

Land East of The Common, Barwell

Planning Statement



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1. Introduction

- 1.1 The Government and the Secretary of State are firmly committed to:
- a. delivering 300,000 new homes a year;
 - b. addressing the housing crisis;
 - c. addressing the problem of affordability; and
 - d. creating beautiful places.
- 1.2 This is because there is a housing crisis in this country. These are not the Applicant's words, but the words of the former Planning Minister in 2013. He also made clear that this state of affairs is causing misery to millions of our fellow citizens.
- 1.3 To address the crisis good quality proposals need to be supported. This is one such proposal, for development of a site that the Council themselves has recognised has potential for development. They are right to have included the site in the SHELAA because Barwell is a sustainable settlement and this site forms a natural extension to it. It can be developed in such a way that meets the Government and Secretary State's commitments.
- 1.4 This Planning Statement sets out the case for approval. It has been prepared by Ryan & May on behalf of the Applicant, Redrow Homes Ltd (Harrow Estates Division) ("Harrow"), in support of an outline planning application for permission to develop up to 95 homes on land to the east of The Common, Barwell.
- 1.5 Introductory sections 2-4 provide a description of the application, outline relevant planning history and describe the site and its surroundings.
- 1.6 Section 3 gives a description of the site relevant to the consideration of matters addressed by this Planning Statement. Other discipline specific site descriptions can be found in the accompanying technical reports and statements.
- 1.7 The rest of this Statement addresses the following matters:
- The Planning Policy Framework and the emerging Local Plan
 - The pressing need for housing in Barwell, and in the Leicester and Leicestershire Housing Market Area (HMA)
 - The Masterplan and approach to design coding for the site
 - Compliance with the adopted plan
 - Ensuring delivery of quality design; and
 - The overall Planning Balance

- 1.8 The spatial plan development plan for the Borough identifies Barwell as part of the main urban area of Hinkley. It recognises that Barwell has the potential to accommodate significant growth and provide a catalyst for the regeneration of the town through delivery of a wider range of housing that would encourage more prosperous households to move into the area. The adopted development plan provides for a Sustainable Urban Extension (SUE) of 2,500 new homes on the western side of the settlement with the expectation that it would have delivered almost 1,000 new homes by 2021. To date, planning permission has not been granted for the SUE and, at best, it is not expected to deliver any new homes until the latter end of this decade.
- 1.9 Analysis contained within the Council's Housing Delivery Test Action Plan identifies that one of the causes in the decline of house-building in the Borough is a failure to grant sufficient planning permissions. The Council has only permitted enough dwellings in 3 out the past 10 years. As well as undermining the development plan this severely impacts on delivery of affordable housing. The total affordable housing need in the Borough is now 498dpa.
- 1.10 Harrow acquired the application site in 2021. A planning application for up to 100 homes on part of the site was dismissed at appeal in March 2023. This current application addresses those matters identified by the Inspector to that appeal. It demonstrates, through an informed master-planning approach, how the development can be accommodated on the site in a manner that respects the character and appearance of the area.
- 1.11 There are and never have been any insurmountable technical constraints to developing the application site, which can make an important contribution towards the provision of market and affordable housing in the Borough, and support the objectives of the development plan to regenerate Barwell.
- 1.12 Where previous applications have failed has been in their inability to provide for and then secure the creation of a very high-quality development, created through careful urban design of beautiful buildings and places; and fully integrated landscape design. That is what is done in this proposal.
- 1.13 This application is distinctive from its predecessors in the following ways:
- 1.13.1 The Application site now takes in an additional field adjoining the built-up area, such that the whole of the proposed development is a logical and naturally seamless extension of the village.
 - 1.13.2 The Application site excludes a field on its southern periphery, furthest from existing built form. That field remains in the control of the Applicant, and it can be dedicated to off-site BNG improvements.
 - 1.13.3 The density of development has been reduced to less than 27 dph to enable the provision of higher quality 3 and 4-bed family housing. This will help to broaden the housing offer in Barwell and, in turn, raise the socio-economic profile and support the economic regeneration of the town.

- 1.13.4 The overall number of dwellings proposed has been reduced. Whereas previous proposals were made for developments of over 100 units on the site, this application is limited to 95.
- 1.13.5 The proportion of those 95 units dedicated to the delivery of Affordable Housing has increased by 50% and is in excess of the Council's policy requirement. This scheme will now deliver 30% Affordable homes, the equivalent of 29 new homes.
- 1.13.6 The layout of those homes has been designed from the starting point of retaining trees and hedgerows wherever possible; minimising visual encroachment into any short, medium and long-range views; and providing for greenways allowing residents and visitors to connect directly with the countryside.
- 1.13.7 For this proposal, not done for previous applications, the illustrative masterplan has been prepared and fully tested across the whole design team to ensure that the exceptional design quality envisaged by the Applicant can be guaranteed in the future delivery of Reserved Matters submissions. That quality will be secured through an approved Design Code.

2. Description of the Application

2.1 The application form confirms that this is an outline planning application for:

“Demolition of all buildings on site and development of up to 95 dwellings, together with associated access, open space and landscaping”.

2.2 The application is made in outline with all matters, except for access, reserved. The development is for up to 95 dwellings, together with associated access, open space and landscaping. Full details of the vehicular access from The Common are submitted for approval. The application is supported by an Illustrative Masterplan which sets out the Applicant’s particular proposals for the site, including strategic landscaping proposals, demonstrating why this proposal should be considered acceptable.

2.3 A more detailed breakdown of the proposed housing mix and open space typologies is given in Table 2.1 below.

Table 2.1 Proposed development

Total site area: 10.92 ha				
Houses – area of residential development and roads – 3.83 Ha				
	2 bed	3 bed	4 bed	Total
Open Market housing	-	32	29	61
Affordable Housing	15	14	-	29
Self-build	-	2	3	5
Open Space - Open Space and Green Infrastructure - 7.08 Ha				
Amenity Grassland	1.4a Ha			
Meadow Grassland	2.62 Ha			
SUDS	0.44 Ha			
Hedges	1.6 Ha			
Woodland	1.01 Ha			

2.4 While the application is made in Outline with all matters other than access reserved; it includes a detailed illustrative masterplan, Design and Access Statement and a Design Code to inform Reserved Matters submissions.

Proposal description

- 2.5 The application as a whole is focussed on the end quality of the development and the part it can play in enhancing the built, social and economic environment of Barwell.
- 2.6 The team has engaged in a bottom-up design-led approach that results in a high-quality scheme and an informed Outline application, supported by a robust Design Code. The Applicant's aim is to then deliver a scheme that widens the socio-economic profile of Barwell and creates a beautiful village fringe residential development.
- 2.7 The illustrative masterplan shows how this can be achieved and is then translated into fixed parameters for approval. The LVIA has been based upon those parameters identified by the urban design team through the DAS and parameters plans of the Design Code.
- 2.8 To appreciate what the resultant development will deliver one needs to review a range of documents:
- The accompanying Design and Access Statement - shows how the scheme reflects the most attractive character of the villages and smaller urban settlements in the Borough and County as a whole.
 - The Design Code - shows how the quality of urban form, streetscape and landscaping within the development can be enhanced.
 - The LVIA - provides robust evidence to confirm new housing on this site can be assimilated into the existing built area around the village without any harm.
 - The BNG report - identifies the clear biodiversity net gain achieved by this urban fringe development.
 - The Socio-Economic Report - sets out the clear economic benefits flowing from diversifying the housing offer of Barwell with a scheme of this size and nature, including a summary infographic. The scheme will bring in around 240 people, who will predominantly be of working age, to boost the local economy.
 - The housing sections of this statement – explain the contribution that the site will make to the five-year housing land supply, aspirations for the regeneration of Barwell, and the sustainable spatial distribution of development in the Borough in accordance with the development plan.

Land Ownership

- 2.9 The whole application site as edged red, and an area of land to the south (blue edge) is in the single control of the Applicant, Harrow. Harrow Estates is a Redrow Group Company: <https://www.redrowplc.co.uk/land/harrow-estates/>
- 2.10 Redrow is a national housebuilding company that is committed to early delivery on sites with planning permission. The company aims to submit first reserved matters in accordance with the illustrative masterplan within 12 months of obtaining consent and

is willing to agree to a condition requiring the submission of all reserved matters for the market and affordable homes within 18 months. Harrow intends to immediately commence construction, with an anticipated build-out period of c.3 years (35 homes/annum). A standard period for submission of reserved matters for the self-build units will provide greater flexibility for those wishing to build their own homes.

