The Planning Inspectorate

Appeal Decision

Inquiry opened 22 March 2011

Site visit made on 23 March 2011

by D R Cullingford BA MPhil MRTPI

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

Decision date: 10 May 2011

Appeal Ref: APP/K2420/A/10/2138596
Land at Hinckley Road, Stoke Golding, Leicestershire CV13 6DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is by Mr Ian Maclean on behalf of Morris Homes (East) Limited against the decision of the Hinckley and Bosworth Borough Council.
- The application (ref: 10/00408/OUT and dated 24 May 2010) was refused by notice dated 20 August 2010.
- The development proposed is described as an 'outline planning application for residential development with scale, layout, appearance and landscaping reserved for subsequent approval'.

Decision

1. For the reasons given below, and in exercise of the powers transferred to me, I dismiss the appeal.

Reasons

The site and surroundings

2. The site is a field of about 3.1ha. It lies adjacent to, but just beyond, the current eastern and northern edges of Stoke Golding. It is a pleasant pasture traversed by medieval ridge and furrow earthworks, though an archaeological evaluation involving 8 trial trenches has now failed to find any relevant archaeological features or deposits. The site rises gently northwards from the gardens behind the houses that straggle along the Hinckley Road to a field hedge along a modest ridge and it slopes gently downwards from the neat bungalows in Sherwood Road to the hedge beside Hinckley Road as it turns to run northwards towards the small village of Dadlington, about 240m to the north of the appeal site. Across the road to the east is a starkly exposed dwelling (Goosegrange) and, behind dense hedges, Stoke Lodge together with the dwelling, buildings and piggeries of Wards Farm; to the south are the grounds and buildings of St Martins Convent, now with the benefit of a planning permission for 59 dwellings. To the south east of the appeal site at the sharp bend in Hinckley Road are the fairly extensive 2-storey glass and panelled structures of St Martins School.

3. Stoke Golding is a modest 'key rural settlement' of about 1800 souls (the exact figure is disputed). The core of the village is an attractive Conservation Area centred on St Margaret's Church, the White Swan and the Post Office; the Ashby Canal, which passes the western edge of the village, is also a Conservation Area. But, apart from the occasional farmstead, much of the rest of the village consists of the closes and culs-de-sac of various estates

built in swathes from the 1950s to (almost) the present day. The village boasts a local shop, a post office, schools, public houses, a doctor's surgery, clubs and playing fields. There is also an hourly bus service during weekdays (from roughly 7.00hrs to 18.30hrs) connecting Stoke Golding to Nuneaton and Hinckley with stops about 300m from the site.

The proposal

4. The application is in outline with scale, layout, appearance and landscaping reserved for subsequent approval. However, an illustrative layout shows how 60, mainly 2-storey, dwellings could be accommodated on the site (the letter of 27th July 2010 confirms a reduction in the initial proposal for 75 homes) at a density of about 28dph. In accordance with the requirements of the Core Strategy, a mixture of terraced, semi-detached and detached properties is envisaged offering different sizes of accommodation; 40% of the dwellings would be 'affordable' and, of those, 75% (18) would be 'social rented' and 25% (6) 'intermediate' housing, all carefully integrated into the scheme. A new 'village green' and children's play area are shown towards the north western corner of the site, with incidental areas integrated into the layout; in total almost 1ha of open space would be provided. Moreover, landscaping would help to further integrate the scheme with the rural surroundings; boundary hedgerows and trees are to be retained and additional planting of native species undertaken, especially along the northern, eastern and western boundaries.

5. Access, which is not reserved, would be via a single junction from Hinckley Road on the eastern side of the site. It is agreed that the arrangements would be safe and comply with highway requirements. The indicative layout incorporates an ingenious combination of shared surfaces, acute curves, and informal squares to reduce vehicle speeds within the development and to provide pleasant routes for pedestrians and cyclists via Sherwood Road to the rest of the village.

