
Appeal Decision

Inquiry held on 13 – 16 and 20 January 2015

Site visit made on 20 January 2015

by Jessica Graham BA(Hons) PgDipL

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

Decision date: 13 March 2015

Appeal Ref: APP/H1840/A/14/2222708

Land South of Pershore Road, Evesham, Worcestershire

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by BFP Developments LLP against the decision of Wychavon District Council.
 - The application Ref W/13/01127/OU, dated 22 May 2013, was refused by notice dated 3 April 2014.
 - The development proposed is residential development of up to 126 dwellings, with two new accesses on to Pershore Road and Hamilton Road, open space, car parking and associated infrastructure.
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Decision

1. The appeal is dismissed.

Procedural matters and main issue

2. The proposal is in outline, with access details provided, but matters of layout, scale, appearance and landscaping reserved for future determination. I have determined the appeal on that basis.
3. The Council's second, third, fourth and fifth reasons for refusal concerned the absence of arrangements to secure affordable housing, and financial contributions toward local education services, highway infrastructure and sports and leisure facilities. Before the inquiry opened, the appellant, the Council and the County Council completed a S.106 Agreement, which would secure the provision of those items should planning permission be granted. The Council confirmed that this Agreement overcame these four of its five original reasons for refusal. The parties to the S.106 Agreement subsequently executed two deeds of variation: to remove a contribution that was no longer required [ID 33], and to correct a deficiency in the original [ID 34].
4. On that basis, I consider the main issue in this appeal to be whether or not the Council is able to demonstrate a five year supply of deliverable housing sites, and the implications of that in terms of national and local planning policy.

Reasons

5. The appeal site constitutes some 8.1 ha of undeveloped land on the western edge of Evesham. It is part of the area between Hampton and Evesham designated a "Strategic Gap" by the Wychavon District Local Plan 2006 ("the Local Plan"), which constitutes the Development Plan for the area.

6. The proposed development of up to 126 dwellings would fundamentally conflict with Development Plan policy aimed at restricting all but minor development within the district's designated Strategic Gaps. Conflict with the Development Plan is not, however, the end of the matter. Planning law¹ requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. One such material consideration is the guidance set out in the government's National Planning Policy Framework ("the NPPF").
7. Paragraph 14 explains that a "presumption in favour of sustainable development" lies at the heart of the NPPF, and sets out how this presumption is to be applied in practice. It advises that development proposals which accord with the Development Plan should be approved without delay. It then goes on to say that where the Development Plan is absent, *silent or relevant policies are out-of-date* [my emphasis], planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
8. The appellant contends that there are a variety of reasons why "relevant policies" should here be considered out of date. That which took up the most time at the inquiry was the contention that the Council was unable to demonstrate a five-year supply of deliverable housing sites such that, in the terms of paragraph 49 of the NPPF, "relevant policies for the supply of housing should not be considered up-to-date". I shall address this matter first, and then consider the other arguments advanced by the appellant.

Is the Council able to demonstrate a five-year supply of deliverable housing sites?

9. It is common ground that the requirement for 7,450 dwellings identified in Policy SR1 of the Wychavon District Local Plan only covered the period from April 1996 to March 2011, and so is now out of date.
10. The Council is working with two adjoining authorities, Worcester City and Malvern Hills, to produce the South Worcestershire Development Plan (SWDP) which is intended to replace the current Local Plan. That process is now well advanced. The three Councils have each calculated their respective housing needs for the SWDP plan period of 2006-2030, and these were the subject of consultation, challenge, and rigorous examination as part of the Local Plan process. The Inspector examining the SWDP published his "Further Interim Conclusions on Outstanding Stage 1 Matters" in March 2014, in which he identified the full, objectively-assessed level of housing need for each of the three authorities. For Wychavon, this is 9,950 dwellings.
11. The appellant does not dispute this figure: it accepts that the Council's objectively assessed housing need (OAHN) is 9,950 dwellings. However, the three SWDP authorities are in agreement that since Worcester City and Malvern Hills are unlikely to be able to meet the full extent of their own OAHNs within their respective boundaries, Wychavon should increase its planned requirement in order to accommodate this unmet need. Consequently, Wychavon District Council has proposed a modification to the SWDP to set its plan requirement at 10,600 dwellings. The appellant contends that it is this higher figure which should now be used, for the purposes of this appeal, to establish whether the Council is currently able to demonstrate a five year supply of housing.

