

Location: **Land Development Site Off
Station Road
Ashwell
Hertfordshire**

Applicant: **Mr Wilkinson**

Proposal: **Residential development of 28 no. dwellings and
landscaping including pond, wildflower meadow and
woodland and associated infrastructure.**

Ref. No: 20/03070/FP

Officer: **Simon Ellis**

Date of Statutory Expiry Period: Agreed extension to 30.05.21

Reason for Delay

Change of case officer following retirement and to enable a pro-active discussion with the applicant prior to determination.

Reason for Referral to Committee

The application site area at over 0.5ha (application site area 2.68 ha) requires this planning application for residential development must be determined by the Planning Control Committee under the Council's constitution and scheme of delegation.

Submitted Plan Nos.

9820/P/001 – Location Plan
9820/P/002 – 021 - Plots 1-10 Floor Plans and Elevations
9820/P022 – Double garage Floor Plans and Elevations
9820/P023 – 040 – Plots 11-28 Floor Plans and Elevations
9820/P041 – Northern edge plots 1 & 2 Street Scene
9820/P042 – Station Road Plots 27 and 28 Street Scene
9820/P043 – Farmstead Cluster Plots 18-21
9820/P044 – Site Sections
M3239-PA-01-V5 – Landscape Layout
M3239-PA-02-V3 – Landscape Layout with Key
M3239-PA-03-V01 – Sketch views 1-4
M3239-PA-04-V1 – Layout Superimposed onto Aerial
Tree Plan Shadow
Tree Plan No Shadow

Associated Documents:

Affordable Housing Statement
Air Quality Screening
Preliminary Ecological Appraisal Report
S106 Heads of Terms
Transport Statement
Utility Infrastructure Feasibility Report
Tree Survey
Desk Study (Contaminated Land)
Soakage Testing Report
Planning Support Statement
Design and Access Statement

1.0 Policies

1.1 North Hertfordshire District Local Plan No. 2 – with Alterations (Saved Policies):

Policy 6 'Rural Area Beyond the Green Belt'
Policy 14 'Nature Conservation'
Policy 16 'Areas of Archaeological Significance and other Archaeological Areas'
Policy 26 'Housing Proposals'
Policy 29 'Rural Housing Needs'
Policy 29A 'Affordable Housing for Urban Local Needs'
Policy 51 'Development Effects and Planning Gain'
Policy 55 'Car Parking Standards'
Policy 57 'Residential Guidelines and Standards'

1.2 National Planning Policy Framework (NPPF):

In total but in particular:

Section 2 'Achieving Sustainable Development'
Section 4 'Decision Making'
Section 5 'Delivering a Sufficient Supply of New Homes'
Section 8 'Promoting Healthy and Safe Communities'
Section 9 'Promoting Sustainable Transport'
Section 11 'Making Effective Use of Land'
Section 12 'Achieving Well Designed Places'
Section 14 'Meeting the Challenge of Climate Change, Flooding and Coastal Change'
Section 15 'Preserving and Enhancing the Natural Environment'

1.3 Supplementary Planning Documents:

Vehicle Parking Provision at New Development (SPD – 2011)
Design SPD
Planning Obligations SPD (November 2006)

1.4 Supplementary Planning Guidance:

Ashwell Village Design Statement (October 2000)

1.5 **Submission Local Plan (2011-2031) (with Modifications):**

Section 2 – Strategic Policies

- SP1 - Sustainable development in North Hertfordshire;
- SP2 - Settlement Hierarchy;
- SP5 – Countryside and Green Belt
- SP6 – Sustainable Transport
- SP7: Infrastructure Requirements and Developer Contributions
- SP8 - Housing;
- SP9 - Design and Sustainability;
- SP10 - Healthy Communities;
- SP11 - Natural resources and sustainability;
- SP12 - Green infrastructure, biodiversity and landscape;

Section 3 – Development Management Policies

- CGB1 – Rural areas beyond the Green Belt
- CGB2 – Exception sites in rural areas
- T1 - Assessment of transport matters
- T2 - Parking;
- HS2 - Affordable housing;
- HS3 - Housing mix;
- HS5 - Accessible and Adaptable Housing
- D1 - Sustainable design;
- D3 - Protecting living conditions;
- D4 - Air quality;
- NE1 - Landscape;
- NE5 - New and improvement public open space and biodiversity;
- NE6 – Designated biodiversity and geological sites;
- NE7 - Reducing flood risk;
- NE8 - Sustainable drainage systems;
- NE9 - Water Quality and Environment;
- NE10 - Water Framework Directive and Wastewater Infrastructure;
- NE11 - Contaminated land;
- HE4 - Archaeology.