6. The proposal is accompanied by a revised, signed and dated Unilateral Undertaking. This satisfactorily secures the required provision of affordable housing (as indicated above), appropriate phasing of the development and the open space sought on the site, including mechanisms for its long term management and ownership. It also provides for contributions of £322.80 and £264.40 per dwelling towards the 'off-site' provision and maintenance (respectively) of formal recreation facilities (intended largely to improve the nearby Hall Drive Recreation Ground): and, a contribution of £14,610 to improve the 2 bus stops nearest to the appeal site. There are also contributions of £4,460 for libraries (to improve provisions at Hinckley Library), £3,389 for civic amenities (to increase capacity at the Barwell Civic Amenity site and £21,830 for policing (towards additional officer time, mobile CCTV, water-marking and the like).

Planning policy and the main issues

7. The Development Plan currently encompasses the East Midlands Regional Plan (2009), the Hinckley & Bosworth Core Strategy (2009) and the 'saved' policies of the Hinckley & Bosworth Local Plan (2001). The housing requirements of the Core Strategy incorporate those set out in the Regional Plan. In addition, there are adopted SPDs on New Residential Development (2000) and Play & Open Space (2008).

8. Consultations on a draft of the 'preferred options' Site Allocations DPD occurred between February and April 2009. This document included the appeal site as one of several 'preferred options' to accommodate the requirements of the Core Strategy at Stoke Golding. My understanding is that this has effectively been 'withdrawn' for substantial revision in response to the consultations (largely opposition from within the village) and, in relation to Stoke Golding, the recent permission (granted in May 2010) for the erection of up to 59 dwellings at St Martin's Convent.

9. Initially permission was refused for 5 reasons, only one of which remains. That enduring concern relates to a lack of need sufficient to warrant a scheme on a green-field site that would lead to the provision of dwellings significantly in excess of locally derived housing requirements and thus not accord with the spatial vision for the area, contrary to the advice in PPS3, policy 11 of the Core Strategy and 'saved' policy RES5. Given that it is agreed that a 5-year supply of deliverable housing sites does not exist (although the extent of the shortfall is disputed), it is accepted that favourable consideration should be given to the scheme unless matters identified in paragraph 69 of PPS3 indicate otherwise. Essentially, the Council claim that the appeal proposal would fail only the last of those listed considerations, namely that it would undermine the planned housing objectives, the spatial vision for the area and wider policy objectives.

10. The reasons that no longer apply (all carefully detailed in the Statements of Common Ground) relate to the affect on potential archaeological remains (now satisfactorily addressed by further work): the appropriate provision of affordable housing (now secured by the section 106 Undertaking): and the absence of contributions required to enhance public transport, open space and play facilities (now also secured, amongst other things, by the proffered section 106 Undertaking). In addition, it is agreed that there is no technical objection to the scheme; that access and drainage arrangements are satisfactory; and that there would be no adverse impact on the residential amenities of those nearby, on significant landscape features or on anything of importance for nature conservation.

11. Local residents are not so accommodating. They see the proposal as development on a green-field site in the countryside beyond the designated limits of the settlement and far in excess of the housing required, or capable of being accommodated, in the village. The original scheme (for 75 dwellings) would lead to an additional 134 homes, or an increase of about 19%. Given the building that has been undertaken over the last twenty years or so, such an increase could not be easily accommodated; for example, the appeal scheme would increase traffic at 'Convent corner' beside St Martins School. In any case, the site is unsuitable for development. It was unanimously rejected by councillors; it is also identified as Grade 2 agricultural land with evidence of medieval ridge and furrow cultivation. Recent research indicates that the Battle of Bosworth is likely to have taken place closer to, albeit to the west of, the village and, as bodies were carted from the battlefield to Dadlington Church for burial, the archaeological significance of the appeal site might be greater than the trial trenches currently denote. Moreover, the site serves as part of a 'green wedge' that helps to maintain the separate identities of Stoke Golding and Dadlington; as part of the rural setting of the village it should be preserved and enhanced. And, in accordance with the spirit embodied in the Localism Bill, the views of local people, as expressed by

councillors, the Parish Council and set out in the submitted petition and Village Plan should be placed at the forefront.