¹ S.38(6) of the PCPA 2004 and S.70(2) of the TCPA 1990

12. The proposed upward revision to a figure of 10,600 is clearly a material consideration, signalling the Council's acknowledgment that the housing requirement that will eventually form part of the SWDP is likely to be higher than the OAHN that has been established for the district. But it is important to bear in mind that the process of arriving at the SWDP housing requirement is not yet complete. The suggested requirement of 10,600 has been consulted upon, but unlike the OAHN figure of 9,950, has not yet been robustly tested at the Examination in Public of the emerging new Plan.
13. That Examination will take into account a wide range of evidence. It will be informed not only by the most up-to-date calculations of the extent to which the other two authorities are able to accommodate their OAHNs (I heard evidence that this had changed in the course of the inquiry), but also evidence about the various environmental constraints, policy requirements, and other considerations that might indicate that the planned housing requirement should differ from the OAHN. That evidence is not before me – and nor should it be. As the Court of Appeal observed in *Hunston*², "... it is not for an inspector on a Section 78 appeal to carry out some sort of local plan process as part of determining the appeal, so as to arrive at a constrained housing requirement figure. An inspector in that situation is not in a position to carry out such an exercise in a proper fashion, since it is impossible for any rounded assessment similar to the local plan process to be done."
14. In that case, in the absence of an up-to-date housing requirement figure in the Local Plan, the inspector had assessed the Council's ability to demonstrate a five-year supply of housing against a requirement figure intended to reflect policy constraints, rather than against objectively-assessed housing need. The Court of Appeal concluded that it was a mistake to use a figure for housing requirement that differed from the full objectively assessed needs figure until such time as the Local Plan process came up with a constrained figure.
15. In my view, it would be a similar mistake in this case to use the currently proposed requirement figure of 10,600 dwellings, before the assumptions and calculations underpinning that figure have been examined. I agree with the Council that the proper approach, for the purposes of determining this appeal at this stage in the Local Plan process, is to assess the Council's ability to demonstrate a five-year supply of housing against its now established OAHN.
16. My attention was drawn to a letter dated 30 October 2014 [ID 23], sent by the three SWDP authorities to the Minister for Housing and Planning, in which they request, among other things, that inspectors give more weight to the emerging SWDP. The appellant points out that this is an argument in favour of using the proposed 10,600 requirement figure, as opposed to the 9,950 OAHN figure, in the current appeal. That is one interpretation, but I rather doubt it is what was intended. In any event, the Minister has yet to comply with (or, I am told, respond to) the Councils' request for a Ministerial Statement and revision of the NPPF. Until such time as national planning policy is changed, I am obliged to apply it in its current form.
17. The appellant, very fairly, accepted at the inquiry that if the OAHN figure is used, the Council can demonstrate a five year supply of deliverable housing sites. This accords with the evidence I saw. The Council's ability to demonstrate

² *City and District Council of St Albans v R (oao) Hunston Properties Ltd & Secretary of State for Communities and Local Government & another* [2013] EWCA Civ 1610, paragraph 26

a five year supply means that the circumstances addressed by NPPF paragraph 49, in which relevant policies for the supply of housing should not be considered up-to-date, do not here apply.

Are relevant policies out of date for other reasons?