2.0 **Site Planning History**

- 2.1 Planning application ref. 17/01406/1: 'Residential development of 46 no. dwellings, children's play area, two new sports pitches, pavilion building and associated infrastructure'.

Planning permission refused by the Planning Control Committee in accordance with officer recommendation on 12 October 2017 for the reasons set out in the decision notice attached as **appendix 1**.

The subsequent appeal was determined under the Hearing Method and the appeal was dismissed by the Inspector in the decision letter dated 26 October 2018 (**see appendix 2**).

As part of this appeal the appellant also made an application for an award of costs against the Council largely on the basis that in their view the Council officers had not acted pro-actively throughout the determination of the planning application by assisting the applicant to reduce the reasons refusal, particularly on technical matters. This application for an award of costs against the Council was also dismissed by the Planning Inspector and this decision is attached as **appendix 3**.

Following the Dismissed appeal the appellants then lodged a Judicial Review (JR) against the decision of the Planning Inspectorate, largely on the basis that in their view the Inspector had applied too much weight to Saved Local Plan Policy 6 based on the absence of a five year land supply at that time and that on that basis the policy was out of date. This JR was also dismissed and the appeal decision was upheld. The appellant was also required to meet the Courts Cost in lodging the JR (**Court decision attached as appendix 4**).

- 2.2 A pre-application proposal for 9 dwellings on the site was submitted in 2019 (ref. 19/02900/PRE). The case officer who no longer works at NHDC gave a professional view that she could not support the scheme.

3.0 Representations:

3.1 Technical and Statutory Consultees:

Hertfordshire County Council (Highways):

No objections, suggested conditions.

3.2 Hertfordshire County Council (Lead Local Floor Authority):

No objections, suggested conditions.

3.3 Hertfordshire County Council (Historic Environment – Archaeology):

No objections, suggested conditions.

3.4 Hertfordshire County Council (Minerals and Waste):

Any development of this site should proceed on the basis of a site waste management plan to reduce waste from development projects (SWMP). Such a plan could be secured through suitably worded planning condition(s).

3.5 Hertfordshire County Council (Hertfordshire Ecology):

Some concerns about detail but as this site has largely been intensively farmed arable in the past the proposals would lead to a Biodiversity Net Gain (BNG) on site and therefore raise no objections.

3.6 Hertfordshire County Council (Growth and Infrastructure and Fire and Rescue):

Object to the proposed development on the basis that it is not possible to expand Ashwell Primary school to meet increased demand that would be placed on this school capacity on the basis of this proposed development.

No financial contributions towards primary school provision are therefore sought on the basis of this planning application and as capacity cannot be increased and primary school children from this development may not be able to attend the local primary school the County Council object to this planning application.

Contributions are however sought for other services as follows:

£83,307 towards expansion of Knights Templar Secondary School in Baldock;

£5,103 towards the expansion of Royston Library;

£1,551 towards increased provision at Royston Young People's Centre (Youth Services);

Fire Hydrant provision across the development site.

3.7 NHDC Environmental Protection (Air Quality):

Require suitable EV charging points on site which can be secured through planning condition(s) and informative(s).

3.8 NHDC Environmental Protection (Contaminated Land):

No objections, suggested standard land contamination condition.

3.9 NHDC Environmental Health (Noise):

No objections, suggested conditions limiting hours of operation during construction.

3.10 NHDC (Waste Collection and Recycling):

No objections, suggested conditions requiring full details of bin storage and locations.

3.11 NHDC (Housing Supply Officer):

Based on this 28 dwelling scheme to be policy compliant the affordable housing provision should incorporate 11 no. affordable housing, of which 7 units should be for rent and 4 units as intermediate tenure (e.g. shared ownership). This should be secured through an appropriately worded S106 Obligation to ensure affordable housing is delivered through a Registered Provider (RP).

3.12 NHDC (Principal Urban Design and Landscape Officer):

Various concerns raised about detailed aspects of the scheme.

3.13 Anglian Water:

Sufficient waste-water capacity is available for this development. Recommend an informative.

3.14 Environment Agency:

Nothing received. Any comments received to be reported orally.

