There are two planning applications that are particularly relevant to the proposed development.

Planning Application Reference 21/00695/FUL

- 4.2 On 12th July 2021 the Council registered planning application 21/00695/FUL. This planning application proposed the redevelopment of part of Crabtree Farm for 51 dwellings with associated access and parking. A non-determination appeal was made following Hinckley and Bosworth Borough Council failing to determine the application within the prescribed time. Planning permission was granted at appeal on 31st March 2023. Condition 1 requires the development to commence within 3 years of the date of grant of planning permission. As such the Applicant has until 31st March 2026 to start development. This is, therefore, an extant planning permission that is entirely capable of implementation.

- 4.3 In determining the appeal the Inspector identified 5 main issues, namely:
- The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of occupier of the development;
 - The effect of the proposal on the occupier of a neighbouring dwelling, 13 Powers Road;
 - Whether or not the proposal would safeguard protected species and provide a net biodiversity gain; and

- Whether or not the proposal makes appropriate provision for affordable housing and other infrastructure facilities necessary to make the development acceptable.

4.4 Having considered these matters the Inspector found that the development was acceptable in all regards and subsequently granted planning permission. This is an important matter in the consideration of Planning Applications A and B, given that they related to the same site.

Planning Application Reference 22/01053/FUL

4.5 Planning application reference 22/01053/FUL was registered by the Council on 7th November 2022. Planning permission was sought for the construction of 45 dwellings with garages and associated driveways, open space, landscaping, drainage and a LEAP. The local authority granted planning permission for a scheme on 6th October 2023.

4.6 Condition 1 of the planning permission requires that development to begin before the expiration of 3 years from the date of the permission i.e. 7th November 2025. The scheme is, therefore, entirely capable of implementation.

4.7 Planning permission was granted under delegated powers. The Delegated Officer's report concludes that the proposed development constitutes sustainable development (paragraph 10.1). It is advised that the development falls within what is "now regarded to be the settlement boundary" (paragraph 10.2). No adverse impacts were identified to arise from the scheme that would significantly and demonstrably outweigh the public benefits (paragraph 10.4). Weighing all the factors into the planning balance, having regard to the NPPF as a whole, it was considered that the development proposal represents a sustainable form of development and planning permission should be granted subject to the implementation of conditions and an appropriate S.106 agreement. This is a key consideration in the determination of Planning Applications C and D as they relate to the same site.

- 4.8 These planning applications are key material planning considerations in the determination of the schemes. They establish that the principle of residential development in this location is acceptable. That being the case, it is the Applicant's view that the principal matter for the local authority to consider in the determination of all four planning applications is the impact of the additional development proposed over than that already approved.

5.0 RELEVANT PLANNING POLICY CONSIDERATIONS

5.1 The statutory Development Plan is the starting point for the determination of planning applications, as set-out in S.38(6) of the Planning & Compulsory Purchase Act 2004 (***“the 2004 Act”***) and paragraph 2 and 47 of the Framework. The Development Plan consists of:

- The Hinkley & Bosworth Core Strategy 2009 (***“the CS”***)
- The Hinkley & Bosworth Site Allocations and Development & Management Policies DPD 2016 (***“SADMP”***); and
- The Earl Shilton & Barwell Area Action Plan 2014 (***“ESBAAP”***)

5.2 The ESBAAP has no direct relevance to the principle of the proposed development. The Application Sites are adjacent to, but outside of the ESBAAP boundary.

5.3 Set out below a summary of the principal Development Plan policies relevant to the proposed developments and a commentary on the weight that can be attached to the various policies. There are a series of planning policy documents, including the Framework, that are material considerations. These are identified below, along with our view on the weight that can be attached to these material planning considerations in the decision making process. Given that the full Application Sites adjoin one another and the proposal is an approach to the comprehensive redevelopment of Crabtree Farm, the Development Plan policy position affecting each application is the same.

i) The Development Plan

Hinkley & Bosworth Core Strategy

5.4 The CS was adopted in 2009 and was prepared to provide policy guidance for the period 2006 to 2026. Relevant policies include:

- Policy 3: Development in Barwell

- Policy 6: Hinckley/Barwell/Earl Shilton/Burbage Green Wedge
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure

- 5.5 As the CS was adopted in 2009 and was prepared prior to the publication of the Framework 2012 and its subsequent updates. It does not reflect a number of the objectives and requirements of the Framework. The CS is an 'old style' core strategy, providing policy guidance and the identification of development needs up to 2026. Other than the identification of two Sustainable Urban Extensions ("**SUE**"), specific sites for development are not identified. The SUEs are allocated on greenfield sites.
- 5.6 The CS was prepared to be in general accordance with the East Midlands Regional Plan (March 2009), which was revoked in April 2013. The East Midlands Regional Plan identified a housing requirement of 9,000 dwellings for HBBC. The East Midlands Regional Plan used 2003-based population projections to establish the housing requirement for the constitute authorities. Accordingly the development needs upon which the CS are based are completely out of date. Furthermore, the overarching spatial strategy for development in the East Midlands Regional Plan sought to focus major new development in the Principal Urban Areas of Nottingham, Leicester and Derby, in order to promote regeneration, thereby restricting growth in the more rural parts of the region.
- 5.7 The CS spatial strategy seeks to direct growth to the most sustainable settlements in the Borough, which includes Hinkley, Earl Shilton, Burbidge and Barwell. The CS recognises that the four main settlements act together, as an 'urban area' with clear linkage between them.
- 5.8 **Policy 3** identifies that Barwell is an urban area which supports Hinckley as a sub-regional centre. The policy supports the development of a minimum of 45 dwellings within the settlement boundary and allocates land for a sustainable

mixed use urban extension to accommodate 2,500 dwellings and 15 hectares of employment land, neighbourhood shops, a new primary school and children's centre, GP surgery, neighbourhood policing and greenspace provision.

5.9 Whilst the policy seeks to direct new housing development to within the settlement boundary, or to the new SUE, it is clear there is not sufficient available urban capacity within the settlement boundary to accommodate any meaningful growth. Hence the requirement for just 45 dwellings within the settlement boundary and the reliance on the SUE for housing delivery. In any event, the housing requirement for HBBC is based on the now defunct Regional Plan, which used 2003-based household projections to determine the housing requirement. As such, the housing requirement is completely out of date. The settlement boundaries HBBC defined when adopting the CS were also based on the level of growth set for the borough by the Regional Plan and, as such, these must also be considered out of date, as they are based on out of date development needs. Indeed, it is noteworthy that that the delegated Committee Report for planning application reference 22/01053/Ful advises at paragraph 10.2 that the Application Sites are “within what is now regarded to be the settlement boundary”.

5.10 The Application Sites are located within the Hinckley / Barwell / Earl Shilton / Burbage Green Wedge and as such Policy 6 is relevant. It seeks to protect the Green Wedge from unacceptable development and identifies acceptable land uses, provided the operational development associated with the use does not damage the function of the Green Wedge. The policy lists the acceptable uses as:

- a) Agriculture, including allotments and horticulture not accompanied by retail development
- b) Recreation
- c) Forestry
- d) Footpaths, bridleways and cycleways
- e) Burial grounds

f) Use for nature conservation

5.11 **Policy 6** also requires that any land use or associated developments in the Green Wedge should:

- a) Retain the function of the Green Wedge;
- b) Retain and create green networks between the countryside and open spaces within the urban areas;
- c) Retain and enhance public areas to the Green Wedge, especially for recreation; and
- d) Should retain the visual appearance of the area.

5.12 The policy is worded as a permissive policy stating which use would be acceptable as opposed to specifically excluding or prohibiting uses that would not be acceptable in the Green Wedge. It is accepted that residential development is not identified as an acceptable land use in the Green Wedge. However, residential development need not be harmful and, therefore, unacceptable as a matter of principle within the Green Wedge. Policy 6 goes on to identify criteria against which any application must be judged and sets-out four provisions. However, the fact that the development strategy of the CS is out of dates means Policy 6, as a policy important to the determination of the application, is out of date in accordance with the provisions of paragraph 11.d of the Framework.

5.13 **Policy 15** states that to support the provision of mixed, sustainable communities, a minimum of 2,090 affordable homes will be provided in the borough from 2006 to 2026. Policy 15 seeks the provision of 20% affordable housing on all sites in urban areas of 15 dwellings or more or 0.5 hectares or more with a tenure split of 75% for social rent and 25% for intermediate tenure.

5.14 **Policy 16** requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings and that new development on sites within and adjoining Hinckley, Burbage, Barwell and Earl Shilton should be a minimum net density of 40 dwellings per hectare. The policy states that, in exceptional

circumstances, and where individual site characteristics dictate and are justified, a lower density may be acceptable. The Framework encourages the efficient use of land and to ensure that a variety of homes are provided to meet the needs of different groups in the community, although it states that policies and decisions should take into account the desirability of maintaining an area's prevailing character and setting (paragraph 124d). Policy 16 only allows such matters to be considered in "exceptional circumstances", an approach not found within the Framework. Nevertheless, the Framework and Policy 16 do recognise the need to have regard to site characteristics when assessing density and, as such, the policy can be attributed some weight in the decision-making process.

- 5.15 **Policy 19** identifies standards for the provision of green space and play provision within HBBC.
- 5.16 **Policy 20** states that the Green Wedge between Hinckley and Barwell should be maintained as it plays an important environmental and landscape protection role. It also advocates that the Green Wedge is developed into a large scale recreational asset to service the Sustainable Urban Extensions and residents living in North Hinckley. The policy is consistent with paragraph 98 of the Framework, in that it seeks to enhance green infrastructure. However, the policy refers to the protection of landscape in general terms. Protecting a landscape which is not a valued one is inconsistent with paragraph 174 of the Framework and, as such, no weight should be attached to this element of the policy.