12. In those circumstances, and from all that I have heard, read and seen, I consider that this case turns on whether:
    i) there is a shortfall in housing land supply to warrant the proposal, or
    ii) the scheme would undermine the planned housing objectives, the spatial vision for the area or wider policy aims, or
    iii) the proposal would damage the character of the village, the appearance of the countryside or any feature that ought to be preserved.

Housing land supply

13. I agree that Councils are exhorted by PPS3 to ensure that there is a continuous 5-year supply of deliverable sites available for housing. The advice is that this should be done in the context of rolling forward the Annual Monitoring Report, setting out how allocated sites are to be made 'deliverable' within a 5-year programme in DPDs, updating the evidence base relating to the housing market and land availability (if necessary) and reviewing relevant DPDs. If a 5-year supply of deliverable sites cannot be demonstrated, then favourable consideration should be given to applications for housing, having regard to the policies in PPS3, including the considerations set out in paragraph 69.

14. It is agreed that a 5-year supply of deliverable sites cannot be demonstrated, as of April 2010. The Council believe that there is a shortfall of some 477 dwellings (representing a supply of about 4 years) while the appellants estimate the deficit to be 793 dwellings (sufficient for just 3.4 years). The disagreement is largely due to 'optimistic' and 'pessimistic' assumptions (albeit claimed as 'realistic') about the rate at which some of the larger sites, both with planning permission and identified in the SHLAA, might be developed and the use of a 15% discount (rather then 10%) to reflect the lack of commitment and absence of any planning application in relation to the small SHLAA sites. In the end, detailed considerations led to an (almost agreed) estimated shortfall equivalent to 600-650 dwellings, representing a supply of deliverable sites for about 3.6 or 3.7 years. In my view, all those figures represent a significant dearth in the 5-year supply sought.

15. However, although PPS3 exhorts Councils to manage the supply of land in a way that ensures a continuous 5-year provision of deliverable sites, the housing trajectory is advanced as a key tool for doing so. Performance is to be assessed against the forecasts in the trajectory and 'appropriate management action' is to be taken if the achievement falls outside 'acceptable ranges'. In this case, the Core Strategy has been found to be 'sound' on the basis that the Council has adopted a process to meet the housing land supply requirements of PPS3 even though the related trajectory encompasses early annual shortfalls only to be 'made good' after 2017 due to the accumulation of contributions from the 'sustainable urban extensions' at Earl Shilton and Barwell. This seems to me to suggest that an inherent feature of the Strategy entails an acceptance that shortfalls in the supply of housing land that occur early on in the plan period (as now) can be made good later on, provided appropriate monitoring and delivery mechanisms are in place.

16. I think that the monitoring and delivery mechanisms in place here are robust. First, there is the simple device of providing for a modest surplus of dwellings, in relation to requirements over the plan period. Second, there is the evident effort and resources currently being devoted to the preparation of an Area Action Plan, together with Master-plans, for the 'sustainable urban extensions'. It is set out in the Core Strategy that the Area Action Plan is to 'include triggers for co-ordinating the future growth of the 'sustainable urban extensions' and provide a mechanism for assessing the delivery of housing growth'. This is to be monitored through the AMR, the housing trajectory and the 5-year housing land supply. Third, if such monitoring indicates the failure of the 'sustainable urban extensions' option to deliver the housing required, then the findings in the *Direction for Growth Report* are to be used and reviewed to identify a preferred alternative option; small scale shortfalls are to trigger a review of the sites identified in the SHLAA. Given that the Area Action Plan is the focus of much preparation, that stage has clearly not yet been reached.

17. Of course, a housing trajectory represents an attempt to make a continuous forecast of likely housing provision, rather than to take a momentary 'snapshot' of availability, which is what an estimate of the 5-year supply of deliverable housing sites really amounts to. Indeed, even though shortfalls identified in the trajectory have currently increased, it actually implies that sufficient dwellings would materialise to meet the 5-year requirement in spite of the inability to identify sufficient sites now. Clearly, the practical consequences of the distinction must partly depend upon the robustness of the monitoring and delivery mechanisms in place to address the required housing provision. Hence, although the clear absence of a 5-year supply of deliverable housing sites must warrant favourable consideration for the appeal proposal, I think that such consideration should be tempered with the realisation not only that the Strategy adopted here renders an early shortfall more likely, but also that the Strategy itself entails the means to address that very defect.