3.15 Ashwell Parish Council:

Object to the proposed development on the following grounds:

Impact on the character of the countryside from this development proposal which would be outside the village boundary;

Impact on the character of the village and local area;
Traffic impact generate by 28 additional dwellings in this location would be unacceptable;
The Ashwell Primary School is full to capacity and could not accommodate additional pupil yield from this development;
There is a lack of primary health provision in the area to accommodate this development proposal;
The proposed development would not meet identified housing needs in the local area.

3.16 **Local Residents:**

Full details can be viewed on the Council's website. A summary of views is set out below:

The application site is not allocated in the 2011-2031 Local Plan and on that basis this proposal is unplanned;

It would have a poor spatial relationship with the surrounding village in terms of layout and character;

It would impact unacceptably on the character of the local countryside;

Traffic impact would be unacceptable;

There is insufficient local services to accommodate this growth, e.g. health and primary school capacity;

The proposal wouldn't meet local housing needs, with no elderly provision proposed;

4.0 **Planning Considerations**

4.1 **Site and Surroundings**

4.1.1 The application site consists of part of an arable field located off the North Eastern side of Station Road, Ashwell. The field on which the application site is located is slightly undulating and has dense and well-established vegetation on all sides. To the north of the site, bordering the northern flank of the site, is an access track leading to a recreation ground. There is a depth of two houses immediately to the north of the site, with open countryside across the other side of the application and all around the development thereafter.

4.2 **The Proposals**

4.2.1 Full planning permission is sought for the development of 28 dwellings, new vehicular access off Station Road, associated infrastructure and open space provision. Of the 28 dwellings proposed 17 would be market housing and 11 affordable (of which 7 would be affordable rent and 4 shared ownership). The proposal represents a full range of accommodate size.

4.2.3 The design is of a layout of three groups of houses surrounding a central spine road, with a norther edge group, a Station Road fronting group and a Farmhouse affordable housing cluster to the rear of the Station Road group.

4.2.4 The proposal also includes additional landscaping and planting and open space area to the rear of the development proposal and landscaping proposed to rear to enclose the development envelope.

4.3 Key Issues

4.3.1 Taking account of the relevant development plan policies and other material considerations listed above, together with the representations also listed above and the relatively recent appeal decision relating to an earlier proposal for a larger residential development scheme on this site I consider the main issues to be addressed in the determination of this planning application as follows:

- The principle of development on the site and the overall policy basis for any decision;
- Whether this revised scheme has overcome the reasons for refusal and subsequent dismissed appeal (see appendices 1 and 2);
- Whether there are any material change in circumstances since the last appeal decision which should change the basis upon which development is assessed on this site, and;
- Whether any harm identified that would be caused by this development proposal would significantly and demonstrably outweigh the benefits of delivering new homes in the clear absence of a five year land supply of deliverable housing sites in this District (latest published estimate 2.2 year land supply (April 2020)).

The following paragraphs address these broad issues and related detailed matters in this order before reaching conclusions on the planning balance and setting out a recommendation.

4.3.2 Principle of Housing and Policy Basis for the Decision

The application site is located outside the settlement boundary of Ashwell both in the Saved Local Plan (Policy 6) and the emerging Local Plan (Policy CGB1). The site is located within the Rural Area Beyond the Green Belt, wherein pre- the National Planning Policy Framework (NPPF) (both 2012 and 2019 versions) the planning system could effectively prevent market housing and most large scale housing schemes in principle. With the presumption in favour of sustainable development set out in the NPPF this is no longer the case.

4.3.3 Paragraph 11 of the NPPF is of crucial importance in setting out the presumption in favour of sustainable development, which for decision making reads as follows:

'[for housing development] c) Approving development that accords with an up to date Development Plan without delay, or

d) where there are no relevant development plan policies, or the policies which are most relevant are out of date, granting permission, unless;

i) the application of policies within this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or

ii) any adverse impacts would significantly and demonstrably outweigh the benefits [of delivering new homes], when assessed against the policies of this Framework when taken as a whole.'