Site Allocations and Development Management Policies (2016)

- 5.17 The SADDM was adopted in 2016 and identifies sites for uses such as housing, employment, retail, open space and community facilities that will deliver the aims, vision and objectives of the CS. As such, it seeks only to allocate land by reference to the outdated development requirements contained in the CS and does not, as the Framework requires, meet an up-to-date development need in order to significantly boost the supply of housing.

It also contains 25 development management policies which will be used to assess planning applications over the plan period.

5.18 Relevant policies include:

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM25: Community Facilities

5.19 **Policy DM1** confirms that planning applications that accord with the policies in the Local Plan will be approved without delay unless material considerations indicate otherwise. Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Council will grant permission unless material considerations indicate otherwise. The policy therefore largely replicates the guidance in the Framework.

5.20 **Policy DM3** requires where new development will create a need to provide additional or improved infrastructure, amenities or facilities, developers will be expected to make such provision directly or indirectly through an appropriate funding mechanism. The policy in general accords with the policies in the Framework and can be afforded full weight.

5.21 **Policy DM4** states that to protect its intrinsic value, beauty, open character and landscape character the countryside will first and foremost be safeguarded from unsustainable development. We refer to the inconsistency

between the Framework requirement (to protect valued landscapes and recognise the intrinsic of qualities of other areas of countryside) and the more stringent Development Plan requirement to protect all countryside in the context of the CS Policy 20 above.

- 5.22 The policy goes on to list a series of categories of development that will be considered sustainable in the countryside, subject to meeting a number of other criteria. Forms of development that the policy may consider to be sustainable in the countryside do not include new residential development unless it is for essential rural worker accommodation. Whilst the proposed residential developments are not wholly in accord with this policy, the fact that the boundaries of the countryside were based on out of date development needs in the now revoked Regional Plan means this policy carries limited weight in the decision-making process.
- 5.23 Furthermore, as explained in paragraph 218 of the Framework, the weight to be given to a policy which was made before the date of the Framework will depend upon the degree of consistency with the Framework (the closer the policies in the plan, to the policies in the Framework, the greater the weight that may be given).
- 5.24 Policy DM4 states that the countryside will be “protected” from unsustainable development, in order to protect its intrinsic value, beauty, open character and landscape character. Paragraph 174(a) of the Framework states that only valued landscapes will be protected, whilst other countryside will be “recognised” for its intrinsic character and beauty (Framework paragraph 174(b)). As this site is not a valued landscape it does not warrant the same level of protection as valued landscapes. Policy DM4 is placing a higher level of protection on the countryside per se than the Framework advises. This reduces the weight that can be afforded to policy DM4, as it is not consistent with the Framework.
- 5.25 **Policy DM6** seeks to conserve and enhance features of nature conservation value and retain, buffer or manage favourably such features and that their

removal or damage shall only be acceptable where it can be demonstrated that the proposal will result in no net loss of biodiversity. The policy is in general accordance with the provisions of the Framework and can be afforded full weight.

- 5.26 **Policy DM7** seeks to ensure that new development will not be adversely affected by flooding, by ensuring that it is located away from areas of flood risk. This policy is consistent with the Framework.
- 5.27 **Policy DM10** states that development will be permitted where it complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, material and architectural features. The policy is in general accordance with the design policies of the Framework, except for its reference to 'exceptional circumstances'. This reduces the weight that can be attached to this policy.
- 5.28 **Policy DM11** states that the Council will protect, conserve and enhance the historic environment throughout the Borough.
- 5.29 **Policy DM13** requires developers to adequately assess the potential for archaeological remains to be present on site, and where these are found to be so, to take further investigations and recording of the remains before development commences.
- 5.30 **Policy DM17** states that developments will be supported where they make the best use of existing public transport services, create accessible walking and cycling links to services and demonstrate that there will not be a significant adverse impact on highway safety or an increase in trips.
- 5.31 **Policy DM18** requires all new development to provide an adequate level of parking provision.

ii) Material Considerations

5.32 There are a series of policy documents that are material planning considerations. The relevant sections of these documents are summarised. Below.

a) The National Planning Policy Framework

5.33 The updated version of the Framework was published in September 2023. Guidance on the application of the Framework can be found in Annex 1 – Implementation. In summary, paragraph 218 of the Framework advises that the policies of the Framework are material considerations which should be taken into account from the day of publication. Due weight should be given to relevant policies in existing plans published prior to the publication of the Framework according to their degree of consistency with the Framework (paragraph 219). The closer the policies in the Plan to the policies in the Framework, the greater weight they may be given.

5.34 The CS (2009) was adopted prior to the publication of the Framework. As such the guidance at paragraph 219 of the Framework applies. The policies in the adopted Development Plan should be afforded weight based on their consistency with the policies in the Framework.

5.35 Paragraph 48 of the Framework advises that decision makers may also give weight to relevant policies in the emerging Plan according to:

- a. The stage of preparation of the emerging Plan; the more advanced the preparation, the greater the weight that may be given;
- b. The extent of which there are unresolved objections to relevant policies; the less significant the unresolved objection, the greater the weight that may be given; and
- c. The degree of consistency between the relevant policies in the emerging Plan are to the policies in the Framework; the closer the policies in the emerging Plan are to the policies in the Framework, the greater the weight that may be given.

- 5.36 As detailed below, as the emerging Local Plan is still in the early stages of preparation it is afforded it limited weight in the determination of the application.

Achieving Sustainable Development

- 5.37 The Framework advises that the purpose of the planning system is to facilitate sustainable development. The Framework identifies three objectives of sustainable development, an economic role, a social role and an environmental role. The social role of sustainable development includes providing a supply of housing that will meet the needs of future generations, and this would include the provision of affordable housing.
- 5.38 Paragraph 11 of the Framework advises that for decision making (unless material considerations indicate otherwise) the presumption in favour of sustainable development means:
1. Approving development proposals that accord with an up-to-date Development Plan without delay;
 2. 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:
 - 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.

Delivering a Sufficient Supply of Homes

5.39 The Framework requires local authorities to “significantly” boost the supply of housing (paragraph 60). In order to assist with this objective local planning authorities should, amongst other matters;

- Use a Local Housing Needs Assessment to determine the minimum number of homes needed, calculated using the standard method in national planning guidance, unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals.
- Identify Affordable Housing Needs; in order to meet the needs of those who require such housing.
- Identify and update annually a supply of specific deliverable sites sufficient for a minimum of five years’ worth of housing against the housing requirement with an additional buffer of 5% (moved forward from later in the Plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing over the previous 3 years, the local planning authority should increase the buffer to 20% (moved forward from later in the Plan period) to improve the prospect of achieving the planned supply.
- Encourage the provision of small and medium sized sites; paragraph 69 of the Framework explains that such sites can make an important contribution to meeting the housing requirement and have the advantage of being able to be built out relatively quickly.

5.40 Relevant policies for the supply of housing land should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites (paragraph 11d and accompanying footnote 7).

5.41 The Framework requires decisions on proposed developments to be undertaken in a positive and creative way. Decision makers at every level

should seek to approve applications for sustainable development where possible.

- 5.42 The Framework also contains other policies which are relevant to the determination of the Application Scheme. The principal issues to be considered are set out below.

Conserving and Enhancing the Natural Environment

- 5.43 Section 15 of the Framework sets out policies relating to the natural environment. They deal with issues such as landscape, biodiversity, air quality, noise pollution and land instability amongst other matters.
- 5.44 The policies of the Framework seek to protect and enhance valued landscapes and to recognise the intrinsic character and beauty of the countryside. The Application Site is not a valued landscape area. Furthermore, the Application Site does not fall within any of the designations identified in paragraphs 175 to 178 of the Framework.

b) The Housing Delivery Test

- 5.45 The Housing Delivery Test is an annual measurement of housing delivery for Local Planning Authorities. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority's housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under delivery and identify actions to increase delivery in future years (Framework paragraph 76).
- 5.46 The Housing Delivery Test results for HBBC are set out below, the most recent Housing Delivery Test results remaining the 2021 measurement:
- 2018 – 141 %
 - 2019 – 119%
 - 2020 – 92%

- 2021 – 86%

5.47 There has been a consistent decline in housing delivery in HBBC.

c) Residential Land Availability Study – Five Year Housing Lane Supply

5.48 HBBC's most recent Residential Land Availability and Monitoring Statement 1 April 2021 – 31 March 2022 ("**RLAMS**") confirms the Council's stated 5 year housing land supply position as of 1 April 2022. Whilst this monitoring a now a year out of date it remains the most recent housing monitoring information published by the Council. The housing requirement should be established using the Standard Method, as the strategic housing policy is more than 5 years old. It suggests that there is a 4.89 year supply of housing land at Table 7. As a consequent paragraph 11.d of the Framework is engaged.

5.49 It is our view that the RLAMS overestimates housing delivery. A series of "large sites" and "small sites" are identified that are not deliverable having regard to the requirements of deliverable sites identified in the Framework. However, given that it is an accepted position that HBBC do not have a 5 year housing land supply a detailed analysis of various sources of housing land supply have not been undertaken at this time.

5.50 Furthermore, given that the Application Sites as a whole have the benefit of an implementable planning permission for the development of 96 dwellings, they should be included as a housing commitment within the calculation.