18. By letter dated 29 May 2009, the Secretary of State issued a direction to “save” policies of the Local Plan (that is, to prevent them from becoming obsolete by operation of statute). That letter drew attention to the expectation that saved policies should be replaced promptly by new Development Plan Documents, and advised that where policies were adopted some time ago it is likely that material considerations, in particular the emergence of new national policy, will be afforded considerable weight in decisions.
19. The appellant contends that the weight accorded to the relevant saved policies generally in this case is diminished, and drew my attention to the findings of the inspector who reported on two appeals in Droitwich Spa (“the Pulley Lane decision”)³. I am not persuaded that those findings support the appellant’s contention. At paragraph 8.14 the Inspector noted what was said in the Saving Letter, to the effect that rather than simply relying on policies adopted some time ago, the Council should have regard to more up-to-date advice. He went on to observe that this is consistent with the NPPF paragraph 215 requirement that Local Plan policies should be weighed in accordance with their consistency with that document. The Secretary of State agreed, as do I. The fact that a Local Plan policy has been “saved” does not automatically reduce the weight it carries: rather, the question of weight will depend on the degree of its consistency with the policies of the NPPF.
20. As noted above, there is no dispute that Local Plan Policy SR1 is out of date. There is however disagreement as to whether it constitutes a “relevant” policy in the terms of paragraph 14 of the NPPF. The Council made no reference to it as a reason to refuse planning permission, but the appellant contends that it is nevertheless relevant.
21. Policy SR1 identifies, and lists, the sites allocated for residential development in the plan period April 1996 – March 2011. It does not seek to address how development proposals on sites other than those listed should be determined. The appeal site is not one of the listed allocations, but the current proposal was not refused on that basis; indeed, I am told that nothing has been refused, just because it was not an allocation listed in Policy SR1, for a very long time. I cannot see that this policy now has any real relevance to the planning permission that is currently sought.
22. Local Plan Policy GD1 also did not form part of the Council’s reasons for refusal, but the appellant contends that it is nevertheless relevant, and out of date. Policy GD1 is described, by the introductory text in the Local Plan, as “applicable to all applications for development”. The terms of the policy itself provide that “most new development to 2011” will be accommodated within the main built-up areas, with some in villages, but in all cases within defined development boundaries or on allocated sites. It goes on to set out the sequential approaches that should be applied to sites in the district’s three towns and to proposals for certain types of major development; specifies that no new development is proposed in the Green Belt; and ends with the

³ Appeal refs: APP/H1840/A/13/2199085 & 2199426

statement that “all other development proposals outside these areas will only be permitted where they accord with a specific policy or proposal in this Plan.”

23. The appeal site lies outside the identified areas, and thus the current scheme is a development proposal that Policy GD1 would seek to restrict. I therefore agree with the appellant that this policy must be relevant to the consideration of whether or not the current proposal is acceptable in planning terms.
24. As to whether or not Policy GD1 is out of date, my attention was drawn again to the Pulley Lane decision. The inspector held that since Policy GD1 expressly applied to development up to 2011, and defined development boundaries on the basis of the supply of housing required for that period, it was out of date. The Secretary of State agreed with this approach. More recently, in a decision letter concerning a site in Tewkesbury⁴, a different inspector took a different approach and found that Policy GD1 should remain the starting point for the location of development in Wychavon, since its underlying aim of directing most development to sustainable urban locations is itself consistent with the thrust of the NPPF read correctly as a whole.
25. I favour this second approach. There is no dispute, in this case, that the principle of designating development boundaries to protect the countryside from development accords with the principles of the NPPF. The evidence before me is that while the OAHN for Wychavon is now established, the SWDP housing requirement figure, and the location of any additional allocated sites, have yet to be resolved. There is not (and again, nor should there be) any evidence before me as to the extent to which, if at all, the development boundaries in the emerging SWDP will differ from those in the extant Local Plan.
26. In these circumstances, I do not consider the NPPF can properly be interpreted as requiring that until such time as the existing development boundaries are amended or replaced by the new SWDP, their existence should simply be disregarded as “out of date”. To take that approach would effectively be to sanction new development in the countryside, without regard to the quantified need for it. Rather, the NPPF makes explicit the circumstances in which policies concerned with the supply of housing (in my view, this includes those which designate development boundaries) should be considered out of date: that is, when a five-year supply of deliverable housing sites cannot be demonstrated.
27. The appellant rightly pointed out that considerable weight must attach to the Secretary of State’s views on the interpretation of planning policy. However, I note that in the Pulley Lane decision, the Council was found to be unable to demonstrate a five year supply of housing land: in the Tewkesbury decision, as here, circumstances differed such that a five year supply of housing was demonstrated. It is important to bear in mind the truism that each development proposal must be determined on its own merits, and each decision maker must proceed on the basis of the evidence that is before them. It does not then follow that because Policy GD1 was considered to be out of date in the Pulley Lane decision, it must now be treated as out of date when determining all subsequent proposals. I agree with the Council that in deciding those appeals, the Secretary of State can only have been intending to comment on the case before him, rather than intending to lay down principles of wider applicability.