3. The Site and Surroundings

- 3.1 The Site comprises land of 10.92ha. located immediately adjacent to the south and eastern edges of Barwell. It is bound by existing housing and industrial premises on The Common and Garner Close to the west and housing on Dawson's Lane to the north.
- 3.2 The site comprises an area of gently sloping grazing land on the eastern side of The Common at Barwell. The land is tenanted for horsey-culture, with fields producing hay and grazing land. There is no public access.
- 3.3 Physical on-site constraints are limited to the retention of hedgerows and trees.
- 3.4 The town centre of Barwell is located a fifteen-minute walk to the north-west of the application site. It contains a range of shops, services and community uses, which are adequate for day-to-day needs, but which require a greater population to fully support them. The 'historic core' of the town centre is now badly run down and has been subject of unsympathetic interventions.
- 3.5 The different aspects of the application site and surroundings are described in more detail in the following documents:
- **The Socio-Economic Report** - describes the wider area and how several parts of Barwell and Earl Shilton remain amongst the most deprived in Leicester and Leicestershire; a lack of variety in the housing offer – with semi-detached properties dominating and relatively few households living in larger homes – and local retailers also facing challenges, with vacancy rates consistently being amongst the highest in the Borough.
 - **Landscape and Visual Impact Assessment** - which describes the landscape of the site and surrounding area in detail, together with the views of the site from different locations.
 - **Design and Access Statement** - Section 2 includes an assessment of the site describing its features and surrounding context, with a site evaluation setting out constraints and opportunities to be considered as part of the scheme design. Included in that section of the DAS is a detailed examination of local character and townscape of Barwell.
 - **Transport Assessment** – Section 3 of the TA describes the accessibility of the site to key local facilities and services by sustainable modes of travel of walking, cycling and public transport. All local facilities are set out in Table 4.1. Section 4 describes the existing transport conditions in the vicinity the site including a review of the local highway network.
 - **Heritage Statement** – provides an assessment of the archaeological value of the site and detailed descriptions of the designated and non-designated built heritage assets in proximity to the site as shown in the Leicestershire Historic Environment Record.

- **Noise report** - describes the noise climate of the site and immediate surroundings. It includes up-to-date measurements of noise associated with adjacent commercial properties.
- **Arboricultural Impact Assessment** – is based upon the revised residential development parameters and assessing the impact of both highways options. Together with the tree survey it shows the location and quality of trees and hedges on the site.
- **Flood Risk Assessment and Drainage Strategy** – provides information on flood risk showing the whole site to be located entirely within Flood Zone 1, as land defined as having a low probability of flooding from rivers or sea; and to be at a very low risk of surface water flooding.
- **Arboricultural Report** – describes the tree and hedgerow cover on the site and at its entrance, including an assessment of its quality and health.
- **Air Quality Assessment** – provides a description of the air quality around the site to underpin the analysis of impacts on that air quality arising from traffic associated with the development.
- **Ecological survey** – provides detailed descriptions of the findings of site wide surveys carried out over a period of years for an extensive range of habitats, species and groups. It then provides a calculation of BNG.

4. The background to the application

Land ownership

- 4.1 Harrow purchased the majority of the application site in 2021. Earlier this year the company contracted an adjacent paddock abutting the north-western boundary of the site and that is now part of the current application.
- 4.2 Harrow has promoted the land as an allocation for housing development through the emerging local plan process and it has been identified as a Developable Site in the SHELAA.

Relevant Planning History

- 4.3 Prior to Harrow ownership the site was in the control of Gladman who made an application for c.185 dwellings in 2017 (planning ref: 17/00531/OUT). That application was refused by H&BC, for four reasons, including highways and by the time that the inquiry was held, negotiations had resulted in these being reduced to a single reason relating to the impact of the development on the character and appearance of the area and the Green Wedge. The appeal was subsequently dismissed on grounds of landscape character and appearance.
- 4.4 The inspector had identified the main issues as *'the effect on the character and appearance of the area'*, and on the Green Wedge. That decision confirmed that the area was not a *'valued landscape'*, but that the site was *'demonstrably part of the countryside'* and the rural setting (of Barwell) would be harmed by extending *'managed space'* from the current urban edge. On the second issue the inspector was critical of the way a Green Wedge policy had been interpreted and applied as if it was a Green Belt policy, but nevertheless found the 185-unit scheme to reduce the *'green lung'* too much.
- 4.5 A second planning application (planning ref: 21/01470/OUT) for up to 110 dwellings was submitted by Harrow Estates in 2021. That application was not determined by the LPA in time and an appeal was lodged on the grounds of non-determination. The appeal (appeal ref: APP/K2420/W/22/3295558) was dismissed by the inspector on 27th March 2023. In that decision the inspector based her judgement of impact on local character on an in-house *'testing layout'* which was not a formal application document. Her key conclusion being that she was *"not satisfied that a development of the quantum of houses proposed could be accommodated on the site in a manner which would respect the character and appearance of the area."*
- 4.6 The decision sets out three important conclusions. Firstly, that there would be no unacceptable impact on highways; secondly that there was no 5YHLS; and thirdly that the function of the Green Wedge in preventing the merging of settlements would not be harmed, because the villages are already conjoined settlements [paragraph 27]).
- 4.7 As part of that 2023 appeal the Council and the Appellants agreed a Statement of Common Ground (SoCG). As well as the agreement of factual matters such as site area and location, the SoCG also agreed that:

- ‘Established mature hedgerow boundaries presently sub-divide the site into a series of distinct, visually confined, parcels of land’ [2.3].
 - The provision of 20% Affordable Housing in accordance with Policy 15 of the Core Strategy, would make a valuable contribution towards the supply of affordable housing [5.3].
 - The provision of 5% of the dwellings within the development as self-build plots would also make a valuable contribution towards meeting the varied housing needs within the Borough. [5.4]
 - The Council could no longer demonstrate that there is a five-year land supply of deliverable land; the ‘tilted balance’ within paragraph 11 of the Framework should be applied and significant weight should be attached to the overall housing contribution (form market housing, affordable housing and self-build housing [5.5].
 - Policies in the Core Strategy (2009) and the Site Allocations and Development Management Plan (2016) were out of date [6.2] and of limited weight [6.4].
 - The inclusion of a parameter to limit the height of dwellings to nine metres/two storeys in combination with the proposed landscaping infrastructure planting will limit the visibility of dwellings within the proposed development as compared to those within the previous appeal proposal when dwellings of up to 2.5 storeys were proposed [7.8].
 - The extent of the Green Wedge area of which the appeal site formed part is in excess of 440 hectares in size and, consequently, the potential loss of 3.4 ha to built development would represent an insignificant change in terms of its physical extent [7.10].
 - The proposal was for development that would represent a logical extension to the existing settlement and reflect the settlement pattern, scale and use in terms of type of built form [7.12].
- 4.8 Lastly, it was agreed that all technical matters and impact assessments, including Air Quality, Access, Ecology, Flood Risk, Heritage, Noise and Trees were properly addressed in documents submitted with the application and *‘none of the topics addressed provide a basis for refusing the appeal proposal, subject to appropriate conditions and/or planning obligations’*. [8.1]. This is significant as the same consultant team have been retained to provide the same raft of technical reports for this application.
- 4.9 A set of draft conditions were also prepared by the LPA that the Appellants were content with. These are reflected in the draft conditions appended to this Statement.

New Local Plan

- 4.10 The Council has commenced work on preparation of a new local plan for the period 2020 - 2041. A Regulation 19 consultation was carried out in February – March 2022; it

was based on a housing requirement of 472 dwellings per annum as calculated under the Standard Housing Method (SHM).

- 4.11 However, progress of the new local plan has now been paused, following discussions with the eight Leicestershire plan-making authorities and Leicestershire County Council (LCC) (collectively ‘the Leicestershire authorities’). The Leicestershire authorities have a long track record of effective joint working across the county under the Duty to Cooperate, including strategic plan making.

Leicestershire authorities Statement of Common Ground

- 4.12 In June 2022, that is post publication of the Council’s Regulation 19 plan, the Leicestershire authorities published a joint Statement of Common Ground in which they recognised and agreed that:

“Leicester City Council is the only authority in the HMA to have declared and quantified (with evidence) an unmet [housing] need 2020 to 2036. Assisting Leicester to meet its unmet need is therefore a key element of the Duty to Co-operate across the HMA”¹

- 4.13 The level of unmet housing need in Leicester City (LC), at that time, was calculated as 18,700 homes. Accordingly, the Leicestershire authorities agreed there should be a redistribution of LC’s unmet housing need across the wider area, resulting in a redistributed housing provision in the majority of Boroughs that differs from the SHM starting point.
- 4.14 For Hinkley and Bosworth Council (H&BC) the redistribution from LC is agreed by all the Leicestershire authorities as an additional 102 dwellings per annum (dpa). With the exception of H&BC, all the Leicestershire also agreed that a further 85dpa should be added to the H&BC requirement because of a cap on Charnwood Borough’s contribution towards meeting LC’s unmet needs.