The spatial vision

18. The clear focus of the Core Strategy is to concentrate most new residential development in and around Hinckley (including the 'sustainable urban extensions') with more limited development in the rural areas intended to meet only local needs. Stoke Golding is identified as one of 9 'key rural centres' (policy 7) and specifically as a place where development is intended to support local services and to maintain rural population levels (policy 11).

19. The intended distribution of new housing reflects the urban focus of the adopted Strategy. About 85% of the new dwellings to be provided over the plan period are to be located in urban areas and the 'sustainable urban extensions': just over 12% would be directed to the 'key rural settlements' with the remaining 3% being associated with rural villages and hamlets. The proposal would practically double the contribution from Stoke Golding to the overall housing provision. Although, by itself, that would have only a modest impact on that distribution, I consider that it could, all too easily, entail damaging consequences for the Strategy. First, it would imply that a shortfall due partly to the inherent difficulties of developing awkward urban sites and of instigating schemes in the 'sustainable urban extensions' could be rectified by redirecting development to rural areas. Second, the repetition of similar

schemes in other 'key rural settlements' would clearly have the potential to significantly alter the planned distribution of housing between urban and rural places. Third, the proposal would imply a preference for development on green-field and rural, rather than on brown-field and urban, sites, thereby further undermining the urban focus of the Strategy.

20. In relation to the village of Stoke Golding, the clear aim of policy 11 is to maintain rural population levels. A logical way to interpret that requirement is with reference to the *Rural Housing Numbers Methodology Statement* used to justify the rural housing allocations at the EiP; although it is somewhat 'rough and ready', it was convincing enough (with a few alterations) for the Strategy to be found sound. From that document, the clear implication is that the population is to be maintained at roughly the level evident within the village itself in 2004, although an additional allowance is made to reflect the services and facilities there. It follows that recalibrating the figures for larger areas and different dates rather misses the point and must conflict with the policy. Similarly, providing for increases at Stoke Golding derived from a pro-rata apportionment of the Borough-wide rise in households indicated by the most recent CLG household projections must fail to reflect the urban focus of the Strategy. As things now stand, the minimum addition of 60 dwellings identified in policy 11 has, given the recent planning permission for 59 dwellings at the Convent site, the few other 'committed' developments and the 'completed' dwellings (be they 14 or 32), already been easily exceeded.

21. I accept that, where market conditions have changed significantly or where the trajectory is clearly 'off course', it may well be necessary to review the Strategy and to update the level of provision. But I read the advice in PPS3 as indicating that the first steps should entail updating the housing market and land availability evidence bases to initiate a review of relevant Local Development Documents. I do not agree that, barely 16 months from its adoption, this Core Strategy is demonstrably due for review. New household projections, or even the 2011 census figures when they are available, offer descriptions of conditions in the village. But they do not provide a basis for changing the 'spatial vision' from one of 'maintaining', to one of 'growing', population levels in 'key rural settlements'. I am afraid that I consider that this scheme would undermine the Core Strategy and conflict with the policy setting out the spatial vision for Stoke Golding.

The village, the countryside and the appeal site

22. The proposal would involve building on a green-field site beyond the limits of the settlement identified in the Local Plan. But the Convent site, although at least partly brown-field, is also well beyond that limit and the Core Strategy necessarily entails development beyond village boundaries, otherwise the Site Allocations DPD would be unnecessary. Moreover, given the permission for 59 dwellings at the Convent together with the position and scale of the buildings at St Martins School, there would be a sense in which the proposal would serve as a natural consolidation of what would otherwise be a somewhat tenuous connection between what would become the 'east' and 'west' ends of Stoke Golding. I think that the indicative layout would offer the potential of a high quality development here well integrated with the pattern and form of the village and the surrounding landscape. There would be attractive pedestrian links to Sherwood Road and the proposed dwellings would be set back below the ridge and behind landscaping reinforcing the

northern hedgerow. And, although the development would be closer to Dadlington, it would encroach no further than Goosegrange, which now heralds the southern end of the gap between the 2 villages; a gap of some 240m would remain.