⁴ Appeal ref: APP/H1840/A/2217607 [ID 15]

28. I am confirmed in this view by the fact that in a report concerning a site in Dawlish⁵, where the Council accepted that land beyond the extant development boundary would need to be released, the Secretary of State held that this did not mean the development boundary policy should be treated as out of date. Had the Secretary of State there been intending to set out a finding of wider application than the circumstances of that particular case, it would have been contradictory for him subsequently to hold, as he did at paragraph 21 of the Pulley Lane decision, that a development boundary policy should be treated as out of date on the basis that land beyond that boundary needed to be released for development.
29. I conclude that for the purposes of my determination of this appeal at this stage in the Local Plan process, Policy GD1 should not be treated as out of date, but rather as broadly consistent with the aims and objectives of the NPPF.
30. Local Plan Policy GD2 is another policy that is said to apply to “all development proposals”, but was not cited in the Council’s reasons for refusal. It states that proposals should follow the principles of sustainable development, and that where they accord with Policy GD1, should be permitted unless one of six identified adverse effects would follow. The appellant argues that while the purpose of this policy is consistent with national policy, the control function is not, because it is not written in the “cost/benefit” approach of the NPPF.
31. The reference to a “cost/benefit” approach derives from the High Court judgment in *Colman*⁶, which found that certain policies were very far removed from the “cost/benefit” approach of the NPPF, because they did not permit any countervailing economic or similar benefit to be weighed in the scales. This was considered again more recently by the High Court in *Bloor Homes*⁷, which found that the *Colman* judgment did not constitute authority for the proposition that every Development Plan policy which seeks to restrict development will be incompatible with NPPF policy, and thus out of date, if it does not on its own terms qualify that restriction by saying it can be overcome by the benefits of a particular proposal. Lindblom J held that the question of whether a particular Development Plan policy is or is not consistent with the NPPF will depend on the specific terms of the policy and of the corresponding parts of the NPPF, when both are read in their full context.
32. The appellant has not sought to argue that Local Plan Policy GD2 would be inconsistent with any part of the NPPF, and no such inconsistency is apparent to me. I therefore see no reason to regard it as out of date.
33. Local Plan Policy ENV1 was not cited as a reason for refusal, but the Council now accepts that it is relevant to my consideration of the proposed development. It concerns landscape character, and the extent to which development proposals should demonstrate that they are sympathetic to it, and safeguard, restore or enhance the environment in which they are proposed. The appellant contends that this policy is consistent with the NPPF insofar as it seeks to protect the countryside, but not insofar as it is used to restrict housing development, and so does not admit of the “cost/benefit”

⁵ Appeal ref: APP/P1133/A/12/2188938

⁶ *Anita Colman v Secretary of State for Communities and Local Government & Ors* [2013] EWHC 1138 (Admin)

⁷ *Bloor Homes East Midlands Ltd v Secretary of State for Communities and Local Government & Ors* [2014] EWHC 754 (Admin)

approach set out in the *Colman* judgment. However, following the later judgment in *Bloor Homes* discussed above, it does not necessarily follow that Policy ENV1 must be out of date. The appellant did not seek to argue that it would be inconsistent with any corresponding parts of the NPPF, and no such inconsistency is apparent to me.