Local Development Scheme

- 4.15 Under the provisions of the Planning and Compulsory Purchase Act 2006, the Council is required to prepare a Local Development Scheme (LDS) setting out its priorities and timetable for preparation of development plan documents (DPDs).
- 4.16 In December 2022, the Council adopted a new Local Development Scheme (LDS) for the Borough. The LDS recognises that the emerging draft local plan does not fully take account of the quantum of the unmet housing needs within the Housing Market Area and the Council’s agreement to accommodate part of the unmet housing needs of Leicester City in accordance with the Statement of Common Ground signed in June 2022.
- 4.17 The LDS makes clear that as a member of the Leicester and Leicestershire Housing Market Area (HMA) the Council has a duty to help address the unmet needs of LC. It, therefore, accepts that Hinkley and Bosworth should find additional sites to

¹ Leicester and Leicestershire Authorities Statement of Common Ground relating to Housing and Employment Needs (June 2022), paragraph 3.13

accommodate a further 102dpa for the plan period over and above that calculated under the SHM. On that basis, the new local plan aims to meet an annual housing requirement for the Borough of 574dpa.

- 4.18 As a result of the increased housing requirement the Council has revised its LDS anticipating a further Reg 19 consultation in summer 2024 and adoption of the new local plan in late summer 2025. That is the most optimistic timescale for adoption of the new local plan, since it may be necessary for a further Reg 18 consultation to be carried out if sufficient sites cannot be identified in accordance with the current spatial strategy².

Engagement with the Council and others

- 4.19 Harrow and its advisors have been engaging with H&BC since they secured control of the site in 2021, including making representations to the local plan process.
- 4.20 The Applicants have also sought to engage with key stakeholders, having done so on their original application. However, as is often the case in circumstances where local communities are regularly consulted on local plans and proposals, at application and appeal, there is a reticence to engage further.
- 4.21 The views of local residents and stakeholders on the site and on the developments in and around Barwell have been expressed previously and reviewed by the Applicant to inform the application.
- 4.22 Whilst most specific requests to meet with local groups to inform the Design Code went unanswered the Applicants were able to meet with LCC, who had themselves provided consultation feedback on the H&B Design Guidance. A productive meeting with the Director of strategic environmental policy confirmed that LCC are taking a leadership role in promoting inclusion of trees within developments and integrating nature as part of residential schemes. They are currently promoting provision of swift boxes within all developments.
- 4.23 Specific control measures from the draft design code were shared and it was confirmed that the draft code would cover all matters required to ensure a suitably controlled development. A number of detailed suggestions were provided, all of which the Applicant's urban designer has incorporated into the final Code.

² LDS, paragraph 2.13

5. Planning policy context

National Planning Policy

- 5.1 National planning policy is set out in that National Planning Policy Framework³ ('the Framework'), and guidance contained in the National Planning Practice Guide (NPPG). The following policy themes are most relevant to the application proposals.

Sustainable Development

- 5.2 The purpose of the planning system is to contribute to the achievement of sustainable development under three interdependent and over-arching objectives: economic, social and environmental. Plans and decisions should apply a presumption in favour of sustainable development unless the policies of the NPPF which protect assets of particular importance provide a clear reason for refusing the development proposed; such assets are clearly set out in the footnote to paragraph 11. Those assets do not include any designations applicable to the application site.

Housing

- 5.3 Government has a key objective of significantly boosting the supply of homes and places importance on ensuring that a sufficient amount and variety of land can come forward where it is required and that can be developed without delay. Local planning authorities are expected to have a clear understanding of housing land supply and identify sites in accordance with the strategic housing requirement. Sites should be available to meet the needs of all sectors of the community, including first homes and affordable housing.
- 5.4 To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for.
- 5.5 Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than 5 years old.

Promoting Healthy and Safe Communities

- 5.6 To provide the social, recreational and cultural facilities and services that communities need, development should plan positively for the provision and use of shared spaces, community facilities, and other local services to enhance the sustainability of communities and residential environments. Access to a network of high-quality open spaces and opportunities for recreation are also recognised as being important for health and well-being.

³ National Planning Policy Framework 2021

Transport

- 5.7 In assessing sites, it should be ensured that: appropriate opportunities to promote sustainable transport modes can be delivered; safe and suitable access to the site can be achieved for all users; and any significant impacts on the transport network can be cost effectively mitigated to an acceptable degree. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highways safety or the residual cumulative impacts would be severe.

Natural Environment

- 5.8 Planning policies and decisions should contribute to and enhance the natural environment by, inter alia, protecting and enhancing valued landscapes, recognising the intrinsic value of the countryside, minimising impacts on and providing net gains for biodiversity. Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty.

Historic Environment

- 5.9 Where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Design

- 5.10 The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 5.11 Design guides may be prepared in support of a planning application; they should reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code.

Development Plan

- 5.12 The relevant documents of the adopted Development Plan for Hinkley and Bosworth comprise the following:
- Core Strategy DPD: 2006- 2026 (Adopted December 2009)
 - Site Allocations and Development Management DPD (Adopted July 2016)
 - Earl Shilton and Barwell AAP (Adopted 23 September 2014)

Spatial Strategy

- 5.13 The Spatial Development Strategy follows a settlement hierarchy which focuses the majority of new development in the Hinkley sub-regional centre which includes

Barwell, Burbage and Earl Shilton⁴. More limited development is proposed across the remainder of the Borough 'to support sustainable rural communities and provide local choice'.

Spatial Objective 5: Housing for Everyone

*"To ensure sufficient housing is provided to meet the requirements of the East Midlands Regional Plan to enable all residents of the borough to have access to a suitable home which they can afford in a range of sustainable locations, tenures and house types. The focus of development will be in and around the Hinckley urban area, with more limited development in the rural areas to meet local needs. All housing will be high quality, locally distinctive, sustainable developments"*⁵

- 5.14 Spatial Objective 5 is clearly reflected in the Site Allocations and Development Management DPD where the majority of housing and employment allocations are directed towards Hinkley, and the Sustainable Urban Extensions (SUE) to Barwell and Earl Shilton.

- 5.15 The Earl Shilton and Barwell AAP was primarily prepared to support the policies of the Core Strategy to deliver significant housing growth at the two settlements and act as a catalyst for their regeneration. The introduction to the AAP states:

*"...both Earl Shilton and Barwell contain pockets of significant deprivation, particularly relating to income, education skills and training, employment and health, and both centres are in need of regeneration. The most deprived parts of the two settlements are among the most deprived neighbourhoods in Leicestershire."*⁶

- 5.16 The overall vision for the two settlements for 2026 is:

*"To see the development of sustainable communities with distinct identities and character, providing attractive and accessible living and working environments and thriving urban centres. The settlements will be well connected to Hinckley and the surrounding countryside and supported by infrastructure that encourages green living"*⁷

- 5.17 As is now clear, the vision for the regeneration of Barwell by 2026 has not been and cannot be realised. To that extent the Spatial Strategy can be said to have failed.

Housing Policies

- 5.18 The Core Strategy sets out a housing requirement for the Borough of 9000 dwellings for the period 2006 - 2026; that is 450 dwellings per annum. Of that total, at least 990 dwellings are expected to be delivered in the Barwell SUE during the plan period. No other housing sites are identified in the town.

- 5.19 Within the 9 'Key Rural Centres' (the second tier of the settlement hierarchy) sites are allocated for between 40 and 110 dwellings, while in the 7 named 'Rural Villages'

⁴ Core Strategy, paragraph 4.11

⁵ Core Strategy, Spatial Objective 5

⁶ Earl Shilton and Barwell AAP, paragraph 1.4

⁷ Ibid, paragraph 3.1

allocations range from 10 to 40 dwellings. No allocations are identified in the 'Rural Hamlets' where only development within the settlement boundary will be supported (Core Strategy policy 13). The overall proposals map and individual settlement maps show that boundaries are drawn tightly around the rural settlements.

- 5.20 The development plan sets out an expectation that large sites will deliver 20% affordable housing on a 75:25 social : intermediate tenure.

Site Allocation

- 5.21 The proposals map of the adopted development plan shows that the application site lies on the edge of Barwell, outside the settlement boundary and on land designated as a 'Green Wedge' (Site Allocations and Development Management DPD, policy DM4).
- 5.22 As confirmed by the two appeal decisions and the Statement of Common Ground between the Council and the Appellants for most recent appeal, the Green Wedge policy does not preclude development; in the context of the wedge as a whole the physical extent of the proposed development will be insignificant.
- 5.23 The inspector in the most recent appeal confirmed (paragraphs 26 and 27):

"The proposal would result in the loss of Green Wedge land to housing. That is not in dispute.

In respect of settlement separation, the concern in this appeal relates to the separation of Barwell and Earl Shilton. These two settlements have merged already further to the north-east of the site. The development, of itself, would not worsen the existing situation on the ground as they would appear no less separate than they do currently."