5.51 The RLAMS also provides guidance on affordable housing delivery. It confirms that the CS sets an affordable housing requirement of 2,090 dwellings for the course of the plan period (104.5dpa). During the course of the 16 years to date, a total of 1,672 affordable properties should have been provided (104.5 x 16). It is advised that 1,463 affordable properties have been completed (this is a gross rather than net figure). As such, affordable housing delivery is below the annualised requirement.

d) Hinckley & Bosworth Local Plan Regulation 19 Consultation

- 5.52 The Council undertook Regulation 19 – Pre-Submission Consultation, on the emerging Local Plan in February and March 2022. The entirety of Crabtree Farm is identified on the Barwell and Earl Shilton’s allocation map as “residential site with planning permission”. The entirety of the site is included with the settlement boundary of the draft Plan.
- 5.53 **Policy SS02 – Development Strategy**, advises that development in the Borough will take place in accordance with the spatial strategy. New housing development will be directed to the most sustainable locations. The majority of new homes will be located in the urban areas of the Borough, followed by the key rural centres and rural villages. Provision will be made for the development of a minimum of 9,124 dwellings during the course of the plan period. This includes the provision of 3,854 dwellings on site already completed or committed or with the benefit of planning permission. Part 4 to the policy advises that development in the Countryside and on designated Open Space within the settlements will be restricted.
- 5.54 Guidance on development in Barwell and Earl Shilton can be found Policy **SS06 – Barwell Sustainable Urban Extension**. Here it advises that the development of Barwell SUE will be in accordance with the SUE development Framework set out in the adopted Earl Shilton and Barwell APP. The policies supporting text confirms that APP provides policy guidance for development at Barwell and Earl Shilton, including the development of the SUE.
- 5.55 The emerging replacement Local Plan seeks to change the extent of the defined settlement boundary of Barwell and Earl Shilton, introducing additional land to the settlement boundary. This includes including the full extent of all four application sites within the settlement boundary. The APP pre-dates this change, and that being the case for APP does not include guidance on the development of the Appeal Site.

- 5.56 **Policy HO01 – Provision of New Housing**, advises that planning permission will be granted for residential development and sites allocated in the Policy Map, and by residential development within the identified settlement boundaries will be supported where it accords with relevant Development Plan policies. This guidance would apply for the Application Site, given that it is now within the proposed settlement boundary of Barwell.
- 5.57 **Policy HO04 – Housing Density**, requires sites to achieve density of “at least” 45 dwellings per hectare within the adjoining Hinckley, Burbage, Barwell and Earl Shilton. A reduced density will only be supported through principles of good design, to ensure the effective use of land.
- 5.58 The emerging Plan also seeks policy guidance on the provision of Space Standards (HO03) and Accessible Housing (HO05). However, these policies are yet to be adopted they can be afforded limited weight in the decision making process.
- 5.59 Given that the Local Plan is in the relatively early stages of the plan making process, and subject to unresolved objections, it can be afforded limited weight and decision making process at the present time.

e) Burbage Neighbourhood Plan and Inspector’s Report

- 5.60 Whilst it is fully appreciated that the Application Site is not located with the Burbage Neighbourhood Plan (“**BNP**”) area the BNP Inspector’s report provides helpful guidance on the status of the CS policies and the approach to settlement boundaries.
- 5.61 Policy 1 – Settlement Boundary, of the BNP advises that “*residential development on land within or adjacent to the settlement boundary... will be supported, subject to complying with other development plan policy*”. As originally drafted the policy sought to prevent development outside of the defined settlement boundary, in a similar fashion to the Core Strategy. However, the Inspector required the policy to be amended to confirm that

proposals for residential development adjacent the settlement boundary should also be supported.

- 5.62 At paragraph 127 the Inspector notes that the CS is “**now out of date**” as a basis for preparing the BNP. The Inspector concluded at paragraph 64 of his report that:

“I have reached an initial conclusion, that the plan’s overall spatial strategy, which is set out in Policy 1, does not meet basic conditions, as currently worded, in that it will prevent the delivery of sustainable development and does not have regard to Secretary of State advice policy, which expects the planning system to be delivering a substantial increase in housing.”

- 5.63 At paragraph 66 the Inspector states:

“Taking that forward, a suggestion that I put forward at the hearing and which seemed to gain some acceptance, not just from the Borough Council and the landowners’ representatives, but also from the Parish Council representatives, was a possible recommendation to introduce a modification to Policy 1, which would presume in favour of development, not just inside the settlement boundary, but also on land which is adjacent to the urban edge.”

- 5.64 The Inspectors comments are reflected in the revised version of Policy 1 that appears in the adopted BNP. The same approach should be applied in the determination of all applications proposing the residential development of land adjacent to the settlement boundaries of the higher order settlements, not just the BNP area. The approach of Policy 1 of the BNP is a consequence of the Core Strategy being an out of date plan and the need for development outside of existing boundaries to meet housing need. This position applies across the Borough as a whole.

6.0 CASE FOR THE APPLICANT

6.1 Planning law requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the Development Plan comprises the CS 2009 and the SADMP 2016. There are a series of material considerations that are also relevant to the decision making process.

6.2 Given that all four planning applications are subject to the same Development Plan policies and material considerations the Case for the Applicant considers the case for the grant of planning permission across all four sites as a whole. At the outset, it should be noted that the full extent of the Application Site already has the benefit of implemental planning permissions that can provide a total of 96 dwellings (planning permission references: 22/01053/FUL – Crabtree Farm West and 21/00695/FUL – Crabtree Farm East). The principle of residential development across the entirety of the Applications Sites has already been established. It is, therefore, our view that the key consideration in the determination of the Application Schemes is whether the increase in the number of dwellings on the site from 96 to 126 is acceptable.

A) Section 38(6) Development Plan Review

6.3 The SADMP Policies Map identifies the extent of the Barwell settlement boundary and the designations that are applied to the Application Sites. The Application Sites are located adjacent to, but outside of, the settlement boundary of Barwell and are, therefore, classed as being within the “countryside” for decision-making purposes by the Development Plan. They are also located within a “Green Wedge”. Set out below is an analysis of the Development Plan policies relevant to the principle of development.

i) Core Strategy Policies

6.4 ***CS Policy 6 – Hinckley / Barwell / Earl Shilton / Burbage Green Wedge***, seeks to encourage uses in the Green Wedge that provide appropriate

recreational facilities within easy reach of urban residents and promote the positive management of land to ensure the Green Wedge remains or is enhanced as an attractive contribution to the quality of life of nearby urban residents. It identifies six different land uses that are acceptable in the Green Wedge, provided the operational development associated with the uses does not damage the function of the Green Wedge.

- 6.5 These uses do not include residential development. However, the policy does not seek to prevent other forms of development in principle. It includes criteria that development proposals in the Green Wedge should be judged against. Indeed, this is noted by the previous Crabtree Farm Appeal Inspector at Paragraph 22 of the Inspectors Decision (APP/K2420/W/19/3252850), where it is advised that whilst residential development is not listed in Policy 6 as a use considered as being acceptable within the Green Wedge, the policy does not necessarily preclude other types of development. Rather it is to be considered against the four criteria within the policy.
- 6.6 The Application Sites make a limited contribution to the physical and perceived separation between Hinckley and Barwell. The proposed developments as a whole will retain the physical and visual separation of the settlements, whilst also providing enhancements to the boundary vegetation and new tree planting within areas of public open space. The proposals offer the potential for enhancements to the Green Infrastructure and public access, whilst retaining the function and visual amenity of the Green Wedge.
- 6.7 There will not be any perception of harm to the role or function of the Green Wedge. The Application Schemes would, as a matter of fact, be a physical incursion into the Green Wedge that would result in some harm, resulting in a conflict with Policy 6. This does, however need to be considered in light of the fact that the Application Sites already have planning permission for residential development which would have a similar impact on the Green Wedge.
- 6.8 **CS Policy 20 – Green Infrastructure**, seeks to maintain the gap between Barwell and Hinckley as it plays an “important environmental and landscape

protection role”, whilst also looking for an enhanced recreational opportunity within it.

- 6.9 As detailed in the submitted Landscape information, the developments will be contained within the existing well vegetated field boundaries of Crabtree Farm, offering opportunities for enhancements to strengthen the existing landscape structure and provide a robust vegetated edge to the settlement. The containment of Crabtree Farm and the enhancement of the site boundaries will strengthen the relationship with the existing settlement and built edge of Barwell, retaining the physical separation and separate identities of Barwell and Hinckley as individual, distinct settlements.
- 6.10 Limited weight should be given to the part of Policy 20 which refers to protection of the landscape in general terms as this is inconsistent with the policies and Framework, that only seek to protect “valued” landscapes (paragraphs 174a).
- 6.11 In respect of the “important environmental” there would be any adverse impacts arising by way of ecological, flood risk or drainage, ground conditions or pollution as a result of the proposed developments. The developments will provide new areas of public open space in an area that is currently inaccessible to the public. Therefore, in overall terms, the developments will support the environmental protection role of the policy and help support the policy’s objective of creating a recreational asset in the Green Wedge through the creation of publicly accessible green space.
- 6.12 In summary, there will be no harm to the environmental protection role of the Green Wedge. The developments will give rise to localised and minor landscape and visual effects through the introduction of new built development, as detailed in the Landscape information submitted with the application. Whilst the impact is localised and minor this does cause a conflict with the landscape protection role of Policy 20. This must be considered in the context of the fact that the sites have implementable planning permissions for residential development (APP/KT420/W/21/3284379).

- 6.13 There are a series of policies and objectives included within this CS that support the grant of planning permission.
- 6.14 ***Spatial Objective 5 – Housing for Everyone***, advises that it is a spatial objective to ensure that residents of the Borough have access to a suitable home which they can afford in a range of sustainable locations, tenures and house types. The focus of developments will be in and around the Hinckley urban area, with more limited developments in the rural areas to meet local needs. The proposed developments will deliver market and affordable housing next to the urban area (paragraph 3.1 of the CS confirms that the main urban area comprises Hinckley, Burbidge, Barwell and Earl Shilton) helping to ensure that residents of the Borough have access to a house.
- 6.15 ***Policy 3 – Development in Barwell***, advises that a key aim in Barwell is to encourage prospering households to move into and stay in the area. To support this, a minimum of 45 dwellings will be delivered within the settlement boundary of Barwell, and a Sustainable Urban Extension of 2,500 dwellings is directed towards the edge of the settlement.
- 6.16 Whilst the Sustainable Urban Extension has a resolution to grant planning permission (dating back to March 2015) the S.106 remains unsigned. The Residential Land Availability Monitoring Statement 1st April 2021 to 31st March 2022 advises at paragraph 2.30 that there is not a realistic prospect of the Barwell SUE delivering housing within the next five years. As a consequence, the SUE has provided no houses to assist in encouraging prospering households to move into and stay in the area and support the growth of Barwell generally, and will not do so for at least another five years.
- 6.17 The Application Schemes will deliver a total of 126 dwellings between them, in a sustainable location helping to address the objectives of Policy 3. Whilst the Application Sites lie outside of the Barwell settlement boundary development is required beyond the Barwell settlement boundary to meet HBBC's housing requirement and to address HBBC's five year housing land supply shortfall. New development opportunities are required at Barwell to

reflect the fact that the Barwell SUE is now forecast not to deliver any dwellings until after the current Plan period.