34. My attention was drawn to the finding by the inspector in the Pulley Lane decision, endorsed by the Secretary of State, that Policy ENV1 could only be given limited weight. However, that finding was based on the inspector's interpretation of the reasoning set out in the *Colman* judgment; he evidently did not at that time have before him, as I now do, the benefit of Lindblom J's subsequent helpful analysis in the *Bloor Homes* judgment. That was handed down in March 2014, after the inquiry had closed, and there is no indication that it was made known to the Secretary of State prior to his determination of the appeals.
35. I conclude that for the purpose of this appeal, Local Plan Policy ENV1 should be treated as both relevant and up-to-date.
36. Though last, not last in import: Local Plan Policy SR10 provides that in order to protect their setting and prevent the coalescence of settlements, land within defined "Strategic Gaps" will be kept open and essentially free of development. It then sets out specific circumstances in which proposals for minor development may be permitted. The appellant argued that while the purpose of this policy is consistent with the NPPF, its control mechanism is not, because it represents an outright ban on all forms of development (other than minor development), and so makes no provision for the "cost/benefit" approach set out in *Colman*. Again, bearing in mind the later judgment in *Bloor Homes*, and in the absence of any identified corresponding parts of the NPPF with which Policy SR10 appears inconsistent, I see no reason on that basis to treat it as out of date.
37. My attention was drawn to a report concerning two sites in Rothley⁸ in which a similar Development Plan policy, which sought to restrict development within "Areas of Local Separation" in order to prevent settlements merging, was at issue. The inspector found, and the Secretary of State agreed, that that policy could not be given full weight because it represented an outright ban on open market housing within Areas of Local Separation, without the possibility of any countervailing benefit outweighing the prohibition. But again, that finding was based on the inspector's interpretation of the reasoning set out in the *Colman* judgment; he made no reference to the subsequent judgment in *Bloor Homes*, which clarifies the relevance and applicability of *Colman*. This is unsurprising, given that this later judgment was issued after the inquiry closed. Again, there is no indication that it was made known to the Secretary of State prior to his determination of the appeals.
38. I conclude that for the purpose of this appeal, Local Plan Policy SR10 should be treated as both relevant and up-to-date.

The implications in terms of national and local planning policy

39. Since I have found no reasons why relevant policies should be treated as out of date, the advice in paragraph 14 as to the balancing exercise to be undertaken

⁸ Appeal refs APP/X2410/A/13/2196928 & 2196929

where the Development Plan is absent, silent or relevant policies are out-of-date, does not here apply.

40. However, the fact that there is at least one relevant and up-to-date Development Plan policy with which the proposal conflicts is still not the end of the matter: it is necessary to consider whether there are any other material considerations capable of outweighing that conflict.

Other considerations

41. The appellant's Landscape Architect has clearly given careful consideration to how the proposed housing might best be accommodated on the appeal site. The topography of the land is such that the upper part of the site, adjoining existing development at the edge of Evesham, slopes gently and then follows a more pronounced decline, towards the River Isbourne. The major portion of the housing would be located on the flatter, upper area, and the housing would be contained on its outer edge by a service road and associated landscape planting, so as to screen the back gardens and their domestic paraphernalia, and to prevent any perception of the houses "falling down the slope".
42. The lower slopes, from the edge of the housing down to the river, would be used to provide some 4ha of publicly accessible open space, laid out as informal meadows with attenuation ponds and a network of walkways. The proposal is in outline, so full details of layout, appearance and landscaping would remain to be determined at a future stage, but I note that the extent of the open space to be provided could be secured by condition, and that the completed S.106 Agreement makes provisions for payments toward the upkeep and maintenance of the public open space.
43. The appellant contends that a number of benefits would flow from the provision of this public open space. It is fair to note that as a consequence of the proposed development, there would be increased public access to this part of the river valley. But as the Council points out, the public are not short of means of accessing the pleasures and benefit of the land within the Strategic Gap already, through the existing footpaths and bridleway that run across the appeal site and alongside the western riverbank. They are already able, therefore, to appreciate the openness and tranquillity of this area of open countryside between the settlements.
44. As a consequence of the proposed development, the footpath and bridleway along the south eastern boundary of the appeal site would no longer pass through an open field, but through a corridor of housing. Members of the public would be able to walk through the open space on the lower slopes as an alternative, but would lose the benefit of longer-range views to the west, and their views to the east would be of the new housing on the brow of the hill. Similarly, in views from the footpath which follows the western bank of the river, the new housing would encroach into the existing open space and bring the built-up edge of Evesham much closer. It seems to me that however attractive the proposed public open space were made, it would not, on balance, provide any benefit in terms of improving the extent to which members of the public are already able to experience and enjoy this part of the river valley.
45. It is also fair to note that maintaining the public open space as a managed meadow, rather than agricultural land, would be likely to have benefits for biodiversity. So too would the introduction of attenuation ponds and new

planting, the management and enhancement of existing trees and planting, and the improved management of the riparian edge. However, the construction of up to 126 houses and their associated services would clearly not benefit biodiversity on that particular part of the appeal site, and the potential for the managed meadowland to provide suitable habitat for many species would depend, to a large degree, upon the extent to which it was also used by recreational walkers, children, dogs and cats. In the absence of any details of the current ecological situation, and any categorisation or quantification of the impacts of the proposed development, it is not possible to be certain that any overall benefit would necessarily accrue.