- 4.3.4 Addressing point c) first. The Council does not have an up to date Development Plan. In the year 2021 of an emerging Plan period 2011-2031 the Council has still not adopted a new Local Plan since 1996. Therefore, the Saved Policies of the 1996 Plan represent the current Development Plan for North Hertfordshire. For point d), there are no policies in the Framework listed in the footnote to the paragraph 11, such as Green Belt, National Park, SSSI or heritage that indicate a refusal for development on this site in principle. Moreover, the Council currently has at best a 2.2 year land supply of deliverable housing sites (April 2020) and is in fact one of the worst performing authorities for housing delivery in England. This means policies that are most relevant (Saved Local Plan Policy 6) are out of date in their entirety. When the previous appeal was dismissed under the earlier version of the NPPF there was some scope for Policy 6 to carry weight insofar as it was relevant to the objectives of the Framework. Under the 2019 version, Policy 6 is out of date and cannot be applied to resist housing development in the countryside. Emerging Policy (2011-2031) can only be given weight under relevant sections of the NPPF which deal with emerging policies.
- 4.3.5 On this basis any assessment of development on this site is firmly within the test set out in the NPPF paragraph 11 (d) (ii). To refuse planning permission the Council must demonstrate with evidence that any harm identified as a result of the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
- 4.3.6 Members will note from the appendices that in the determination of the earlier planning application, appeal and even the unsuccessful JR, the issue of weight to be applied to Saved Local Plan Policy 6 in relation to housing development on this site has been considered in depth at all stages of the process. For the avoidance of doubt and to re-emphasise the point raised above, the new version of the NPPF is clear, Policy 6 is out of date and cannot be relied upon to resist housing development on this site in principle.
- 4.3.7 Assessment of Revised Scheme against Previous Refusal
The scheme proposed in this planning application is for 28 dwellings not 44 and would be more loose-knit and less depth into the site. In dismissing the appeal the key findings of the Inspector (see appendix 2) can in particular be found in paragraphs 6-9 of the decision letter.

The Inspector found as did officers who recommended refusal of permission and the Planning Control Committee who endorsed the recommendation, that the site forms an important transition between the edge of Ashwell and open countryside beyond. This remains the case and in my view the development proposal whilst looser-knit than the very heavy appeal scheme (see appendix 5) would still be overly suburban in character in relation to the very open nature of the countryside in this locality. Moreover, due to the proposal for 28 dwellings and size of the site, it is necessary for the depth of development into the site to be positioned well away from the street frontage into the countryside. In my view this represents significant and demonstrable harm to the character of the countryside. Section 15, paragraph 170 (b) of the NPPF requires decision makers to 'recognise the intrinsic character and beauty of the countryside'. Although I find that the scheme would significantly and demonstrably harm the intrinsic beauty of this area of countryside and therefore conflicts with the objectives set out Section 15 of the NPPF in of itself, the NPPF also allows decision makers to give weight to emerging Local Plan policies based on their conformity to the NPPF and the advanced stage of the Plan, among other things. Given the Plan is well advanced I consider that Policy CGB1 of the emerging Local Plan (the effective replacement of Saved Local Plan Policy 6) can be given limited weight and on that basis I find the development also conflicts with Policy CGB1 of the emerging Local Plan.

- 4.3.8 Turning to paragraph 10 of the Inspector's decision letter, the Inspector noted that the appeal scheme would 'Rather than blending in with the adjacent edge of the village, it would provide a much greater intensity and depth'. This is in my view still the case with the revised scheme, to the north the settlement pattern along Station Road is clearly ribbon development along the street frontage and whilst there is a depth of two houses immediately adjacent to the application site, the depth proposed here would in my view remain at odds with the general character and edge of settlement pattern of the surrounding area. Section 12 of the NPPF as cited by the Inspector in the appeal decision (earlier version of the NPPF) requires development to be a high standard of design and layout and settlement pattern and place making relates to this objective in my judgement. Although I find that the scheme would be of such a spoor standard of design and layout and poor inter-relationship with the surrounding settlement pattern that this harm significantly and demonstrably outweigh the benefits of delivering new homes on this site and therefore conflicts with the objectives set out Section 12 of the NPPF in of itself, the NPPF also allows decision makers to give weight to emerging Local Plan policies based on their conformity to the NPPF and the advanced stage of the Plan, among other things. Given the Plan is well advanced I consider that Policy D1 of this document (effective replacement to Saved Local Plan Policy 57) can be given limited weight and on that basis I find the development also conflicts with Policy D1 of the emerging Local Plan.

4.3.9 As well as these issues of harm to the intrinsic beauty of the countryside and poor relationship to the surrounding settlement pattern I consider that the affordable housing cluster of development would be located too close to the tree belt in the centre of the two fields. Also this aspect of the development is clearly isolated in terms of its form and position from the remaining scheme (which is lower density) and by being so obviously the affordable element of the scheme (not tenure blind) pushed into the corner this element of the scheme is harmful by representing a poor standard of design and layout within the scheme. This smaller and the above wider critique of the scheme is in my judgement at odds with paragraph 130 of the NPPF which states that 'permission should be refused for development of poor design which fails to take the opportunities available for improving the character and quality of an area and the way it functions.....'