List of Relevant Policies

- 5.24 The following strategic and development management policies of the adopted development plan are identified as being relevant to this application. They have been considered in this Planning Statement and other application documents, as appropriate:

Core Strategy Policies

- Policy 3: Development in Barwell
- Policy 5: Transport Infrastructure in the Sub-Regional Centre
- Policy 6: Hinkley / 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

- Policy 24: Sustainable Design and Technology

Site Allocations and Development Management Policies

- DM1: Presumption in Favour of Sustainable Development
- DM3: Infrastructure and Development
- DM4: Safeguarding the Countryside and Settlement Separation
- DM6: Enhancement of Biodiversity and Geological Interest
- DM7: Preventing Pollution and Flooding
- DM9: Safeguarding Natural and Semi-Natural Open Spaces
- DM10: Development and Design
- DM17: Highways and Transportation
- DM18: Vehicle Parking Standards

Earl Shilton Area Action Plan Policies

- Policy 21: Infrastructure and Delivery
- Policy 22: Development and Design

Supplementary planning documents

5.25 The Council has adopted a number of Supplementary Planning Documents (SPDs) to inform application and interpretation of the development plan policies. Those are not part of the development plan but may be material considerations in the determination of planning applications. The following SPD has been identified and is considered in this Planning Statement and other application documents, as appropriate:

- The Good Design Guide SPD

Other policies and guidance

5.26 Other national and local guidance may also be relevant as material considerations in the determination of planning applications. The following documents are considered in this Planning Statement, the Socio-Economic Assessment, the Design and Access Statement and Design Code, and the Transport Assessment:

- Manual for Streets (2010)
- Leicester and Leicestershire 2050: Our Vision for Growth (2018)
- Leicestershire Local Housing Needs Assessment (2020)

- Leicester and Leicestershire Employment and Housing Needs Assessment (update) (July 2022)
- National Model Design Code (2021)

Emerging Local Plan

- 5.27 The emerging local plan reached an advanced stage (Reg 19) prior to being paused while further work is carried out to identify additional sites to meet a new housing requirement of 574dpa in response to the Council's agreement to meet part of LC's unmet needs (see section 4). Consequently, only limited weight can be attached to the draft local plan in the determination of this application.

6. Housing Supply

- 6.1 Government has a key objective of significantly boosting the supply of homes and places importance on ensuring that a sufficient amount and variety of land can come forward for housing where it is required and can be developed without delay. Sites should be available to meet the needs of all sectors of the community, including first homes and affordable housing:

"...to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay."⁸

- 6.2 This chapter of the Planning Statement sets out an assessment of the various components of housing need and supply in the Borough, and Barwell in particular, with reference to the Council's planning policies and evidence base.

Housing Requirement

- 6.3 The adopted development plan documents were prepared on the basis of a housing requirement for H&BC of 450 dwellings per annum (dpa). The Core Strategy was adopted in 2009, it is now (significantly) more than 5 years old and has not been subject of review in accordance with the NPPF⁹. The strategic housing policies of the development plan are clearly out-of-date having regard to the NPPF¹⁰.
- 6.4 Accordingly, the SHM provides the starting point for determining the strategic housing requirement for the Borough; it points to a minimum housing requirement of 472dpa [emphasis added]. The SHM figure does not take into account H&BC's commitment to accommodate an element of Leicester city's unmet housing needs which raises the annual requirement to 574dpa (see paragraph 4.14 above).

Supply of Land for Housing

- 6.5 The Council's last full Residential Land Availability Monitoring Statement was published in December 2022 (RLAS 2022); it has a base date of 1 April 2022. The Appendices to the RLAS include a range of tables setting out, inter alia, details of housing commitments on large and small sites across the Borough, anticipated build-out and fall-out rates, and a summary of known obstacles to delivery. The overall housing trajectory is produced at Appendix 13; it anticipates completions of 2,424 dwellings over the 5-year period 2022 – 2027 before predicting a significant fall in the rate of housing development from 2026.

⁸ NPPF, paragraph 60

⁹ Ibid, paragraph 33

¹⁰ Ibid, paragraph 74

5YHLS Supply

- 6.6 The Council does not, by its own admission, currently have a 5YHLS. At Table 7 of the RLAS 2022 the Council has provided a 5YHLS calculation at the base date of 1 April 2022. It concludes that the 5YHLS at that date is 4.89 years.
- 6.7 Subsequently, in July 2023, the Council agreed a Statement of Common ground for an appeal in which its 5YHLS position was revised to a slightly lower figure of 4.76 years due to the fact that not all sites claimed as part of the supply met the test of being deliverable within 5 years of the base date¹¹. On that basis, the Council has also accepted that the tilted balance under paragraph 11(d)(ii) of the Framework is engaged on two counts:
- Because the relevant development plan policies relating to the supply of land for housing are out-of-date; and
 - The Council is unable to demonstrate a deliverable 5YHLS
- 6.8 The Council published an up-dated RLAS on 24 November 2023 ('new RLAS'). However, it does not contain the same level of detail as the RLAS 2022 and is, primarily, focussed on providing an up-date and analysis of actual housing completions in the 18-month period 1 April 2022 – 30 September 2023. The new RLAS does not provide any up-to-date information relating to housing land supply at a new base date, and has not sought to up-date the 5YHLS calculation at Table 7 of RLAS 2022. Indeed, the relevant page of Council's website, which was also updated on 24 November 2023, explicitly refers to the earlier RLAS as the source of information relating to 5YHLS. Accordingly, the published documents of the Council continue to recognise that it is unable to demonstrate a deliverable 5YHLS.
- 6.9 As reported in Section 4 of this Statement, H&BC has paused its emerging local plan in order to identify additional housing sites as part of the Council's commitment, under the Statement of Common Ground with the Leicestershire Authorities, to meeting some of LC's unmet needs. The additional housing requirement that H&BC is aiming to accommodate is equivalent to, at least, a further 102dpa. Accordingly, the 5YHLS as the base date of 1 April 2022 has been re-calculated with that revised figure:

Basic Requirement	574	(472 + 102) (Standard Method + LC unmet need)
Buffer (5%)	29	
Total Annual Requirement	603	(574 + 29)
5-year Requirement	3,015	(603 x 5)
Claimed Supply	2,424	(RLAS, March 2022)
No. of years Supply	4 years	(2,424 ÷ 603)

¹¹ Statement of Common Ground to the appeal at Ashfield Farm (LPA ref: 22/01227/OUT), dated 16 June 2023

Shortfall 591 (3,015 – 2,424)

- 6.10 Taking account of the increased housing requirement that is necessary, and recognised by H&BC, to meet the wider needs across the Housing Market Area it is clear that, at the base date, there is a significant shortfall of almost 600 dwellings against the 5YHLS requirement.
- 6.11 At the base date, the housing trajectory included at Appendix 13 of the RLAS 2022, indicates that the shortfall is likely to worsen over the 6-10-year period with predicted completions expected to fall to less than 350dpa from 2026/27 onwards; that is even if development is able to commence on the SUEs at Barwell and Earl Shilton.

Affordable housing

- 6.12 Historically, the Council has failed significantly to deliver sufficient affordable housing across the Borough. While the Core Strategy sets out a minimum affordable housing target of 105dpa, the RLA 2022 confirms that actual delivery was 91dpa on average since the start of the plan period, representing just 70% of that minimum target.
- 6.13 The latest available information in the new RLAS states that due to unprecedented delivery of affordable housing over the 18-month period up to 30 September 2023, the Council is now on target to have delivered affordable housing in accordance with the Core Strategy policy.
- 6.14 Notwithstanding the above, the Council has also recently accepted that the affordable housing target in the Core Strategy does not represent the most up-to-date evidence of affordable housing need. That evidence indicates that the total affordable housing need in the Borough is 498dpa comprising 321dpa affordable rent and 177 affordable ownership¹².
- 6.15 The housing affordability indicators show a bleak situation in H&B for anybody in affordable housing need. A Report to the Council's Scrutiny Committee in July 2022 set out that the number of applications to join the Council's social housing register and the demand for affordable rental properties is increasing year on year; waiting times are lengthy and there is insufficient stock available. The demand is highest for one-bedroom flats, and two and three-bedroom homes, with the majority of applicants stating a preference for Hinkley, Burbage, Barwell and Earl Shilton¹³.
- 6.16 The Report goes on to state that many applicants are ineligible to join the Council's own housing register and acknowledges:

*"The supply of private sector rental accommodation is vital for the housing service to support our home seekers, particularly as many housing applicants will not meet the threshold to join the housing register due to their income level."*¹⁴

¹² Ashield Farm, Statement of Common Ground, paragraph 9.20

¹³ Report to Scrutiny Committee, paragraph 6.5

¹⁴ Ibid, paragraphs 8.1 & 8.2

- 6.17 In doing so, the Report also acknowledges the high demand for private rental properties

“Anecdotal information suggests that private sector renters are in fierce competition with as many as 20 renters at any one time trying to pursue a single property.”¹⁵

- 6.18 Accordingly, the proposed delivery of 29 units (30%) of affordable housing as part of the current application is a substantial benefit of the scheme.