46. The appellant contends that the proposed service road and landscape planting would provide a softer, more appropriate edge than the "harsh" settlement edge currently provided by the juxtaposition of back gardens and rear elevations immediately adjoining open space. That may be so, but from public viewpoints where this new, softer edge would be seen – Pershore Road, the public open space on the lower slopes of the appeal site, and the public rights of way to the west – the new housing, replacing what was previously an open field, would also be visible. I am not therefore persuaded that there would be any overall visual improvement.
47. Similarly, the proposed enhancements to Pershore Road, in the form of better tree management and the reinstatement of railings, would be seen in the context of new housing encroaching into the open space beyond. I do not think the appellant is right to claim, in the context of a proposal to build up to 126 dwellings on the Pershore Road end of the Strategic Gap, that opening up views into that Strategic Gap from Pershore Road would reinforce the perception of openness. Rather, it seems to me that views of the new housing would lead to the (accurate) perception that the Strategic Gap between Hampton and Evesham had been narrowed.
48. In terms of social benefit, 40% of the proposed dwellings would be secured as affordable by the terms of the S.106 Agreement. There is no dispute that the provision of affordable housing is much needed, so I attach some weight to the fact that the proposed development would contribute toward meeting this need, at a rate higher than the 30% required by current Development Plan policy. However, that weight is limited by the consideration that the policy requirement to provide a proportion of the proposed number of dwellings will also apply to all other residential developments that come forward, and the Council has demonstrated that it has a sufficient supply of housing to meet its needs for the next five years.
49. It is material to note that at the inquiry, the Council accepted that measured against the currently proposed housing requirement figure of 10,600 (as opposed to the OAHN of 9,500 – see above), it is currently unable to demonstrate a five year supply of housing. However, work to identify proposed additional allocations for the SWDP is ongoing, and a list of sites identified as capable of delivering in excess of 900 further dwellings was provided to the inquiry [ID 17]. Of course, the deliverability of those dwellings remains to be tested by the Examination in Public of the SWDP, but so too does the proposed requirement figure. Both may well be adjusted up, or down. In the meantime, given that I have concluded the Council is able to demonstrate that it has a sufficient supply of housing to meet its objectively assessed needs for the next five years, I do not consider there would be any social, or other, benefit to

bringing forward housing in a manner that would conflict with a plan-led approach.

50. It is also material to note that the proposed development would give rise to some economic benefit, in terms of jobs in the construction industry, and indirect employment generation thereafter. I attach a small amount of weight to this.
51. In addition to securing affordable housing, the S.106 Agreement makes provision for a variety of financial contributions. It is important to note that the effect of such planning obligations is limited to addressing the adverse impact that the proposed development would otherwise have on local services and infrastructure, and to securing its compliance with Development Plan policy. In other words, the financial contributions can only constitute mitigation, and cannot carry any positive weight in favour of granting planning permission. For the purposes of determining this appeal, then, it is not necessary to consider in detail the extent to which they comply with the relevant statutory tests.

Conclusion

52. In summary, I find that the proposed development would conflict with Policies GD1, SR10 and ENV1 of the Local Plan. It would constitute the residential development of a part of the countryside that lies outside designated development boundaries and inside a designated Strategic Gap, and would diminish the characteristic openness of that Gap. I attach a small amount of weight to the economic benefits of the proposal, and the social benefit of bringing forward much-needed affordable housing sooner rather than later, but there are no material considerations in this case of sufficient cumulative weight to indicate that my determination should be made other than in accordance with the Development Plan.
53. I therefore determine that the appeal should be dismissed.