23. Nor do I consider that the site would be inherently unsuitable for development. I would be surprised if detailed survey work were to confirm a field in pasture as Grade 2 agricultural land. And, although it contains signs of medieval ridge and furrow, there is no convincing evidence that important archaeological remains are likely to be present. Not only have the trial trenches revealed nothing of significance, but also the recent research seems to me to indicate that the battlefield is likely to be well to the west of the village and in a position that would not naturally have led those carting bodies to Dadlington Church to traverse the appeal site. It is also difficult to describe the site as making an important contribution to the setting of the village, for it lies behind the dwellings fronting Hinckley Road, below the bungalows on Sherwood Road and opposite both the school buildings and the development on the eastern side of Hinckley Road. I thus agree with Mr Reid that the site is actually quite well contained by elements associated with the village.

24. I realise that there is much local opposition to the scheme and it may be that with the passing of the Localism Bill into law that a new 'neighbourhood' or 'village' plan might provide a vehicle to translate aspects of that opposition into planning policy. But, as yet, there is nothing in the Bill that I can discern that would warrant local views prevailing over cogent planning arguments on their own. And, for the reasons outlined above, I consider that the proposal would not seriously damage the character of the village, the appearance of the countryside or any feature that ought to be preserved.

Other matters

25. I agree that the affordable housing targets for the rural areas of the Borough are not being met and that the appeal proposal would represent a modest reduction of that shortfall by providing 24 additional affordable units. But the permission for the Convent site would provide a similar number of affordable homes and the logic of directing enough additional residential development to rural areas to make up the number of affordable dwellings required would run the risk of undermining the urban focus of the Strategy.

26. For the contributions proffered by the submitted Undertaking to be material to my decision, they must meet the tests set out in CIL Regulation 122. It seems to me that those tests are almost certainly met here. The requirements are embedded in 'saved' or adopted policies and clearly set out in SDPs or 'guidance' documents generally supported by extensive evidence. Quantified evidence of the additional demands on facilities or infrastructure likely to arise from the proposed development is set out in those documents and in the written submissions made Mr Hicks, Mr Tyer and Chief Inspector Sally Chivers; the methodology for calculating necessary contributions is explained and details given of the facilities or infrastructure on which the proffered contributions would be spent. I think that a bit more work would be required in relation to the contribution to the police, but core requirements related to the development are clearly itemised. In my view, the contributions would be an essential element in the quality of this scheme, as I have described it above. I fear, however, that the quality of this proposal does not outweigh its damaging implications for the adopted Strategy.

Conclusion

27. I have found that, although the absence of a 5-year supply of housing land warrants favourable consideration for the appeal proposal, it should be tempered because the soundness of the adopted Strategy encompasses circumstances that render a shortfall early in the plan period more likely and because the Strategy itself entails delivery and monitoring measures to address any shortfall identified. Hence, as I consider that this scheme would undermine the Core Strategy and conflict with the policy setting out the spatial vision for Stoke Golding, I find that, in this case, the absence of a 5-year supply of housing land to be insufficiently compelling to warrant favourable consideration for the appeal proposal. Even though I doubt that a scheme of this quality would, in itself, seriously damage the character of the village, the appearance of the countryside or any feature that ought to be preserved, I find neither those nor any other matter raised important enough to alter my conclusion that this appeal should be dismissed.