Housing Mix

- 6.19 The most up-to-date information relating to housing mix is contained in the Leicester and Leicestershire Housing and Employment Needs Assessment (LLHEDNA); this was updated in July 2022. Table 6.1 below summarises the latest needs for the Borough:

	1-bed	2-bed	3-bed	4+bed
Affordable rent	30%	40%	25%	5%
Affordable ownership	20%	40%	30%	10%
Market	5%	35%	45%	15%

Table 6.1: Housing mix H&BC¹⁶

- 6.20 The proposed housing mix of the development (see Table 2.1 above) generally reflects the broad housing mix for the Borough identified in the LLHEDNA, focussing on 2 and 3-bedroom affordable housing and larger market housing of 3 and 4-bedrooms. A higher proportion of 4-bedroom homes is proposed reflecting the Council’s aspirations for regeneration of Barwell through, inter alia, broadening the housing offer and increasing the provision of larger family homes to attract and retain higher-worth households. The Socio-Economic report includes further detail relating to the relatively limited housing offer in Barwell, pointing to the benefits of providing a range of detached and semi-detached 3 and 4-bedroom homes as part of this development.

Self and Custom-Build Housing

- 6.21 Central Government has been consistent in seeking to boost the supply of Self-Build and Custom Housebuilding for more than a decade; that requirement is enshrined in national policy through both the NPPF (2021) and PPG. However, there are no policies for the provision of such homes in the adopted development plan.
- 6.22 Local authorities are statutorily required to address demand through granting sufficient suitable development consents to meet the demand for Self-Build and Custom Housebuilding arising from their Self-Build Register within their administrative area.

¹⁵ Report to Scrutiny Committee, paragraph 8.1

¹⁶ Source: Leicester and Leicestershire Housing and Employment Needs Assessment Up-date, July 2022

- 6.23 The Council's latest monitoring data, at 29 September 2023, indicates that there are currently 44 households on the self-build register; of those only 8 are identified as having a development plot.
- 6.24 Accordingly, the offer of 5 serviced self / custom-build plots is a significant benefit of the scheme.

Housing Delivery Test Action Plan

- 6.25 Government introduced the Housing Delivery Test in 2018, publishing annual results in January. For the last two available reporting years (2021 and 2022), H&BC's housing delivering has fallen below 95% of the annual requirement, meaning that the authority has had to produce a Housing Delivery Test Action Plan (HDTAP) to address the causes and identify measures to improve delivery.
- 6.26 The latest HDATP was published in July 2022; it reflects a declining rate of housing completions across the Borough in the preceding 10 years, resulting in a HDT score of just 86% in January 2022.
- 6.27 While focussing primarily on the Borough, the HDTAP is also aligned with the housing delivery priorities for the wider Leicestershire area, reflecting the ongoing work surrounding the wider housing need and its distribution across the Housing Market Area.
- 6.28 Analysis contained within the HDTAP identifies that one of the causes in the decline of house-building in the Borough is a failure to grant sufficient planning permissions. The Council has only permitted enough dwellings in 3 out the past 10 years and this is identified as a barrier to delivery.
- 6.29 A further, key, failure arises from the fact that the development has not occurred as anticipated on either of the SUEs, and has been delayed at Hinckley West. In response to those issues, the HDTAP states:

"Whilst the two SUEs and the development known as 'Hinckley West' have contributed to the lack of delivery in the borough, the Council has been proactive in encouraging further development in sustainable locations across the borough to ensure the Borough was meeting its housing needs by revisiting its SHLAA".

- 6.30 The locations quoted in the HDTAP include a range of sites in Key Rural Settlements and Rural Villages that H&BC has determined are sustainable locations for development. These large housing site are identified in the appended table and accompanying plans, and the spatial distribution is discussed in more detail in section 8 of this Statement.

Summary and Conclusions

- 6.31 Planning policy at all levels sets out a clear imperative to 'significantly boost' the supply of housing to pre-actively address the housing crisis in the country and meet the needs of all members of society. A wide range of new housing is required, including market

housing, affordable homes to rent and buy, first homes, and opportunities for self-build or customised housing.

- 6.32 By its own admission, the Council's strategic development plan policies relating to housing are out of date and it is unable to demonstrate a deliverable 5YHLS, engaging the tilted balance in NPPF. This has led the Council to granting consent for housing development in sustainable locations that are inconsistent with the spatial strategy and development management policies of the adopted development plan.
- 6.33 The application proposes 95 new homes, including 29 affordable homes (30%) and 5 self / custom-build plots (5%). Those are substantial benefits of the development.
- 6.34 The mix of new housing generally reflects broad needs across the Borough and the more specific requirements to widen the choice of housing in Barwell to support the Council's regeneration ambitions for the town.

7. Core Strategy Delivery failure

- 7.1 Failure of a development plan takes many forms. Typically, it is a reference to the failure of a Local Plan to be found 'Sound' by the Planning Inspector examining it and thereby not being able to move on to adoption. Such local plan failures have increasingly been the subject of challenges in the courts and requests for ministerial interventions, such as at Tonbridge and Malling Borough Council and Sevenoaks Council both of whom were found by their inspectors to have failed on the grounds of 'duty to co-operate'.
- 7.2 In this case the Council has paused its Local Plan preparation, whilst presiding over a failed spatial strategy where permissions for new housing have had to be approved that do not accord with the strategy, because that strategy is out of date.

The Plan-led system

- 7.3 The UK has a plan-led system. The Framework and the NPPG confirm how this is meant to work and in particular Paragraph: 001 Reference (ID: 61-001-20190315) says that *"It is essential that plans are in place and kept up to date"*.
- 7.4 Paragraphs 15 and 20 of the 2021 Framework state:

'15. The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.'

20. Strategic policies should set out an overall strategy for the pattern, scale and design quality of places, and make sufficient provision for:

a) housing (including affordable housing), employment, retail, leisure and other commercial development;

b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);

c) community facilities (such as health, education and cultural infrastructure); and

d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.'

- 7.5 Having adopted, succinct and up-to date plans in place, they should then be regularly reviewed as confirmed by paragraph 33 of the Framework:

'33. Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Reviews should be completed no later than five years from the

adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.'

- 7.6 Footnote 20 to Paragraph 33 confirms the legal duty to review plans at least every five years as a requirement of Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012).

- 7.7 With particular regard to the role of local plans in addressing the need for housing, including affordable housing, paragraph 68 of the Framework states that policies on plans:

'..... should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:

a) specific, deliverable sites for years one to five of the plan period; and

b) specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15 of the plan.'

- 7.8 The role and function of local planning authorities in respect of plan making is, therefore, clear and a local planning authority that does not produce a local plan that makes sufficient provision for housing (including affordable housing) in its area, together with associated infrastructure, is an authority that cannot place any weight on its development plan.

Local plan progress

- 7.9 The 2009 Core Strategy (now 14 years old) sets out a housing requirement for the Borough of 450 dpa for the period 2006 – 2026.
- 7.10 An Issues and Options consultation draft plan (Reg 18) was published in January 2019 and the emerging local plan reached an advanced stage (Reg 19) prior to being paused while further work is carried out to identify additional sites to meet a new housing requirement.

Housing Delivery Test Action Plan - December 2021

- 7.11 The Housing Delivery Test (HDT) shows if an authority with plan making duties is building the required number of homes. It is prepared by central Government and is calculated as a percentage measurement of the number of homes built against the number of homes required, over a rolling three-year period.
- 7.12 In January 2021 the government confirmed that H&B had failed the test and required an action plan to be put in place.

- 7.13 In January 2022, the Government published the latest results of the HDT. It confirms that for the second consecutive year H&B has failed to meet the test, completions falling to 86% of that required over the rolling 3-year average. This requires H&B to prepare a further Action Plan to address the continuing shortfall.

Consequences of failure

- 7.14 The failure of the local Plan system, if it is allowed to hold up the provision of much needed housing is a failure that has real consequences for the people of the Borough, Barwell and those requiring housing within the Leicestershire Housing Market Area (HMA).
- 7.15 Chapter 6 of this Statement documents the overall need for housing in the Borough in the context of available supply. It also highlights the severity of the local housing crisis, by reference to the need for Affordable Housing in the Borough, and the particular demand for such accommodation in Barwell.
- 7.16 The Socio-Economic Impact Statement provides complementary analysis documenting worsening levels of affordability, with particular impact on households on lower incomes; while also setting out the consequences for Barwell of failing to deliver any meaningful housing development in the settlement over the plan period or diversify the housing stock.