- 6.18 **Policy 15 – Affordable Housing**, requires sites of 15 dwellings / 0.5 hectares or more at Barwell to provide 20% affordable housing. The required tenure split is 75% social rented and 25% immediate housing. The proposed developments will deliver a policy compliant level of affordable housing. The schemes will be in conformity with the provisions of Policy 15. In addition, the provision of affordable housing in this case is of material consideration of significant weight in support of the grant of planning permission given the pressing need for affordable housing within the Borough.
- 6.19 **Policy 16 - Housing Density, Mix and Design**, requires a mix of house type and tenures to be provided on all sites of 10 or more dwellings. Schemes within and adjoining Hinckley, Burbidge, Barwell and Earl Shilton should achieve a minimum net density of 40 dph. The policy states that, in “exceptional circumstances”, and where individual site characteristics dictate and are justified, a lower density may be acceptable.
- 6.20 Policy 16 advises that the minimum net density figures do not need to be met, in “exceptional circumstances”, however, this approach is not consistent with the Framework. Paragraphs 124 and 125 of the Framework provide guidance on achieving appropriate densities.
- 6.21 They require planning policies and decisions to support development that makes efficient use of land, taking into account various considerations. It does not support the use of minimum density standards that can only be deviated from in “exceptional circumstances”.
- 6.22 Emerging Local Plan **Policy HO04 – Housing Density**, requires sites to achieve density of “at least” 45 dwellings per hectare within the adjoining Hinckley, Burbage, Barwell and Earl Shilton. A reduced density will only be supported through principles of good design, to ensure the effective use of land.

- 6.23 The average net density across the four proposed development sites is 38 dph. It is therefore broadly in accordance with the 40dph minimum density provision referred to in Policy 16 of the Core Strategy. The net density, and extent of the net developable area in this instance, reflects the character of the wider area and allow for the creation of areas of public open space and green infrastructure in and around the site. The density proposed across Crabtree Farm as a whole better reflects the policy requirements of Local Plan Policy 16, and the emerging Policy HO4, than the previously approved schemes. The site makes the most efficient use of land, in accordance with the provisions of the Framework. The fact that an increased number of units have been provided should be actively supported.

ii) Site Allocations and Development Management Policies DPD Policies

- 6.24 Crabtree Farm is located within the “countryside” for the purposes of the Site Allocations and Development Management Policies DPD as it lies beyond the defined settlement boundary. **Policy DM4** seeks to safeguard the countryside from “unsustainable” development. The policy lists forms of development that are considered to be “sustainable” within the countryside. Housing development is not identified as a sustainable use within the countryside. There is, therefore, a conflict with Policy DM4 in so far as the Application Schemes proposes residential development within the countryside, and residential development is not one of the prescribed acceptable uses by Policy DM4.
- 6.25 However, the level of harm caused by this conflict needs to be considered in the context that the housing development needs to take place beyond settlement boundaries to meet the Standard Method housing requirement and deliver a five year housing land supply. Indeed, the Application Sites already have the benefit of a residential planning permission. Furthermore, the approach of safeguarding the countryside as a whole is not consistent with paragraph 174b, of the Framework, that requires developments to recognise the intrinsic character and beauty of the countryside.

- 6.26 The approach of Policy DM4, in seeking to protect the countryside from unsustainable development, is consistent with the Framework. However, the matter of whether a development can be considered sustainable or not is a product of the overall planning balance. The Application Schemes are not automatically unsustainable as they do not fall within one of the five prescribed uses in the countryside identified by Policy DM4.
- 6.27 ***Policy DM3 – Infrastructure and Delivery***, advises that when new developments create a need to provide additional or improved infrastructure, amenities or facilities, developers will be expected to make such provision directly or indirectly through the appropriate funding mechanism. The Application Schemes will provide all necessary infrastructure either on site, or through the planning obligation package. The Applicant would welcome the opportunity to discuss the planning obligation with Officers during the determination period.
- 6.28 ***Policy DM6 – Enhancement of Biodiversity and Geological Interest***, requires major developments to include measures to deliver biodiversity net gains and opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. The policy does not, however, require 10% biodiversity net gain. The Application Schemes as a whole propose to deliver biodiversity net gain, as detailed in the accompanying ecological appraisal.
- 6.29 ***Policy DM7 – Preventing Pollution and Flooding***, seeks to prevent adverse impacts on pollution and flooding. The Application Sites are in Flood Zone 1 and are not at risk of flooding. There will be no adverse pollution impacts.
- 6.30 ***Policy DM10 – Development and Design***, states that, amongst other matters, development will be permitted where it complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. The Application Schemes as a whole are of a high quality, design and respond directly to the wider context. All four schemes work in conjunction with one another and individually and will facilitate the delivery of much needed high quality housing.

- 6.31 ***Policy DM11 – Protecting and Enhancing of a Historic Environment***, states that the Council will protect, conserve and enhance the historic environment throughout the Borough. The proposed developments will not cause any harm to the historic environment.
- 6.32 ***Policy DM13 – Preserving the Borough’s Archaeology***, requires developers to adequately assess the potential for archaeological remains to be present on the site, and where these are found to be so, take further investigations and recording of the remains before development commences. The archaeological work undertaken to support the development of the site demonstrates that there will be no archaeological harm.
- 6.33 ***Policy DM17 – Highways and Transportation***, states that, amongst other things, development proposals will be supported where they seek to make the best use of existing public transport services and, where appropriate, provide opportunities for improving and sustaining the viability of those services. There are a number of bus stops on the Hinckley Road, the closest of which is 150 metres away from the edge of the Application Sites. These bus stops provide public transport connections to Barwell, Hinckley and higher order settlements including Leicester and Nuneaton. The Application Sites are in accessible location.

Conclusions on Compatibility with the Development Plan

- 6.34 As detailed above, the Application Schemes do not conflict with the majority of the policies in the Development Plan. The Application Schemes would, however, as a matter of fact constitute a physical incursion into the Green Wedge that would result in some harm, bringing the developments into conflict with aspects of Policies 6 and 20 of the CS. The developments would also conflict with policy DM4 of the SADMP, as residential developments are not identified as a ‘sustainable’ form of development within the countryside.
- 6.35 When read as whole, the Application Schemes do conflict with the Development Plan. Whilst there is a conflict with aspects of the Development

Plan the level of harm is limited. This limited harm needs to be considered in the context of the material planning considerations. There are a number of significant material considerations that support the grant of planning permission. This includes the fact that the site already has the benefit of planning permission for the development of a total of 96 dwellings (planning permission references 22/01053/FUL and 21/00695/FUL). There has been no change to the Development Plan position since these decisions were made.

B) *Material Planning Considerations*

- 6.36 Paragraph 2 and 218 of the Framework confirm the Framework is a material planning consideration that must be taken into consideration in planning decisions.
- 6.37 Paragraph 11 of the Framework requires the application of a presumption in favour of sustainable development. For decision making this means:
- c. Approving development proposals that accord with an up to date development plan without delay; or
 - d. 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:
 - i. the application of policies in this 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 this Framework taken as a whole.
- 6.38 Footnote 8 confirms that for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five year supply of deliverable sites, relevant Development Plan policies should be

considered out of date. HBBC cannot demonstrate a five year housing supply as confirmed by the RLAMS.

- 6.39 Furthermore, the housing policies within the Development Plan are out of date as the housing target within the CS is derived from the now abolished East Midlands Regional Spatial Strategy. Since the first adoption of the Framework in 2012 it has been the Government's objective to significantly boost the supply of homes (Framework paragraph 60). This is a radical change to the previous planning policy upon which the Core Strategy, which was adopted in 2009, was based.
- 6.40 Footnote 7 provides a closed list of the policies within the Framework that protect 'areas or assets of particular importance' referred to in Paragraph 11.d)i. The Application Schemes are not subject to any of these designations.
- 6.41 The tilted balance set out in paragraph 11.d of the Framework is, therefore, engaged due to the fact that HBBC have a five year housing land supply shortfall, and due to the fact that the housing policies within the Development Plan are substantively out of date. All four sites should be granted planning permission the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The Benefits of Granting Planning Permission

- 6.42 Set out below are the material considerations that are benefits to the proposed developments and the weight that can be attached to each benefit in the tilted planning balance exercise.

1. *Housing Delivery*

- 6.43 The RLAMS 1st April 2021– 31st March 2022 concludes that HBBC has a 4.89 year supply of housing land available (Table 7). Paragraph 74 of the Framework requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five

years' worth of housing. HBBC are unable to do so. Paragraph 60 of the Framework advises that it is a government objective to significantly boost the supply of homes. Between them the four planning applications will provide an additional 126 dwellings to the supply of housing in the Borough, which will help meet the 5 year housing land supply shortfall and boost the supply of housing.

- 6.44 In terms of HBBC's ability to address the five-year housing land supply shortfall in the short term this is clearly affected by the fact that the Local Plan review is in its early stages. HBBC published its most recent Local Development Scheme in February 2022. The timetable for the precreation of the replacement Local Plan set out in the LDS is confirmed below.