4.3.10 In conclusion of these points, in my view the proposed development would significantly and demonstrably harm the character of the locality and the intrinsic value and beauty of the countryside. Its excessive depth into the site when compared to the ribbon development form further into Ashwell represents a poor standard of design and layout and would fail to take the opportunities available for improving the character of the area. The site is bordered by countryside on nearly all sides of this development with only a narrow string of housing linking the northern border to the Ashwell settlement. On that basis I consider that significant and demonstrable harm would be caused to the character of the locality and wider countryside as a result of this development. On this basis I do not consider that this revised development proposal overcomes the fundamental concerns highlighted by the Planning Inspector, or indeed by the Council in refusing planning permission for the earlier scheme.

4.3.11 Harm weighed against Benefits

The Council has a very poor land supply position, at approximately 2.2 years, and the stalling of the Local Plan and very few large scale permissions being granted for housing development identified within the Plan means that the benefits of delivering 28 new homes including 11 affordable units must weigh heavily in favour of granting planning permission. Indeed, the more acute the deficit the greater weight that must be applied to the benefits of the delivery of much needed new homes on this site.

4.3.12 As well as providing the benefit of new homes with an acute housing shortage and poor land supply in the District, housing also provides localised economic benefits both during construction (employment opportunities) and more customers for local businesses and services. These wider economic benefits must also be considered. The proposal also represents a net gain in biodiversity as confirmed by Hertfordshire Ecology and some new open space.

4.3.13 Infrastructure

In terms of sustainability, Members will note from the recent appeal decision on this site, that the Inspector did conclude that development on this site would be broadly sustainable.

The Inspector assessed sustainability in the round and did not support the County Council's position on lack of capacity or scope to increase physical capacity at Ashwell Primary School. On that basis as Members agreed for the recent refusal of planning permission at Lucas Lane Ashwell the District Council must take a neutral position on school capacity (ref. 20/00126/FP). I have expressed this view to both the applicant (during pro-active discussions) and to the County Council. If Members are minded to refuse planning permission I recommend that its simply expressed as an absence of completed and agreed S106 Obligation and it would then be for the County Council (Growth and Infrastructure) to articulate their case on lack of primary school capacity at any subsequent appeal. I do not consider the lack of a S106 Obligation or objection from the County Council (Growth and Infrastructure) to be an element of harm that can weigh in the balance for the Planning Control Committee, (it is for the County Council to articulate this harm at any subsequent appeal) but the absence of an agreed and completed S106 Obligation is supported by a more substantive recommended reason for refusal set out below.

4.3.14 Other Issues

I find the development proposal to be acceptable in all other respects. There are no objections from any technical consultees outlined above, save for the position of the County Council (Growth and Infrastructure) discussed in the preceding paragraph. On that basis all technical issues could be resolved through the use of planning conditions and a S106 Obligation if Members were minded to grant planning permission.

4.3.15 Being pro-active

Members will note that the appellant in the earlier appeal (same applicant as now) challenged the Council on a costs claim at the appeal on the basis of officers not being helpful or pro-active enough in determining the planning application and not negotiating to reduce the number of reasons for refusal. The Inspector found that as the Council had always been clear that it did not support the scheme it was not necessary to attempt to resolve all outstanding matters and dismissed the costs claim.

4.3.16 I have however had a meeting with the applicants and their consultant and clearly set out my position which is that to achieve an acceptable scheme on this site requires a step change beyond the scope of reasonable amendments as part of any negotiation and re-consultation of the current planning application. It also requires them to work with Hertfordshire County Council (Growth and Infrastructure) to establish what quantum of development is needed before they are prepared to remove their objection to housing development on this site? I have also sought clarity and the answer is below 10, as at that point a S106 Obligation would not even be required. Members will note the recent decision to grant planning permission for 9 dwellings at Station Road and Ashwell Street, Ashwell (within the village) which did not attract an objection from Hertfordshire County Council (Growth and Infrastructure) as no S106 Obligation was required (refs. 19/00455/FP and 20/02599/S73).

To conclude, since planning permission cannot be granted for this development without a S106 Obligation and since that agreement would not be signed by Hertfordshire County Council any further negotiation or subsequent delay in the determination of this planning application cannot achieve a satisfactory outcome in my view. Moreover, to grant planning permission in face of an objection from Hertfordshire County Council (Growth and Infrastructure) may risk a legal challenge against that decision by the County Council.