8. Spatial Distribution of housing

- 8.1 Even if the Council were able to demonstrate a deliverable 5YHLS (not accepted by the Applicant), that does not mean that it would not be appropriate to grant planning permission for housing on other sites where that would accord with the spatial strategy and meet other objectives of the development plan. Indeed, that has been the approach adopted by H&BC for many years in the face of a fluctuating housing land supply and out-of-date strategic policies for housing.
- 8.2 The adopted development plan aims to direct the majority of new housing towards the Hinkley sub-regional centre, including Barwell, Burbage and East Shilton. However, the actual distribution that has been achieved over the course of the plan period is significantly different due, primarily, to the failure of the two SUE's to obtain planning permission, let alone deliver any new housing. This has led to a disproportionate amount of new housing taking place within / on the edge of lower order settlements, including Key Rural Centres, Rural Villages and Rural Hamlets.
- 8.3 Table 8.1 in the appendix is a comparison between the Spatial Distribution Strategy for housing as set out in the policies of the adopted Core Strategy against what has actually been consented across the Borough between 2006 and 2022. It shows that the proportion of housing in the main urban area is significantly lower than planned for, with permissions for 68% of homes within that part of the Borough compared with a target of 88%.
- 8.4 For Barwell, the contrast between what was planned in the Core Strategy and permissions granted the figures are more stark than for any other settlement in the Borough. Only 5% of planning permissions for housing were granted between 2006 and 2022 against a target of 37%.
- 8.5 In the majority of rural settlements, the number of permissions for housing has far exceeded the spatial policy targets of the Core Strategy. Key Rural Centres have provided 24% of new housing, against a collective target of 10%; and the proportion of new homes in Rural Villages is double the strategic policy target.
- 8.6 Planning permissions for new housing development in Desford now exceed those granted in Barwell since 2006, despite their relative positions in the settlement hierarchy. This is shown in detail in Table 8.2 Appended to this Statement (Table 8.2 Housing Requirement and Supply by Settlement: 1 April 2022).

Development Outside Settlement Boundaries

- 8.7 Not only does the distribution of housing across the Borough differ significantly from the spatial strategy of the development plan, it has also entailed significant development outside the settlement boundaries that are clearly defined in the Site Allocations DPD.

- 8.8 For example, a detailed assessment of the RLAS 2022¹⁷ reveals that of the 36 large sites with planning permission outside Hinkley at the base date of 1 April 2022, seventeen sites (50% of sites) comprise land outside the adopted settlement boundaries. Those sites are generally larger than those within the defined settlement boundaries where opportunities for infill development are more limited, and collectively make up approximately 75% (c.1,700 units) of the Borough's residential land supply outside Hinkley at the base date.
- 8.9 This can be seen in detail in appended Table 8.1 and the accompanying Spatial Distribution maps of the Borough.
- 8.10 It is clear that in assessing and granting planning permission for housing development in the Borough the Council has taken a flexible approach to interpreting policies and overall compliance with the development plan in order to try to maintain a deliverable housing land supply and meet other objectives of the plan, including regeneration of Barwell & Earl Shilton (see the appended out of settlement spatial distribution map of Barwell & Earl Shilton). For example:

Land at Westfield Farm, Keats Lane, Earl Shilton (LPA ref: 14/01279/OUT)

- 8.11 This site lies outside of the settlement boundary of Earl Shilton. At the time that the Council considered the outline planning application for up to 350 dwellings on the site, it claimed to be able to identify a 5YHLS of 5.69 years¹⁸ and the development was not necessary to meet the housing requirements of the Borough.
- 8.12 While stating that the proposed development would have an adverse impact on the visual appearance, landscape character and settlement character which is contrary to policy¹⁹ the officer's report also concluded that:

"The location of the proposed development adjacent to the Earl Shilton's urban area and the identified infrastructure improvements would contribute towards ensuring a sustainable form of development, subject to the material impacts of the development.

The proposed development would result in a number of benefits to the existing and proposed population. It would: contribute to social sustainability through the provision of additional homes which would increase supply and choice for the local population; provide work in Earl Shilton in construction related jobs and services.....The benefits that have been identified from this proposal have the ability to contribute towards the regeneration ambitions for Earl Shilton that are contained within the Core Strategy".²⁰

London Road, Markfield (LPA ref: 20/01283/FUL)

- 8.13 This application proposed 282 dwellings on 18.3ha of land outside the settlement boundary of Markfield, a Key Rural Centre with a target of delivering 80 new homes within the plan period. At the time that the application was determined the Council

¹⁷ Residential Land Availability Monitoring Statement, Appendix 3 (December 2022)

¹⁸ Officer's report to planning committee, paragraph 8.11

¹⁹ Ibid, paragraph 9.3

²⁰ Ibid, paragraphs 9.1 & 9.2

claimed to be able to identify a 5YHLS of 5.01 years. Notwithstanding, the policy conflict the officers report recognised the benefits of providing market and affordable housing. The addendum to the committee report also stated:

“The housing policies are considered to be out-of-date and therefore paragraph 11(d) of the NPPF is triggered and permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is a material consideration to weigh in the context of the statutory requirement to determine applications and appeals in accordance with the Development Plan unless considerations indicate otherwise. The tilted balance of Paragraph 11d) of the NPPF is engaged, irrespective of the housing land supply figure. This is a product of the age of the plan and the out-of-date evidence base it relies upon”.²¹

- 8.14 The appended tables demonstrate that there are numerous examples across the Borough where the Council has taken the view that the relevant policies of the development plan are out-of-date, including policy DM4, and the benefits of granting planning permission for housing development in sustainable locations outweigh harm (where identified) to other development plan policies. This has resulted in a markedly different spatial development strategy to that envisaged in the adopted Core Strategy. The reasons for this are partially explained by the Housing Delivery Test Action Plan.
- 8.15 Given that the local plan progress has now paused, the Council need to continue to take a pragmatic approach to applying their development plan policies and not preventing good quality sustainable development.

²¹ Addendum report, page 3

9. Masterplanning & Design Coding

- 9.1 As required by the S38(6) of the Planning and Compulsory Purchase Act 2004 the starting point in decision making, including that relating to design policy, is the adopted local plan; material considerations to be taken into account may include any associated supplementary planning guidance. In addition, all schemes should have regard to national policy and guidance as additional material considerations.
- 9.2 Much of the detailed national guidance relating to design is focussed on trying to improve the process of design to translate vision into design quality. The changes to the planning system that were introduced by the Government reflected what the former Housing and Planning Minister, Chris Pincher MP, said was a drive away from being 'process-focussed' to 'outcome-focussed'. Accordingly in applying any design process, whether Masterplanning or preparing a Design Code it is the outcome that is important. It is equally important to recognise that design, like planning, is an art as well as a science; and that whilst we all may seek beautiful outcomes '*beauty is in the eye of the beholder*'.
- 9.3 The visual quality of the outcome of the design process has been given increased status by the changes to the Framework in July 2021, which included the addition of the words 'beautiful and sustainable' to paragraph 126 in relation to buildings and places.

Weight being given to design matters and design coding

- 9.4 Local design guides are seen as an important way of communicating local design expectations and requirements and should be informed by the '10 important characteristics of good places' set out in the National Design Guide. The NPPG also gives guidance on design coding for sites covered by a masterplan or a development framework and which should be prepared in partnership to secure agreed design outcomes and maintain viability.

Masterplanning & Design coding for Barwell

- 9.5 With this emphasis on the creation of beautiful buildings and places, the Applicant has committed considerable resources to the preparation of the illustrative masterplan, DAS and Draft Design Code.

Design and Access Statement

- 9.6 The DAS has been prepared by Urban Design Box in accordance with the fundamental principle of good design described in The National Design Guide as that which is 'fit for purpose; durable; and brings delight'.
- 9.7 The National Design Guide, first adopted in October 2019 and then updated in 2021, addresses the question of how we recognise well designed places, by outlining and illustrating the Government's priorities for well-designed places in the form of ten characteristics. The characteristics are to help create well designed places and should work positively together to form a sense of community.

- 9.8 The DAS explains how the ten characteristics have been incorporated into the placemaking for Barwell; with the key structuring component of the masterplan being the retention of the existing hedgerows and trees; and taking account of the local guidance set out in the H&B Design Guide.
- 9.9 It also responds positively to the Council's Strategic Design Guide in seeking to create a locally distinctive design response to the site. The DAS shows how the resultant development of Barwell is a place which is of its context and setting. The document clearly illustrates how good design principles have been built on to create something beautiful and locally distinctive.

Design Coding approach

- 9.10 In January 2021 a statement by Housing Secretary Rt Hon Robert Jenrick MP, when launching a consultation on the changes to NPPF design policy and introducing Design Coding, confirmed that the government is now encouraging all councils to publish their unique design code, to give residents *"a real say in the design of new developments in their area"*.