Figure 1 – LDS Local Plan Timetable

Timetable	
Stage	Target date
Consultation on the Scope and Issues and Options	January-February 2018
Public consultation on New Directions for Growth paper	January- February 2019
Public consultation on Draft Plan (Regulation 18)	June-August 2021
Public consultation on submission Draft Plan (Regulation 19)	February – March 2022
Submission to Secretary of State (Regulation 22)	March 2022
Estimated programmed date for examination	August 2022
Programmed date for adoption	March 2023

- 6.45 The Local Plan was expected to submitted for examination in March 2022. The Local Plan is yet to be submitted for examination. It is highly unlikely that the Local Plan will adopted for at least a year. The Local Plan is running significantly behind schedule.

- 6.46 The emerging Local Plan does not, therefore, present a means of addressing the housing shortfall in the foreseeable future. The only realistic way to increase the supply of housing delivery in the short term is through the grant of planning permissions.
- 6.47 The most recent Housing Delivery Test results (January 2022) requires HBBC to produce an Action Plan in accordance with paragraph 76 of the Framework, as housing delivery has fallen below 95% over the previous three years. The Action Plan sets out the previous four years Housing Delivery Test results at Table 1 – Hinkley and Bosworth Borough Council’s Housing Delivery Test Results. Housing delivery has decreased from 141% in 2018, to 119% in 2019, to 92% in 2020, to 86% in 2021 a worsening trend. Paragraph 3.5.2 of the Action Plan advises that the lack of allocated sites has reduced the delivery of housing in HBBC and is a barrier to development and its subsequent delivery.
- 6.48 Section 5 – Key Actions and Response, sets out the various measures that HBBC propose to adopt in order to improve the supply of housing. These are:
1. Progress a new Local Plan – The emerging Local Plan is only just reaching the Pre-Submission consultation stage. It is not, therefore, a solution to housing delivery in the short or medium term.
 2. Enhance Engagement with NDP Groups – Figure 14 – Neighbourhood Development Plans Housing Allocations Status, of the Action Plan, identifies the status of various Neighbourhood Plans in HBBC. Given the status of the Neighbourhood Plans they will not increase the supply of sites in the short term by making new allocations.
 3. Progress the delivery of the SUEs. – The Residential Land Availability Monitoring Statement advises that neither of the SUEs are considered to be deliverable within the five year period.
 4. Reduce Planning Application Timeframes

5. Reduction S.106 timeframes

6. Infrastructure – Improve Statutory Stakeholder engagement

7. Improved development engagement

6.49 Whilst actions 4 – 7 are supported, they are not, in the Applicant's and HLPC's experience, being delivered.

6.50 Fundamentally, the various actions do not make any reference to HBBC supporting the development of any new housing sites that do not already have some kind of planning status, either by way of an allocation in the Development Plan or a Neighbourhood Plan or having planning permission or a resolution to grant planning permission.

6.51 Paragraph 69 of the Framework advises that small and medium size sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly. The Application Sites are under the control of a developer, who would look to bring them forward for development promptly should planning permission be granted.

2. Affordable Housing Provision

6.52 CS Policy 15 advises that in order to support the provision of mixed, sustainable communities a minimum of 2,090 affordable homes will be provided in the Borough from 2006 to 2026, the equivalent of 104.5 dpa. This figure dates back to the adoption of the CS in 2009. There is updated information on the need for affordable housing in HBBC. Paragraph 7.30 of the HBBC draft Local Plan (Regulation 19) consultation document advises at paragraph 7.33 that evidence on the need for affordable housing is set out in the Housing Needs Study (2019). The study provides an estimated of the need for affordable housing of 271 dwellings per year.

6.53 Table 8 – Annual Affordable Housing Completions (1st April 2006 – 31st March 2021) of the RLAMS, sets out the number of gross affordable housing

completions between 2006/07 and 2021/22. There has been an average of 91.43 gross affordable housing completions to date.

- 6.54 To meet the current estimated need for affordable housing provision of 271 dpa, the current average rate of affordable housing delivery will need to increase by 179 affordable dwellings per annum.
- 6.55 The Application Schemes will contribute a policy compliant level of affordable housing helping to meeting the Council's overall requirement. Whilst the total number of affordable housing is relatively modest compared to the pressing need for affordable housing it still represents a valued contribution to meeting the overall need.
- 6.56 In the previous Crabtree Farm, Hinckley appeal decision (APP/K2420/W/19/3252850) the Inspector concluded at Paragraph 29 that provision of up to 25 dwellings at the time of pressing need, up to five of which would comprise affordable homes, on a site that is conveniently and sustainably located in terms of accessibility to local services and facilities is a consideration that carries substantial weight. Substantial weight is given to the provision of marketing and affordable housing in this instance.

3. Economic Growth

- 6.57 The proposed developments will result in job creation through the construction of the properties. It would also result in additional expenditure in local shops from the residents of the development. It, therefore, contributes towards the economic dimension of sustainable development.
- 6.58 In the previous Crabtree Farm appeal (APP/K2420/W/19/3252850) the Inspector concluded that the "economic benefits carried significant positive weight (Paragraph 30)." Significant positive weight should also be attached to the economic benefits of the Application Schemes in a similar fashion.

4. Biodiversity Net Gain

- 6.59 The Development Plan does not include a policy requiring the provision of 10% biodiversity net gain. Given the 2-year transitional period within the Environment Act there is no legislative requirement for 10% biodiversity net gain to be demonstrated at the present time.
- 6.60 The Application Scheme does, however, propose development that will deliver in excess of 10% biodiversity net gain. This is a benefit of significant weight.

5. Planning History

- 6.61 Significantly, Crabtree Farm has the benefit of two implemental planning permissions that will allow for the development of 96 dwellings across the site. As such, the principle of residential development on this site has already been established. Policy 16 requires sites to achieve a net density of 40dph, and emerging Local Plan policy HO04 – Housing Density requires a net density of 45dph. The four planning applications as a whole propose a scheme with a net density of 38 dph. This will help ensure the development of the site will help to deliver this policy aspiration and make the best use of the site in accordance with the guidance contained within the Framework.

Directions for Growth

- 6.62 Whilst the Application Sites are in the countryside beyond the current Barwell settlement boundary, all evidence currently suggests that it will be necessary for HBBC to plan for the delivery of greenfield sites outside of the defined settlement boundaries to meet the housing requirement of the emerging Plan in the short and long term, and to rectify the five year housing land supply shortfall.
- 6.63 The spatial strategy for development in the CS seeks to direct 45 dwellings to sites within the settlement boundary of Barwell, it also allocates a SUE of 2,500 dwellings outside of the settlement boundary adjacent to the built up

area of Barwell. In light of the allocation of the Barwell SUE, HBBC clearly had little option but to allocate land for development around Barwell in what was the open countryside.

- 6.64 Furthermore, in Paragraph 10 of the previous Crabtree Farm appeal decision (APP/K2420/W/19/3252850) it is advised that *“it was also accepted by the Council at the Inquiry that, going forward, some further development would have to take place outside the development boundaries as currently defined in order to meet its housing needs.”*
- 6.65 In addition, whilst it relates to a different part of HBBC's administrative area, the Burbage Neighbourhood Plan (**“BNP”**) Inspector's Report provides helpful guidance on the status of the CS policies and the approach to settlement boundaries. As detailed in paragraph 5.63 to 5.67 above, the Examiner concluded that the CS is “now out of date” as the basis for preparing the BNP (paragraph 64). The Examiner required the BNP to be amended to support development both with and adjacent to the settlement boundary to ensure housing delivery.
- 6.66 In summary, residential development is required outside of the defined settlement boundaries, and Barwell is a location where development should be focused.

The Planning Balance

- 6.67 The tilted planning balance is engaged and all four planning applications should be approved unless the adverse impacts of doing so significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 6.68 In terms of harm, the Application Schemes, either individual or cumulatively, are unlikely to result in any perceived harm to the role and function of the Green Wedge and the landscape impacts will be localised and minor. The development would, however, constitute a physical incursion into the Green Wedge that would result in limited harm, bring the development into conflict

with CS Policies 6 and 20. The Application Schemes are not one of the forms of development identified as being acceptable in the countryside by Policy DM4. There is, therefore, also a conflict with Policy DM4 in this regard. The harm caused to the policies is, however, highly limited.

- 6.69 Policies 6, 20 and DM4 are policies that are most important to the determination of the applications and are 'out of date' policies by virtue of the guidance in Paragraph 11.d of the Framework. This does not, however, automatically mean that no weight should be attached to them in the decision making process.
- 6.70 Policy 6 identifies various uses that are acceptable in the Green Wedge and contains criteria against which development proposals will be considered. There is no conflict with the Framework in this regard. However, the weight that can be afforded to Policy 6 is reduced on the basis that development is required beyond the defined settlement boundaries to meet the housing requirement. Designations, such as the Green Wedge, do not facilitate the delivery of an adequate number of homes, and this reduces the weight that can be attached to the policy. Furthermore, and significantly, Crabtree Farm has the benefit of two extant planning permissions that allow for the development of 96 dwellings, which would introduce new build development into the Green Wedge in this location in any event.
- 6.71 Policy 20 is consistent with paragraph 98 of the Framework, in that it seeks to enhance green infrastructure. However, the policy refers to the protection of landscapes in general terms. Protection of landscapes which are not valued landscapes is inconsistent with paragraph 174a of the Framework.
- 6.72 To the extent that SADMP Policy DM4 seeks to implement the CS through its approach to development in the countryside and beyond settlement boundaries it is out of date. In so far as the policy seeks to protect the countryside from unsustainable development, it is consistent with the Framework, which sets a presumption in favour of sustainable development. However, the matter of whether a development can be considered sustainable or not is a product of the planning balance.