INSPECTOR

APPEARANCES
FOR THE APPELLANTS:

Roger Lancaster	of Counsel	Instructed by: Nathaniel Lichfield and Partners, 1 St James Square, Manchester, M2 6DN
He called:		
Ian Reid	DipTP DipLD MLI	Director, Ian Reid Landscape Planning Limited, Leicester
Michael Watts	DipURP MRTPI	Director, Nathaniel Lichfield and Partners, 1 St James Square, Manchester, M2 6DN

FOR THE LOCAL PLANNING AUTHORITY:

Timothy Leader	of Counsel	Instructed by: Adam Bottomley, Solicitor, Hinckley and Bosworth Borough Council
He called		
Andrew Killip	BA MSc	Planning Policy Officer, Hinckley and Bosworth Borough Council
Not called as matter agreed		
James Hickes	BA MA MRTPI	Principal Planning Officer, Hinckley and Bosworth Borough Council

FOR THE LEICESTERSHIRE COUNTY COUNCIL:

John Prendergast	Solicitor	Solicitor, Leicestershire County Council
Not called as matters not in dispute		
Andrew Tyer	BA MRTPI	Developer Contributions, Leicestershire County Council
Steve Kettle		Leicestershire County Council
Ian Bracker		Leicestershire County Council

INTERESTED PERSONS:

	Stoke Golding Parish Council
Douglas Mace &	Parish Councillor
Cllr Reg Ward	Chairman, Stoke Golding Parish Council
Cllr Ivan Ould	County Councillor, Market Bosworth Division
	Stoke Golding Heritage Group
Roy Mitchell	Member, Stoke Golding heritage Group
Brian Ninness	Local resident – presenting local petition
Chief Inspector Sally Chivers	Leicestershire Constabulary

DOCUMENTS

Document	1	Lists of persons present at the Inquiry
Document	2	Letters of notification and circulation lists
Document	3	Summary, proof and figures ~ Ian Reid
Document	4	Summary and proof ~ Michael Watts
Document	5	Appendices 1-18 ~ Michael Watts
Document	6	Summary, proof and appendices ~ Andrew Killip
Document	7	Proof and appendices ~ James Hicks
Document	8	Proof and documents ~ Andrew Tyer
Document	9	Submission and documents ~ Sally Chivers
Document	10	Submission ~ Douglas Mace & Cllr Reg Ward
		1 Stoke Golding Village Plan
Document	11	Submission ~ Roy Mitchell
Document	12	Petition of objectors submitted by ~ Brian Ninness
Document	13	Petition of objectors submitted by ~ Brian Ninness
Document	14	Statement of Common Ground and CD1 – CD7
Document	15	Supplementary Statement of Common Ground
Document	16	Draft section 106 Unilateral Undertaking
Document	17	Signed Unilateral Undertaking, dated 22 March 2011
Document	18	Signed and revised Unilateral Undertaking dated 28 March 2011
Document	19	Bundle of 87 letters from interested persons and index
Document	20	Bundle of representations in response to the letter of notification
Document	21	Planning statement
Document	22	Design and Access Statement
Document	23	Briefing note, dated 13 July 2010
Document	24	Travel Plan
Document	25	Transport Statement
Document	26	Road Safety Audit; stage 1
Document	27	Flood Risk Assessment
Document	28	Archaeological assessment
Document	29	Ecological appraisal
Document	30	Arboricultural survey

INQUIRY DOCUMENTS

ID1	*Opening submissions ~ Timothy Leader*
ID2	*Housing trajectory, April 2010*
ID3	*E-mail; progress on the Convent site, Mar City*
ID4	*SHLAA sites and discussion*
ID5	*2004 population projections updated with 2010 completions & commitments and household size of 2.3*
ID6	*2004 population projections updated with 2010 completions & commitments and household size of 2.1*
ID7	*Appeal decision, Groby Village; 24 February 2011*

PLANS

Plans	A	Site plan
Plan	B	Roundabout proposal
Plan	C	Junction detail; 16482/2002

Plan	D	Junction detail; 16482/2002 D
Plan	E	Layout for 75 dwellings SK3 12/5/2010
Plan	F	Layout Rev B
Plan	G	Country Lane view
Plan	H	Mews street scene
Plan	I	Surface water drainage
Plan	J	Phase 1 habitat