- 9.11 The July 2021 Framework added a new paragraph to that relating to Design Codes:

"128. To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. Design guides and codes provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design. Their geographic coverage, level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place, and should allow a suitable degree of variety.

129. Design guides and codes can be prepared at an area-wide, neighbourhood or site specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. Landowners and developers may contribute to these exercises, but may also choose to prepare design codes in support of a planning application for sites they wish to develop. Whoever prepares them, all guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code. These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes."

- 9.12 Harrow, as part of the Redrow Group are fully engaged in design coding as part of pursuing local plan allocations and major schemes. Urban Design Box have prepared a Draft Design Code for the proposed development, informed by the landscape work carried out by Pegasus and the Hinckley and Bosworth Design Guide.
- 9.13 As drafted the code incorporates the following aspects of design that the National Model Design Code suggests would be appropriate to all development nationally:

- All new streets should be safe and overlooked and correspond to their role in the street hierarchy and area type (50)
- Nature and green spaces should be woven into the fabric of our villages, towns and cities (51)
- Built form is the core of the Design Code. New development should create a clear separation between the public fronts of buildings and the private rears within the centre of development blocks (52)
- All new buildings should relate to the architectural character and materials of the surrounding area (53)
- New development should contribute to the character of the street on which it is located. This character will be different depending on where the street sits in the street hierarchy and the context in which it is located (54)
- Sustainable places include a mix of uses that support everyday activities including space to live work and play (55)
- Well-designed homes and buildings are functional, accessible and sustainable (56)
- A connected network of streets, good public transport and the promotion of walking and cycling are key principles (59). All schemes should contribute to the creation of an integrated, walkable and safe street network. New development should contribute to the creation of well-lit, direct and overlooked pedestrian and cycle routes. Car parking should aim to minimise the impact of the car.
- All development should enhance the natural as well as the built environment (60) with the creation of a network of green spaces and making the most of waterside locations.
- There should be a clear separation between public and private space, which will generally be achieved through development blocks (61). The design of streets should be based on their place in the street hierarchy and their context; Public spaces should encourage activity and social interaction; Streets should aim to accommodate a range of travel modes; and all schemes should aim to create a safe and secure environment.

9.14 The Design Code is submitted in draft to enable further refinement as consultation responses on the planning application are received. It sets out 'mandatory design principles' accompanied by related illustrations, sketches and precedent images to illustrate how the detailed design proposals should be developed in accordance with the Code.

10. Compliance with the adopted Development Plan

- 10.1 Applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. This is made clear in both the Town and Country Planning Act 1990 ('the TCP Act'):

"In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations." [Section 70(2)]; and

the Planning and Compulsory Purchase Act 2004:

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise." [Section 38(6)].

- 10.2 The application proposals are assessed against the relevant policies of the adopted development plan identified in Section 5 and by reference to the accompanying technical reports.

Spatial Objective

- 10.3 As is now clear, the vision for the regeneration of Barwell by 2026 has not been and cannot be realised. To that extent the Spatial Strategy can be said to have failed. Accordingly Spatial Objective 5 of the Core Strategy, reflected in the Site Allocations and Development Management DPD directing the majority of housing and employment towards Hinkley, and the Sustainable Urban Extensions (SUE) to Barwell and Earl Shilton can be given no weight.

Green Wedge and countryside

- 10.4 Policy 6: 'Hinkley / Barwell / Earl Shilton / Burbage Green Wedge' sets out a presumption against new built development in those parts of the Borough identified as a 'Green Wedge', whilst requiring impact is tested against four criteria. In this case the site has been tested, and as confirmed through appeals decisions, this policy is not comprised by the limited scale of development now proposed.
- 10.5 Policy DM4 of the SADMP looks to protect the countryside in a general sense and looks to prevent what it defines as unsustainable development which is all development save for recreation/outdoor sport, the re-use of existing buildings, renewable energy, significant economic growth, or rural worker accommodation. The weight to be attached to the Policy needs to be viewed in the context of the tilted balance and the fact that it is out-of-date and there is no longer an adequate supply of housing land. The need to deliver additional housing land outweighs the conflict with this Policy and appropriate sites for development need to be released, even though they are in the countryside and subject to this policy.
- 10.6 The LVIA Report contains a detailed appraisal of the site's contribution towards the functions of the Green Wedge in this location, in respect of landscape and visual

matters, and the likely effects of the proposed development on those functions as set out in Policy DM4. That analysis concludes that it would have:

- Only limited impact in terms of the merging of settlements (see also plan contained within the appendices to this statement);
- Only very limited impact on development form;
- Limited impact on the function of the Green Wedge as a green lung;
- A beneficial impact on the recreational function of the Green Wedge; and

- 10.7 Overall, in landscape and visual terms, the site does not perform a significant role in respect of any of the Green Wedge functions identified. The proposed development is likely to result in a limited impact on these functions, as well as providing some benefits.

Sustainable Design and Design quality

- 10.8 The Core Strategy policy 24 on Sustainable Design and Development Management policy DM10 are amongst a raft of detailed development management policies relating to design quality. Policy DM10 of the Site Allocations and Development Management Policies Document (DPD) is relevant as it requires the decision maker to be satisfied that an acceptable scheme for the development proposed could be achievable.
- 10.9 The DAS, Illustrative masterplan and the Design Code has been informed by these policies and supplementary guidance. They incorporate aspects of design identified through the National Model Design Code to develop key principles to ensure a high quality of design for the development. In doing so they demonstrate compliance with Policy 3 'Development in Barwell' of the Core Strategy (regeneration of Barwell) and Policies 15 (affordable housing) and 16 Housing density, mix and design), with a combined aim of assisting the regeneration of Barwell by encouraging prospering households to move into and stay in the area.
- 10.10 An associated aim found in The Good Design Guide Supplementary Planning Document (2020) to "Substantially raise design quality in Hinckley and Bosworth Borough", is clearly met by the high quality DAS, Illustrative masterplan and the Design Code.

Transport

- 10.11 The Transport Assessment sets out a comprehensive review of the potential impacts of the development on the local highways network. The scope of the assessment has been agreed with the highway authority (Leicestershire County Council).
- 10.12 The Transport Assessment and Framework Travel Plan demonstrate how the development will contribute towards the strategies and priorities of the Local Transport Plan and will be well-connected to the town centre of Barwell and Hinkley urban area.

- 10.13 The Framework Travel Plan sets out objectives and strategies to reduce the reliance of occupiers of the development on the private car encouraging behaviours from the date of first occupation in accordance with the objectives of policies DM17: Highways and Transportation.

Green infrastructure and landscape

- 10.14 The Design and Access Statement, Landscape assessment and Ecology report confirm that there is full compliance with the relevant Core Strategy policies 19: Green Space and Play Provision and 20: Green Infrastructure; as well as DM6: Enhancement of Biodiversity; and DM9: Safeguarding Natural and Semi-Natural Open Spaces.
- 10.15 The Ecology report includes BNG assessment confirming that enhancement will be a minimum of 20%.

Heritage and Archaeology

- 10.16 There are no built heritage assets within the application site boundary. The Heritage Statement demonstrates that the setting and distinctiveness of designated and undesignated heritage assets lying beyond the site will be protected and conserved.

Climate Change and Environment

- 10.17 The Flood Risk Assessment demonstrates that the application site lies within flood zone 1; it is not at risk of flooding and the development will not increase risk of flooding offsite or damage any groundwater source. A Sustainable Drainage Strategy of swales and attenuation basins will limit water run-off and provide opportunities to enhance biodiversity. The proposals, therefore, comply with policy DM7: Preventing Pollution and Flooding.
- 10.18 Noise and Air Quality are addressed in separate reports that demonstrate compliance with Policy DM10: Development and Design, ensuring residential environments are safeguarded from harm.

Conclusion

- 10.19 As set out in the introduction, policy recognises that Barwell has the potential to accommodate significant growth and provide a catalyst for the regeneration of the town through delivery of a wider range of housing that would encourage more prosperous households to move into the area. The Strategic spatial policies that seek to deliver that through the SUE have failed and carry no weight, but underlying need for housing and regeneration remain.
- 10.20 Proposals are to be considered against that strategic policy background as well as detailed development plan policies. There is no material conflict with any policies that may be attributed weight.

11. Securing delivery of quality

Introduction

- 11.1 The Inspector considering the previous scheme found conflict with Policy DM10 of the DPD and the NPPF, which is clear that the creation of high quality, beautiful places, is fundamental to what the planning and development process should achieve.

- 11.2 In paragraphs 15 and 16 the inspector concluded (our underlining):

'As set out in Policy DM10 of the DPD new development should complement or enhance the character of the surrounding area with regard to, amongst other things, density. It also requires a high standard of landscaping where this would add to the quality of the design. Whilst the Illustrative Masterplan would allow for large areas of landscaped open space around the periphery of the development parcels, this does not justify creating a dense development with limited landscaping within them. Landscaping and buildings should be integrated to create well designed places and the quality of the spaces between buildings is as important as the buildings themselves.