4.3.17 Planning Balance

I consider that when assessed against the policies of the NPPF as a whole, the harm that would be caused by the excessive scale and spread of development deep into the field on which the application site is located, together with the poor design and layout inside the site of the affordable housing block would harm the character and appearance of the locality. The proposal would also in my view harm the intrinsic value of the countryside and create a poor relationship between the development and the settlement pattern and layout of Ashwell and this string of development along Station Road in particular. I consider that this harm would significantly and demonstrably outweigh the benefits of the development.

4.3.18 Climate Change Mitigation

The scheme would create a net gain in biodiversity and other sustainable development objectives could be secured by conditions (such as EV charging points) were Members minded to grant planning permission for this development.

4.3.19 Conclusions

The absence of a five-year land supply of deliverable housing sites underscores the benefits of delivering new homes. That should not in my view mean that decision makers need to abandon all sense of quality and the need to protect the intrinsic beauty of the countryside. This site is an important open field outside the settlement boundary of Ashwell and at the very edge of a ribbon development along this side of Ashwell Street. As the Inspector concluded the excessive depth and overly suburban nature of a new block of housing in this locality would be harmful to the area in my judgement and whilst the applicant has attempted to water down the scheme compared with the earlier proposal it remains unacceptable in this location, in my judgement for the clear reasons set out below.

4.3.20 Alternative Options Considered

See discussion of case merits above.

5.0 Legal Implications

- 5.1 In making decisions on applications submitted under the Town and Country Planning legislation, the Council is required to have regard to the provisions of the development plan and to any other material considerations. The decision must be in accordance with the plan unless the material considerations indicate otherwise.

Where the decision is to refuse or restrictive conditions are attached, the applicant has a right of appeal against the decision.

6.0 Recommendation

6.1 That planning permission be **REFUSED** for the following reasons:

1. In the opinion of the Local Planning Authority due to the location of this planning application site, largely separated from the main body of Ashwell village, the proposed development for 28 dwellings and associated infrastructure would have a heavily urbanising impact on the character and appearance of the rural area, against the pattern and grain of existing development and poorly integrated with Ashwell village. The excessive depth of the development envelope deep into the field within which the application site is located would harm the intrinsic beauty of this area of countryside. Moreover, such a piecemeal form of development would as a result harm the character and appearance of the locality. The proposed affordable housing block would be discordant with other development and located too close to a heavily planted area within the scheme, creating an overly cramped sense of place within the development itself. This identified harm would significantly and demonstrably outweigh the benefits of the development when judged against the policies of the National Planning Policy Framework when judged as a whole, in particular Sections 12 and 15 of the Framework. Whilst the development scheme is unacceptable when judged against the provisions of the Framework when judged as a whole in isolation, the development proposal is also contrary to Policies D1 and CGB1 of the proposed Submission Local Plan (2011-2031) (Incorporating Proposed Main Modifications 2018).
2. The submitted planning application has not been accompanied by a valid legal undertaking (in the form of a Section 106 obligation) securing affordable housing and any other necessary obligations. The secure delivery of these obligations is required to mitigate the impact of the development on local infrastructure and services in accordance with Policy 51 of the North Hertfordshire District Local Plan No. 2 - with Alterations (Saved Polices 2007) and proposed Local Plan Policy SP7 of the Council's Proposed Submission Local Plan (2011-2031) (Incorporating Proposed Main Modifications 2018). Without this mechanism to secure these provisions the development scheme cannot be considered as sustainable form of development contrary of the requirements of the National Planning Policy Framework (NPPF).

Proactive Statement

Planning permission has been refused for this proposal for the clear reasons set out in this decision notice. The Council acted proactively through early engagement with the applicant at the pre-application stage and as part of discussions during the determination of the planning application. This positive advice has however been ignored and therefore the Council remains of the view that the proposal is unacceptable. Since the Council attempted to find solutions, the requirements of the Framework (paragraphs 186 and 187) have been met and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.

7.0 Appendices

- 7.1 Appendix 1: Decision notice refusal of planning permission ref. 17/01406/1
- 7.2 Appendix 2: Inspector's decision letter dismissing the appeal
- 7.3 Appendix 3: Inspector's costs decision in respect of the appeal
- 7.4 Appendix 4: Court Decision on appellant's Judicial Review against PINs on the dismissed appeal
- 7.5 Appendix 5: Appeal scheme layout plan for comparison