6.73 In terms of the benefits of the development:

- Substantial weigh should be attached to the provision of housing at a time of pressing need
- Substantial weigh to the provision of affordable housing given that there is an affordable housing shortfall.
- Significant weigh to the economic benefits of the schemes associated with job creation in the construction of the properties and residents using local shops and services.
- Very limited weight to the provision of public open space.
- Moderate weight to achieving and exceeding 10% biodiversity net gain.
- Significant weight to the fact that the site as a whole has extant planning permission for the development of 96 dwellings.

6.74 The harm of the developments would, individual and cumulatively, be limited and would not outweigh the significant benefits of the Application Schemes individually or as a whole, let alone significantly and demonstrably outweigh them when assessed against the policies within the Framework. The Application Schemes would compromise sustainable development and the presumption in favour of sustainable development applies.

7.0 CONCLUSIONS

7.1 This SPS accompanies four separate planning applications proposing the redevelopment of Crabtree Farm for a residential led scheme. In summary, the planning applications propose:

- Planning Application A – 16 dwellings and associated infrastructure in the north east corner of Crabtree Farm.
- Planning Application B – 51 dwellings, a LEAP and associated infrastructure in the south east Crabtree farm.
- Planning Application C – 14 dwellings and associated infrastructure in the north west corner of Crabtree Farm.
- Planning Application D – 45 dwellings, a LEAP and associated infrastructure in west corner of Crabtree Farm.

7.2 As explained within the introductory section of this SPS four separate planning applications have been submitted, as opposed to a single application, as it allows the Applicant to benefit from two “free go” applications. The schemes have been designed so that the whole of Crabtree Farm can be developed on a comprehensive basis as demonstrated by the masterplan included at Appendix 1 of this SPS that shows how the four applications combine.

7.3 Section 38(6) of the Planning & Compulsory Purchase Act 2004 and Section 70(2) of the Town & Country Planning Act 1990 requires planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Framework is an important material consideration.

7.4 In this case a number of relevant Development Plan polices on housing delivery are out of date. The plans housing policies are based on what are

now completely out of date development needs contained in the East Midlands Regional Plan (founded on an evidence base that included 2003 based household projections). In addition, policies that are most important for determining the appeal are deemed out of date in the absence of a 5 year housing land supply. Accordingly, and for each of those reasons, the tilted balance in paragraph 11(d) of the Framework is engaged.

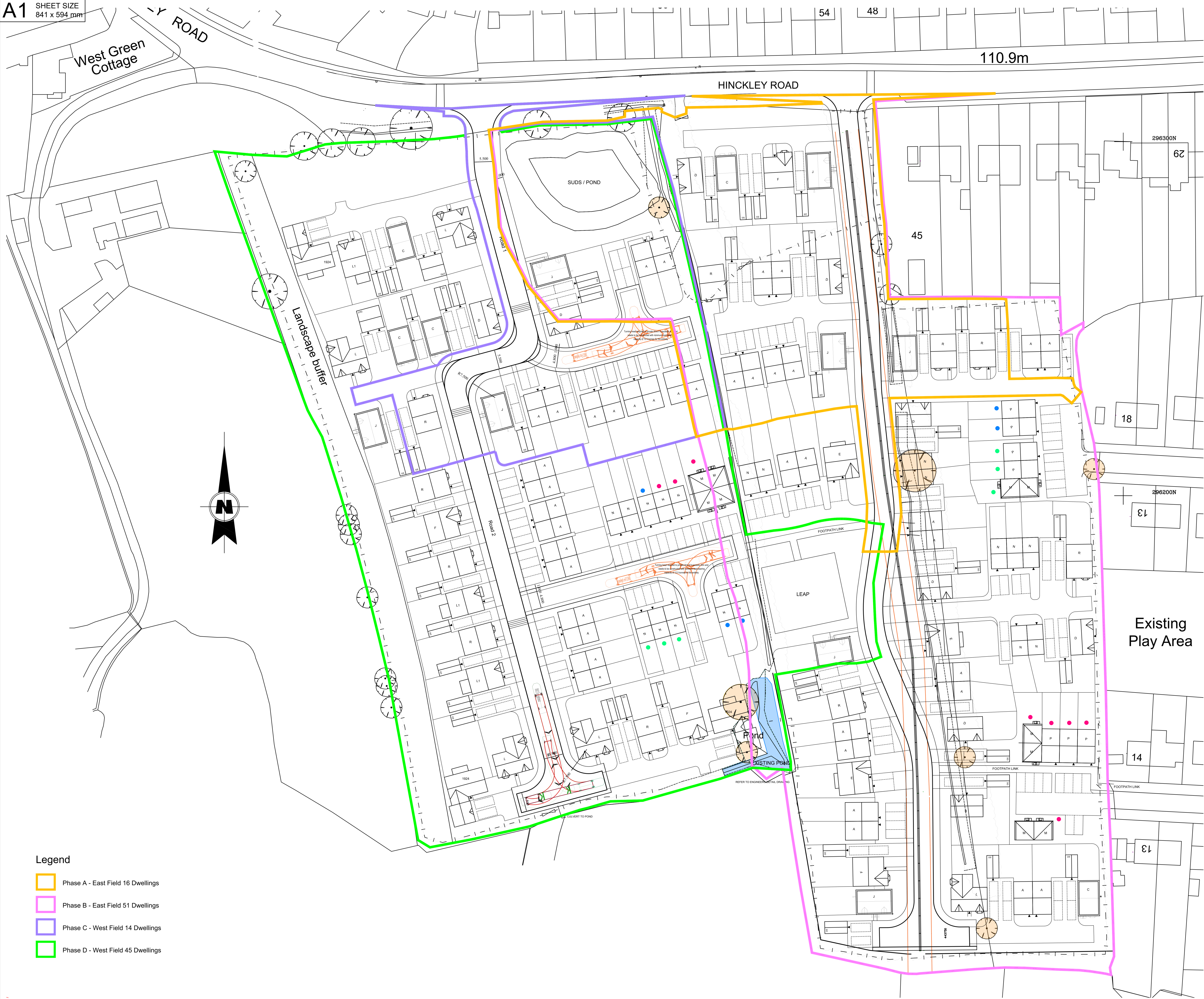
7.5 In this particular case there are a substantial number of benefits to which significant weight should be given in the decision making process. These benefits are set out below:

- i) There is a significant shortfall in housing delivery, and there is no realistic prospect of rectifying that shortfall through the Development Plan process in the foreseeable future. It is also the case that rectifying that shortfall will require the use of greenfield sites outside of the existing settlement boundaries.
- ii) There is a significant demand for affordable housing. The development will provide much needed affordable houses on a policy compliant basis.
- iii) The implementation of the Application Schemes will create construction jobs as the houses are built and will increase expenditure in the local economy as the residents of the scheme use local shops and services .
- iv) The schemes provide opportunities to deliver 10% biodiversity net gain.
- v) The schemes are in close proximity to a range of local services meaning that sustainable modes of transport can be used and represent realistic alternatives to the motor car, helping to reduce the number and lengths of journeys undertaken by private motor car.
- vi) Crabtree Farm has the benefit of two extant planning permissions that allow for the development of 96 dwellings across the site. The principle of the development of the sites for housing has been established in the same policy context.

vii) The Regulation 19 consultation draft Local Plan proposes removing the Green Wedge designation from the site and its inclusion within the settlement boundary.

- 7.6 The harm generated by the Application Schemes is limited. As a matter of fact, there would be built development within a designated Green Wedge and in the countryside. However, there would be no perceived harm to the Green Wedge and the scheme would have localised and minor landscape and visual effects, as explained by the accompanying Landscape information. Residential development of the nature proposed falls outside of the list of appropriate forms of development within the countryside identified by Policy DM4. Development is required beyond settlement boundaries to meet the housing requirement. As such, whilst there is a conflict with CS Policies 6 and 20, and SADMP Policy DM4, the harm of the development is limited.
- 7.7 The development proposal is situated at one of the settlements where development is expected to be focused in the adopted and emerging Plans. Indeed, the Application Sites are included within the settlement boundary of Barwell in the pre-submission draft Local Plan which would support their development for housing by establishing a positive policy context.
- 7.8 Drawing the above together the harm generated by the Application Schemes falls well short of outweighing the benefits. Accordingly, it is respectfully requested that all four planning permissions are granted.
- 7.9 It is the Applicant's view that all four schemes can function independently of one another. The red lines and development proposals have been established to incorporate the necessary infrastructure to deliver the development. However, if required the Applicant would be happy to enter into discussions with the local authority to use conditions and/or wording within the S.106 agreement to ensure the comprehensive development of the site in accordance with all four applications.