On the evidence before me, therefore, I am not satisfied that a development of the quantum of houses proposed could be accommodated on the site in a manner which would respect the character and appearance of the area.'

- 11.3 In reviewing the proposals a starting point for the Applicant was to consider how this design objection should be addressed in order to both create a well-designed scheme of real quality and to ensure that that quality was secured.

Design Code & Illustrative masterplan

- 11.4 A comprehensive design code has now been prepared containing placemaking principles for the future development of the site. It focuses on the built form and landscaping aspects of the scheme and has been prepared in order to demonstrate a commitment to deliver high quality design where the quality of the spaces between buildings is regarded as important as the buildings themselves.
- 11.5 Through conditions attached to a planning permission the Regulatory Plan in the code will set out the mandatory placemaking elements for a masterplan. The illustrative masterplan accompanying the application shows how these mandatory principles can be applied to achieve a development that enhances the environment of Barwell.
- 11.6 The code ensures that socio-economic benefits are given proper spatial expression and secured; that development proceeds in accordance with best practice in mitigating and adapting to climate change; and that development protects and enhances the environment.
- 11.7 Through the detailed coding of heights, density, street form, landscaping and materials the code ensures that the vision of the DAS will be secured, to create a high quality and ultimately beautiful development in this part of Barwell.

Conditions including Reserved Matters

- 11.8 The proper drafting of conditions is essential to securing design quality. Considerable time and thought has been given to this issue in the course of the last appeal and a full set of draft conditions were prepared. Those conditions have been used to form the basis of a new proposed set of conditions, which are appended to this statement. Note that an archaeological investigation condition is not included as previously, as the submitted assessment report confirms that an archaeological evaluation trenching scheme was completed on site in 2018 and no archaeology was found.
- 11.9 Included in the draft conditions are:
- 11.9.1 Condition 1 – Reserved Matters - requiring detailed matters to be approved
 - 11.9.2 Condition 4 - Plans and Design Code - requiring development to adhere to the parameters plan and the code
 - 11.9.3 Condition 5 – Development Parameters – requiring RM proposals to meet defined criteria
 - 11.9.4 Condition 9 – Ecology - requiring RM proposals to follow a plan that provides and protects areas and features
 - 11.9.5 Condition 10 – BNG - requiring RM proposals to follow a plan that provides for biodiversity net gain
 - 11.9.6 Condition 13 – Materials - requiring approval of samples of types and colours
 - 11.9.7 Condition 26 – Hard and soft landscaping - requiring submission and implementation of a detailed scheme
 - 11.9.8 Condition 27 – Landscape management - requiring a long term management plan to be in place
- 11.10 Together these conditions ensure that design quality is secured at Reserved Matters stage, and then implemented and maintained in the long term. As recognised by the national design guide *“well designed places sustain their beauty over the long term. They add to the quality of life of their users and as a result, people are more likely to care for them over their lifespan”* (Para 151 NDG 2021). The Applicants recognise this and the conditions proposed achieve it.

S.106 Heads of Terms

- 11.11 In addition to draft conditions the last appeal also considered what matters should be covered by a s.106 agreement. Full heads of terms of a section 106 agreement are appended to this statement. With regard to securing design quality this includes detailed measures to provide open spaces; play areas; accessible green spaces; SuDs; and common landscaped areas within the development. It also includes for the formation of a residents management company who will oversee implementation of an Estate Management Scheme and Landscape Plan.

11.12 Other matters secured by the s.106 relate to the provision of affordable housing; provision of first homes; provision of public open space; an outdoor sports contribution; a healthcare facilities contribution; provision of a local employment and training strategy; a public realm contribution; an education contribution; a public transport contribution; a libraries contribution; and a waste contribution.

12. Planning balance

- 12.1 Having identified the appropriate policies in the development plan, along with other relevant material considerations, including the Framework, the decision maker is required to make a balanced decision. This requires an assessment of the weight to be afforded to each of the issues to determine where the overall balance lies.

Housing

- 12.2 The Council claims that the current housing supply is 4.76 years. The policies for the supply of housing are out of date.
- 12.3 The proposal will deliver up to 95 new homes of types in demand and would be likely to contribute towards the objective of diversifying the existing housing stock in Barwell. Taking into consideration national policy to significantly boost the supply of housing this represents a benefit which should attract very significant weight.

Affordable Housing

- 12.4 The offer of affordable housing is above and beyond existing and emerging policy requirements. The significant boost to the supply of affordable housing represents a substantial benefit which should attract very significant weight.

Socio-economic effects

- 12.5 The development would offer a range of socio-economic benefits; including diversifying the housing stock and contributing towards the strategic objective for regeneration of Barwell; to which very significant weight should be attached.

Biodiversity

- 12.6 Delivering biodiversity enhancement has been a key consideration from the outset and there would be substantial benefits in relation to the diversification of the ecological features and habitats on the site.
- 12.7 The commitment to retain and reinstate three on site and an adjacent offsite field to lowland meadow represents an important habitat enhancement. A net biodiversity gain of 23.55% can be achieved; and with hedgerows also being largely retained and subject to appropriate long-term management, this also delivers a significant improvement, increasing hedgerow units by 21.27%.
- 12.8 These significant improvements in terms of ecology and biodiversity provision should attract substantial weight.

Landscape Character and visual impact

- 12.9 The LVIA confirms that there would be limited harm to the landscape character, most significantly through loss of land to housing. The limited to the site area and its immediate context limits impacts to a localised level. In the wider landscape, potential

views of the proposals are predominantly filtered and are seen in the context of the existing settlement of Barwell.

- 12.10 The revised development and design approach in comparison to the previous Harrow Estates proposal also results in a series of reduced adverse effects from specific landscape and visual receptors.
- 12.11 As a direct consequence of the revised development and design approach to the site, it is likely that the elevated views from Shilton Road will have a reduced adverse effect in the longer term on the basis of the increased tree planting across the development envelope; and views from Dawsons Lane will similarly have a reduced adverse impact on the basis of the greater setback of the development envelope and the increased planting along that boundary.
- 12.12 In landscape and visual terms, the site does not perform a significant role in respect of any of the Green Wedge functions identified. The proposed development is likely to result in either limited or very limited impact on these functions, as well as providing some recreational Green Wedge benefits.
- 12.13 Overall, the improvements inherent in the lower residential density; increased planting along the Dawsons Lane site boundary; and increased elements of landscape features across the site (in particular across the development envelope) generally, are also likely to improve the appearance of the development proposal in its Green Wedge setting.

Highways and sustainable travel

- 12.14 The site is sustainably located. As part of the Hinckley and Bosworth Local Plan, Barwell is included as an 'Urban Area' within the settlement hierarchy; highlighting it as a settlement with a focus on key facilities, services, and transport links, and being the focus for new development. Access to Barwell village centre is easy. The facilities and services which it offers, meet the everyday needs of future residents. Local footways and cycle facilities provide an attractive option for accessing these local destinations sustainably.
- 12.15 A Framework Travel Plan (FTP) has been prepared to support the planning application prepared on the basis of the agreed FTP with LCC as part of previous application. The FTP provides an overall strategy for the adoption of sustainable transport measures; and as a living document it will be constantly monitored, reviewed, and revised where necessary.
- 12.16 A safe and suitable access to the site can be achieved for all users through the delivery of the proposed new access to The Common (for both Preferred and Alternative Options). Both options have been designed in accordance with MfS and LHDG and are acceptable from a safety and operational perspective.
- 12.17 The Transport Assessment has also confirmed that the proposals will have an immaterial impact on the operation of the local highway network.

Delivering design quality

The scheme will provided for a well designed place that sustains its beauty over the long term. In doing so it will add to the quality of life of its users. Raising design quality in the Borough is an objective of the development plan and the achievement of design quality should be afforded positive weight in the planning balance.

Planning balance and overall conclusion

- 12.18 The Application is not in accordance with policies in the Hinkley Core Strategy in relation to the Green Wedge; and as such it is not in accordance with the development plan overall. It is, therefore, necessary to go on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
- 12.19 As the council cannot currently demonstrate a five year housing land supply paragraph 11(d) of the Framework indicates that planning permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.
- 12.20 The market housing and affordable housing benefits carry significant weight.
- 12.21 The Framework requires heritage harm to be weighed against the public benefits of the scheme. The very substantial benefits of the appeal scheme are sufficient to outweigh the identified heritage harm both individually and collectively. The balancing exercise under paragraph 202 of the Framework is therefore favourable to the proposal.
- 12.22 Any adverse impacts of granting permission do not significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.
- 12.23 The material considerations in this case indicate that a decision should be made other than in accordance with the development plan and, therefore, planning permission should be granted.