Jessica Graham

PLANNING INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

Miss S Clover, of Counsel

Instructed by Mr I Marshall, the Council's
Head of Legal and Support Services

She called:

Mr S Knott BA DipLA CMLI
Mrs E Worley BA(Hons) PgDip
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Policy Manager

FOR THE APPELLANT:

Mr J Cahill, Queen's Counsel and
Mr T Sheppard, of Counsel

Instructed by Framptons

They called:

Mr B J Denney BA(Hons) DIPLA
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INTERESTED PERSONS:

Cllr J Smith OBE
Mr C Merriman
Mr K Moreman
Mr A Racey

Local resident
Local resident
Local resident
Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

- ID 1 List of appearances on behalf of the appellant
- ID 2 List of appearances on behalf of the Council
- ID 3 List of Core Documents and their whereabouts
- ID 4 e-mail dated 16/12/14 from the Council's Housing Officer, submitted by the appellant
- ID 5 Copy of the Council's "Home Choice Plus" booklet, submitted by the appellant
- ID 6 Note of Worcester Council's definition of "Significant Need", submitted by the appellant
- ID 7 Copy of the location plan and illustrative masterplan associated with appeal ref: 2196928 & 2196929, submitted by the appellant
- ID 8 Set of application plans, comprising: site location plan, indicative layout, proposed northern access and proposed southern access

- ID 9 Draft Deed of Variation to the completed S.106 Agreement
- ID 10 Complete copy of "Shakespeare's Avon Way: A Walk Through History" to replace the extract at CD 5.6
- ID 11 Opening submissions for the appellant
- ID 12 Opening submissions for the Council
- ID 13 Mr Champion's rebuttal proof of evidence
- ID 14 Mr Roberts' rebuttal proof of evidence
- ID 15 Copy of appeal decision ref: APP/H1840/A/14/2217607 (Cheltenham Road, Tewkesbury)
- ID 16 Joint note of sites in dispute between Council and appellant, for the purposes of calculating housing supply
- ID 17 List of proposed additional allocations in the SWDP, submitted by the Council
- ID 18 Copy of Policy CT/4 and associated Policy CT/1
- ID 19 Note from the Council concerning its definition of "Significant Need"
- ID 20 Copy of the consultation response made by the Council's Landscape Officer to the planning application (e-mail dated 16 September 2013)
- ID 21 Copy of the representations to the inquiry made by Cllr J Smith OBE
- ID 22 Set of 4 annotated plans indicating allocation sites, submitted by the Council and spoken to by Mr Davies
- ID 23 Copy of a letter from the Council to Brandon Lewis MP, dated 30 October 2014
- ID 24 Copy of the update prepared by the Council for the Local Plan Inspector's Stage 2 Examination, concerning Worcester urban extensions
- ID 25 Copy of the representations to the inquiry made by Mr C Merriman
- ID 26 Joint list of suggested conditions
- ID 27 Committee Report (6 November 2014) in respect of Land at Hurst Meadows, Wyre Road, Pershore (application ref W/13/01578/OU)
- ID 28 Committee Report (17 July 2014) in respect of Land off Wyre Road, Pershore (application ref W/13/02604/OU)
- ID 29 Copy of e-mail dated 9 January 2014 updating the Council about progress on site ref SWDP 59/25
- ID 30 Note of the extent to which the requested planning obligations meet the statutory tests, compiled by the Council
- ID 31 Full copy of the Local Plan
- ID 32 e-mail dated 16 January concerning the preparation of a further Deed in connection with the completed S.106 Agreement
- ID 33 e-mail dated 19 January from the Council's Community Development Manager, concerning Public Open Space and Built Leisure contributions
- ID 34 Engrossed Deed of Variation of S.106 Agreement, dated 15 January 2015
- ID 35 Engrossed Supplemental Deed Pursuant to S.106 Agreement, dated 20 January 2015
- ID 36 Appellant's suggested wording for a condition to secure the proposed 4ha of open space, and associated plan
- ID 37 Full size copy of Topographical Survey plan
- ID 38 Closing submissions on behalf of the Council
- ID 39 Closing submissions on behalf of the appellant