

Town and Country Planning Act 1990 (as amended)

Land East of The Common, Barwell

Appeal by Redrow Homes Ltd (Harrow Estates Division)

Appeal reference: APP/K2420/W/24/3348387

Statement of Common Ground between the Local Planning Authority and the Appellants

Introduction

The following areas are agreed and described in brief detail in this SoCG as short statements of fact:

1. Site description
2. Planning History of the site
3. The LHA position on the previous appeal and the inspectors findings on highways
4. Identification of the relevant Development Plan Policy
5. Housing Land Availability
6. Suggested Conditions
7. Matters to be covered by s.106 Legal Obligations

Areas of disagreement between the parties are not included in this statement, but rather are addressed in individual Hearing Statements.

In addition, the LPA confirmed on the 18 December 2024 that it would no longer contest Reason 2 (Highway impact) and has withdrawn that reason for refusal. Accordingly, there is no separate Highways Statement of Common Ground required.

Site description

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.

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.

Physical on-site constraints are limited to the retention of hedgerows and trees.

The site is located in Flood Zone 1 and is at low risk of fluvial flooding. The part of the site that is bounded by the A47 is at high risk of surface water flooding. There are also some areas at low risk of surface water flooding within the site which correspond with the existing settlement edges. There are no heritage assets within the vicinity of the site and the site is not subject to any Tree Preservation Order.

Planning History

There have been two planning appeals on sites that are broadly similar, but not identical in area to the appeal site:

- APP/K2420/W/17/3188948. Appeal against refusal of planning application 17/00531/OUT Residential development of up to 185 dwellings (outline - access only). The appeal was dismissed on 20.07.2018. Two main issues were identified by the inspector in that appeal being *"The effect of the proposed development on the character and appearance of the area and on the Hinckley/Barwell/Earl Shilton Green Wedge;* and *"whether there are any other material considerations, including the delivery of market and affordable housing in the context of the current housing land supply, that determine the development should be approved other than in accordance with the development plan"*.
- APP/K2420/W/22/3295558. Appeal against the non-determination of planning application 21/01470/OUT - Residential development of 110 dwellings with associated access, open space and landscaping (outline - access only). The appeal dismissed 27.3.2023. A single main issue was identified by the inspector as being *'The effect of the development on the character and appearance of the surrounding area.'*

The LHA position on the previous appeal

The last (2023) appeal was made against the non-determination of the application. Had the application been determined the application would have been refused it on highways grounds and matters relating to landscape and the impact on the Green Wedge. The Local Highway Authority (LHA) subsequently chose not to present evidence to the Inquiry.

Having received further information from the Appellant and being mindful of the Inspectors decision on the earlier appeal the LHA is no longer seeking junction improvements in the context of this appeal. Other technical matters have been addressed such that reason for refusal 2 is considered to be addressed.

Development Plan Policy

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)

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 2: Provision of Community Facilities
- Policy 3: Primary, Secondary and upper Education provision
- Policy 4: Provision of Indoor Sports and Leisure Facilities
- Policy 5: Waste Management Provision
- Policy 19: Regeneration of the District Centres
- Policy 20: Skills Development
- Policy 21: Infrastructure and Delivery
- Policy 22: Development and Design

Housing Land Availability

The Council's latest housing land supply position is set out within its 5YHLS Statement and has a base date of 1 April 2023. The Statement sets out a requirement under the current Standard Housing Method (SHM) to deliver 433 dwellings per annum (dpa) from of 1 April 2024. For consistency, the requirement has been recalculated to the base date of the Statement – that is 1 April 2023; the agreed annual requirement is, therefore, 468.

The National Planning Policy Framework (NPPF) was updated on 12 December 2024 and the National Planning Practice Guidance has revised the standard method for calculating the local housing need assessment. As a result, the Council must re-visit its Five-Year Housing Land Supply (5YHLS) position. Whilst further assessment must be made, the Council are now unlikely to be able to demonstrate a 5YHLS, which is one of the circumstances for engaging the 'tilted' balance of Paragraph 11(d).

In any event, due to the age of relevant housing policies within the adopted Core Strategy (2009) and its outdated basis for setting a housing requirement, the 'tilted' balance in Paragraph 11(d) of the NPPF (2024) was already triggered in accordance with Footnote 8 and Paragraph 11.

The revised NPPF (para 11.d.ii) states that when the 'titled' balance is engaged, decision making must have particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

Conditions

A full set of draft conditions was submitted to the LPA as part of the planning application (see Appendix 5 to the R&M Planning Statement of December 2023).

Those draft conditions are a suitable basis for discussion before the hearing and a list will be shared with the Inspector to represent both parties position.

Legal Obligations

A draft of Heads of Terms was submitted to the LPA as part of the planning application (see Appendix 6 to the R&M Planning Statement of December 2023); a full draft s.106 Agreement was then provided to the LPA On 5th December; and a CIL Compliance Statement from Leicestershire County Council was provided to the parties by the Inspectorate on the 17th December. .

Further consultation has occurred during the Appeal to ensure an up-to-date level of obligations and the parties agree that these drafts form a suitable basis to allow for agreed obligations to be finalised in accordance with the set timetable.