**APPENDIX 1 :
ILLUSTRATIVE MASTER
PHASING PLAN**



Legend

- Phase A - East Field 16 Dwellings
- Phase B - East Field 51 Dwellings
- Phase C - West Field 14 Dwellings
- Phase D - West Field 45 Dwellings

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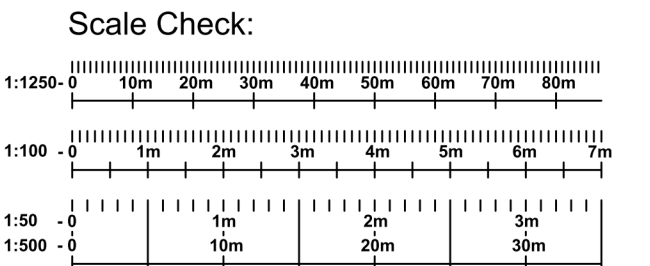
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Barwell Capital

Project:
Crabtree Farm Barwell

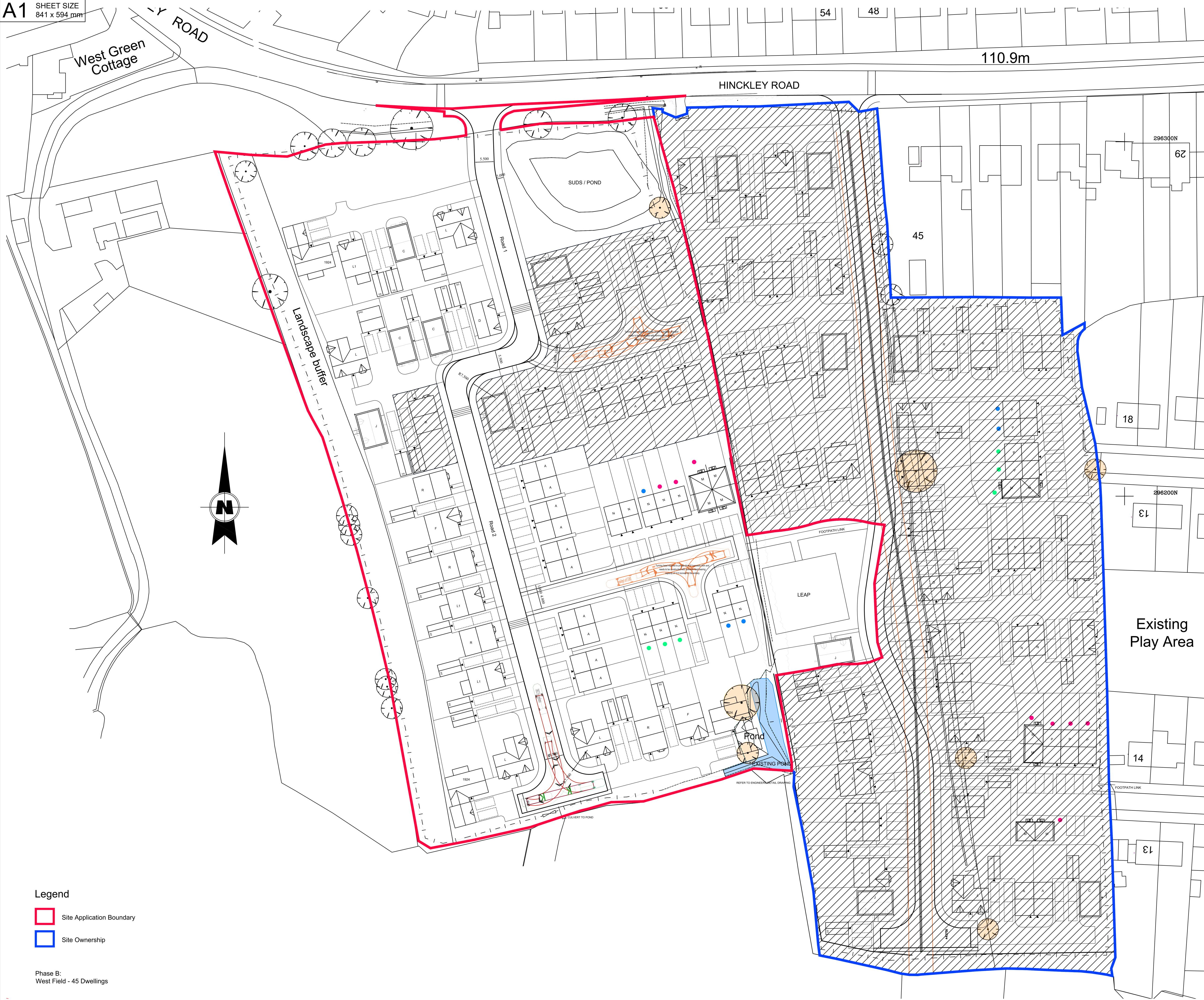
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Date: NOV 2023
Drawn by: EW
Scale: 1:500 @ A1
Checked by:

Job No. A951
Drg No. 013
Rev. ~



**APPENDIX 2 :
PHASE D WEST FIELD
45 DWELLINGS**



Legend

- Site Application Boundary
- Site Ownership

Phase B:
West Field - 45 Dwellings

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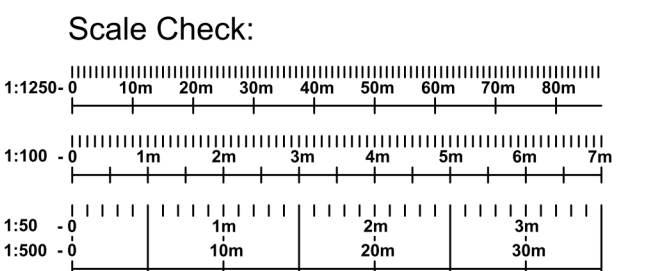
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Barwell Capital

Project:
Crabtree Farm Barwell

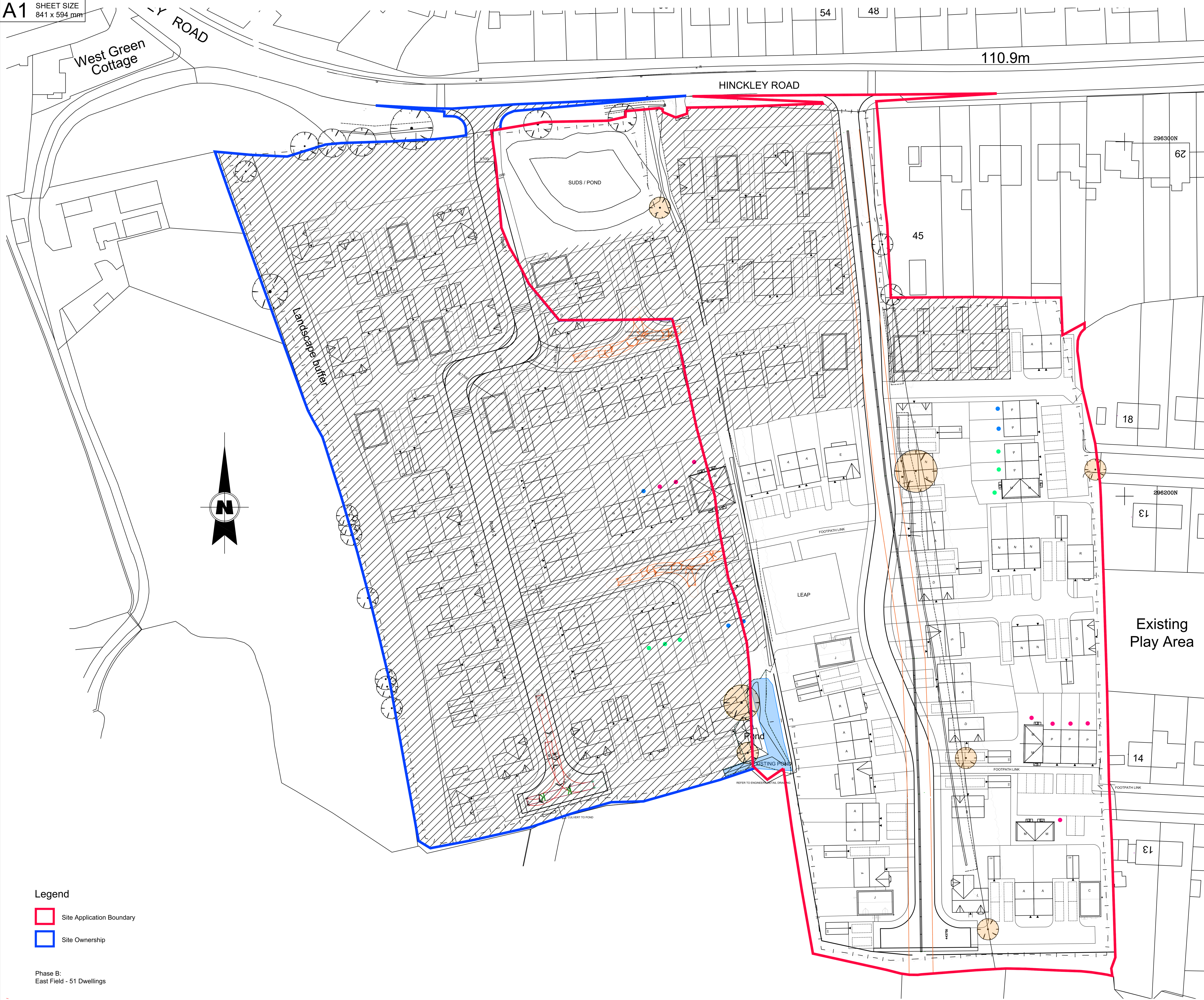
Title:
Phase D - West Field 45 Dwellings

Date: NOV 2023
Drawn by: EW
Scale: 1:500 @ A1
Checked by:

Job No. A951	Drg No. 010	Rev. ~
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**APPENDIX 3 :
PHASE B EAST FIELD
51 DWELLINGS**



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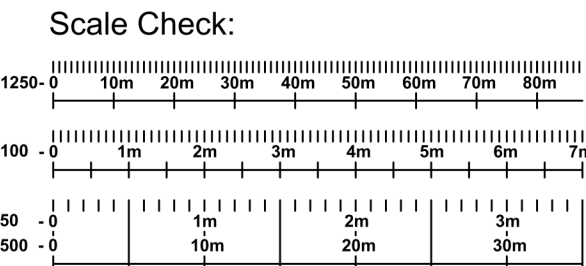
Client:
Barwell Capital

