HINCKLEY AND BOSWORTH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL UNDER SECTION 78

Hinckley & Bosworth Borough Council

APPEAL BY MR T MCGREAL AGAINST THE REFUSAL OF OUTLINE PLANNING PERMISSION FOR RESIDENTIAL DEVELOPMENT WITH ACCESS ON LAND OFF LONDON ROAD, MARKFIELD, LEICESTERSHIRE, LE67 9UR

HBBC REFERENCE 09/01009/OUT

THE PLANNING INSPECTORATE REFERENCE APP/K2420/A/10/2125649

RULE 6 STATEMENT

1.0 Introduction

1.1 This Rule 6 Statement provides Hinckley & Bosworth Borough Council's statement of case in relation to the appeal against the refusal to grant outline planning permission for residential development including access on land off London Road, Markfield.

1.2 The Rule 6 Statement will provide details of the site description and the background of the application before going on to provide a summary of the evidence that will be submitted by the Council.

2.0 Site Description

2.1 The site is located immediately south of Markfield village and is bounded to the north by London Road. There is established residential development to the north and north-west.

2.2 The site itself measures approximately 4.26 ha and consists of agricultural land and farm yard with associated hardstanding and buildings including some of stone construction. The site is bounded by mature hedgerows and comprises field hedgerows within. To the south and north-west of the farm complex there are mature trees and vegetation.

2.3 Access to the site is gained from London Road. There are no public footpaths that cross the site and no pedestrian footpath along the site frontage. A pedestrian footpath does however exist on the opposite side of London Road.

3.0 Background to appeal

3.1 The submitted outline planning application was valid on 5 January 2010 and consultation letters were sent out on 18 and 29 January 2010 in accordance with the Council's normal procedures. A site notice was displayed on the site and a notice was advertised in the local press. The replies to this process

were attached to the appeal questionnaire sent to both the Inspector and Appellant earlier.

3.2 The application was referred to the Planning Committee on 16 March 2010 with a recommendation of refusal. It was resolved to refuse the application and a refusal of outline planning permission was issued on 18 March 2010 for the following reasons:

1. The applicant has failed to demonstrate that there is a need within Markfield that justifies the development of this greenfield site. In addition to this the site is visually prominent, outside the adopted village settlement boundary and its development for housing will harm the character of the area and the village. The proposal is therefore contrary to advice within PPS3, the East Midlands Regional Plan, Core Strategy Policy 8 and policies NE5 and RES5 of the Local Plan.

2. In the opinion of the Local Planning Authority, the lack of any definitive measures to address the increase in pressure placed on the play and open space facilities, library facilities, health care facilities, highways and civic amenity of the local area by the proposed development, and provision of affordable housing, would not accord with Government Guidance Circular 5/05, Policies REC2, REC3 and IMP1 of the adopted Hinckley and Bosworth Local Plan, and the Supplementary Planning Document on Play and Open Space 2008.

3. In the opinion of the Local Planning Authority, the Flood Risk Assessment (FRA) submitted with the application does not comply with the requirements set out in Annex E, paragraph E3 of Planning Policy Statement 25 (PPS25). The submitted FRA does not therefore provide a suitable basis for assessment to be made of the flood risks arising from the proposed development and is therefore contrary to PPS25.

4. In the opinion of the Local Planning Authority the applicant has failed to demonstrate that the proposed development would not detrimentally affect Archaeological remains likely to be within the site, contrary to policies BE13, BE14, BE15 and BE16 of the adopted Hinckley and Bosworth Local Plan.

4.0 Evidence to be submitted by the Council

4.1 The Local Planning Authority will describe the site and relevant planning history of the site, the character of the surrounding area, and the background to the appeal application including consultation responses and representations received.

4.2 The Local Planning Authority will describe the planning policy framework contained within the development plan as it relates to the appeal site. This will involve reference to the relevant policies within the Adopted East Midlands Regional Plan, policies within the Adopted Core Strategy and saved polices contained within the Adopted Hinckley and Bosworth Local Plan. Reference will be made to Central Government Planning Policy in the form of Planning Policy Statements and Circulars.

4.3 The Local Planning Authority will explain the current position with regard to the emerging Local Development Framework, the work carried out to date and its relevance to this appeal.

4.4 The Local Planning Authority will provide evidence in support of its view that no need has been demonstrated for the development of this Greenfield site that outweighs the harm to the character of the area and village.

4.5 The Local Planning Authority will provide evidence that justifies the need for contributions to infrastructure and facilities, negotiations with the Appellants to resolve these issues will continue during the appeal process.

4.6 The Local Planning Authority is currently working with the Appellants to overcome Reasons for Refusal 3 and 4. Should this not be possible evidence will be provided as to why the development does not meet the requirements of Planning Policy Statement 25 and why it is considered that the applicant has not adequately demonstrated the development will not detrimentally affect Archaeological remains within the site.

4.7 The evidence submitted will demonstrate how and why the appeal proposals and supporting documentation as submitted conflict with Central Government, Regional and Local Planning Guidance.

4.6 The Local Planning Authority will recommend conditions should the Inspector be minded to allow the appeal and grant planning permission.

5.0 Documents to which the Local Planning Authority may refer

5.1 The following is a list of documents that may be referred to or put in evidence at the inquiry:

- All relevant planning policy guidance notes and circular guidance
- The consultation responses received in respect of the planning application
- Relevant development plan policies and associated background studies
- Relevant case law and appeal decisions
- Any other relevant documentation.