Project:
Crabtree Farm Barwell

Title:
Phase B - East Field 51 Dwellings

Date: NOV 2023
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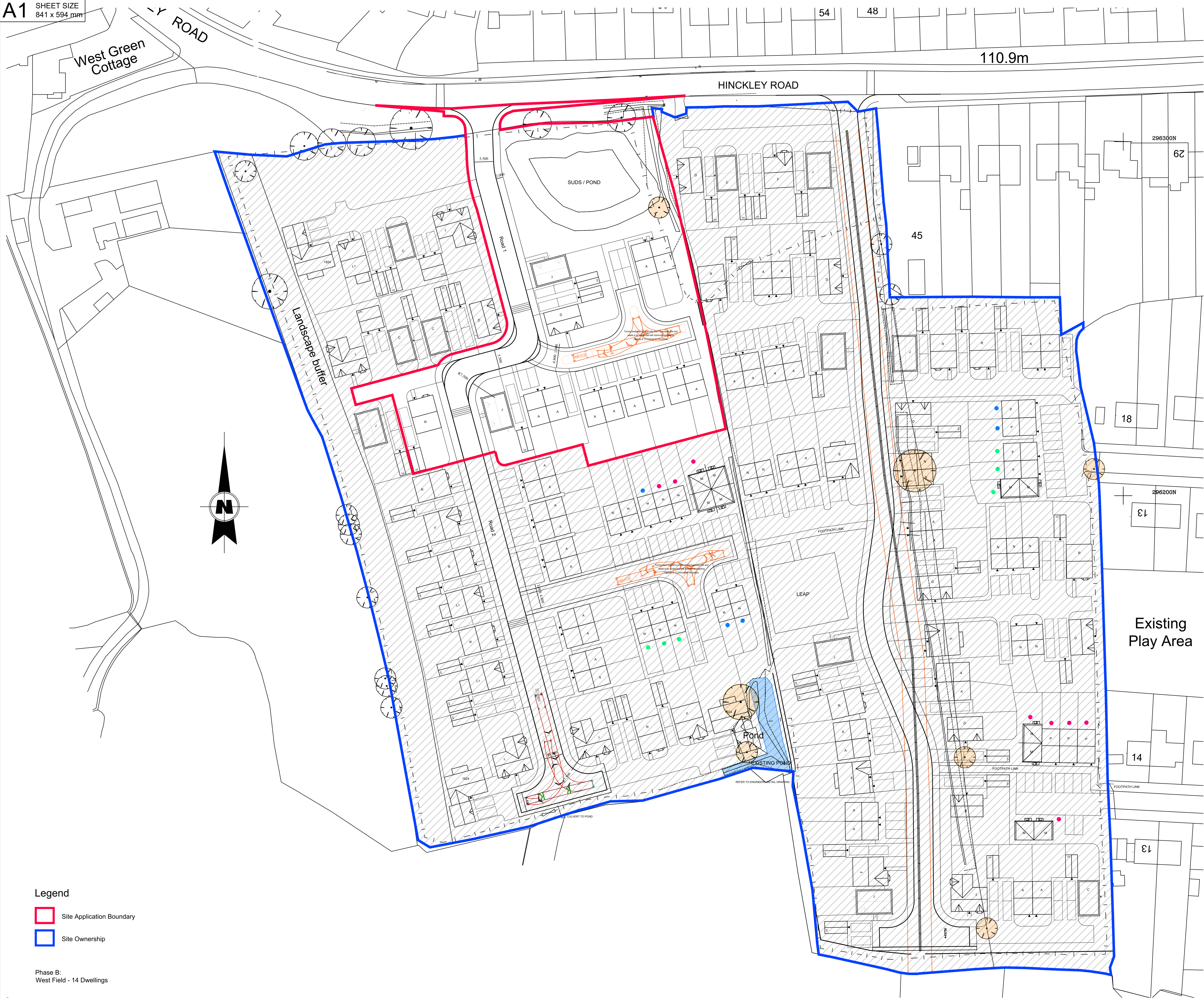
Job No. A951
Drg No. 009
Rev. ~



- Legend
- Site Application Boundary
 - Site Ownership

Phase B:
East Field - 51 Dwellings

**APPENDIX 4 :
PHASE C WEST FIELD
14 DWELLINGS**



- Legend
- Site Application Boundary
 - Site Ownership

Phase B:
West Field - 14 Dwellings

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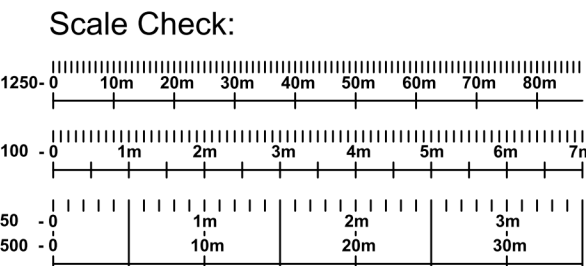
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Barwell Capital

Project:
Crabtree Farm Barwell

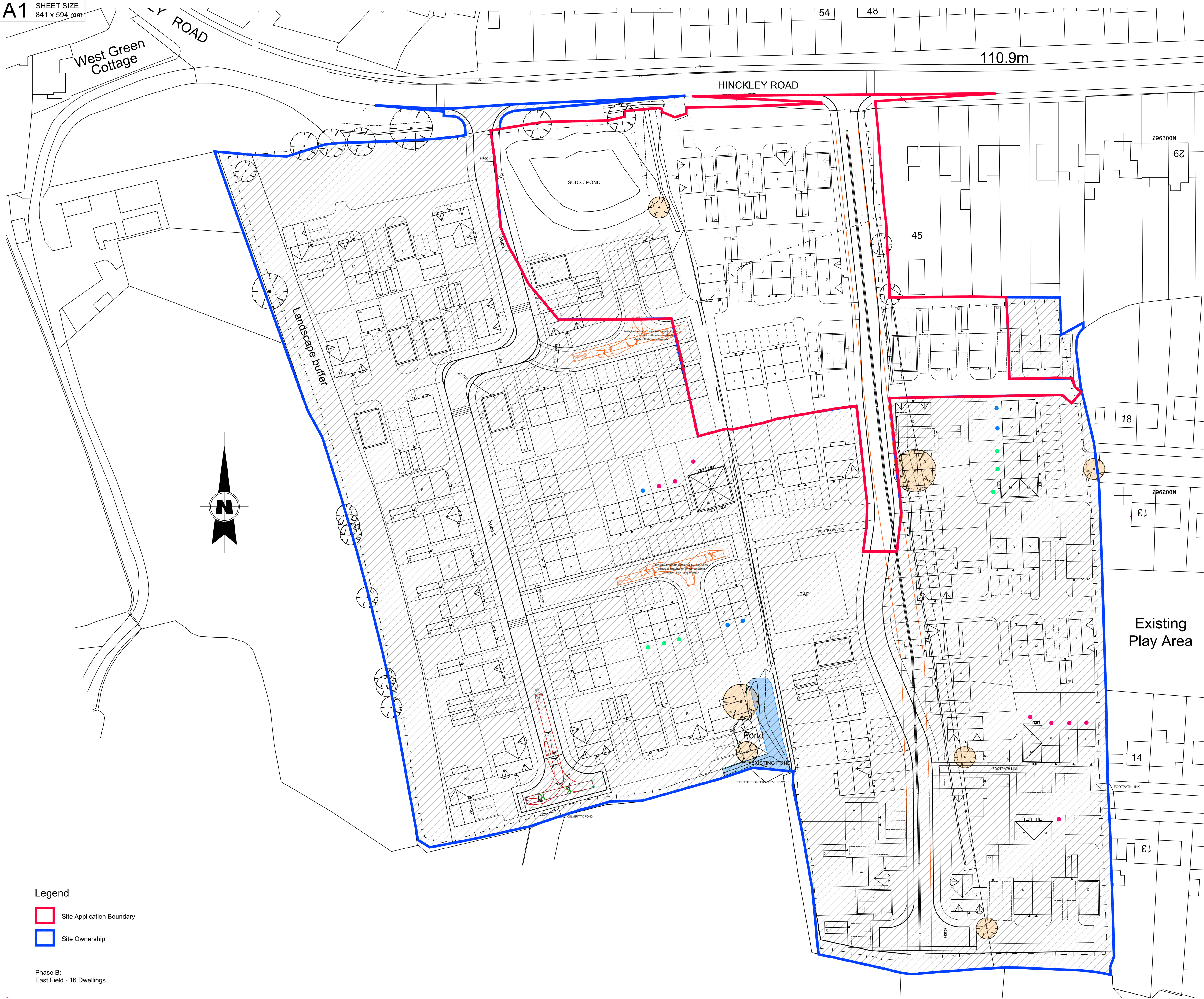
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Phase C - West Field 14 Dwellings

Date: NOV 2023 **Scale:** 1:500 @ A1
Drawn by: EW **Checked by:**

Job No. A951 **Drg No.** 011 **Rev.** ~



**APPENDIX 5 :
PHASE A EAST FIELD
16 DWELLINGS**



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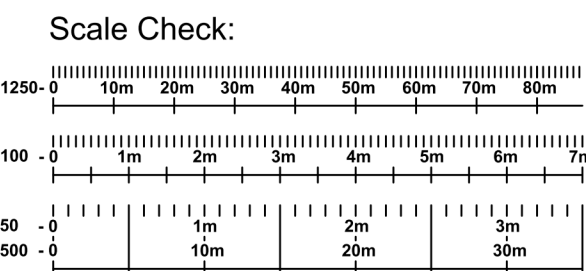
Client:
Barwell Capital

Project:
Crabtree Farm Barwell

Title:
Phase A - East Field 16 Dwellings

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Legend

- Site Application Boundary
- Site Ownership

Phase B:
East Field - 16 Dwellings

clearthinking

COMMERCIAL PROPERTY ADVICE



BUILDING
CONSULTANCY



COMMERCIAL
INDUSTRIAL AGENCY



CORPORATE
SUPPORT



DEVELOPMENT AND
RESIDENTIAL LAND



ENVIRONMENTAL
CONSULTANCY



INVESTMENT



LEASE
ADVISORY



LICENSED AND
LEISURE



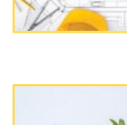
PLANNING



PROPERTY
MANAGEMENT



RATING



RECEIVERSHIP
AND RECOVERIES



RETAIL, LEISURE
AND ROADSIDE



VALUATION