



# The Planning Inspectorate

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**[www.gov.uk/planning-inspectorate](http://www.gov.uk/planning-inspectorate)**

Mrs R V Crisp  
Central Bedfordshire Council  
Priory House, Monks Walk  
Chicksands  
Shefford  
Bedfordshire  
SG17 5TQ

Your Ref: CB/16/02039/OUT  
Our Ref: APP/P0240/W/16/3164336

05 January 2017

Dear Mrs R V Crisp,

**Town and Country Planning Act 1990**  
**Appeal by Hallam Land Management Ltd**  
**Site Address: Land between Crawley Road and Bourne End Road, Cranfield ,**  
**MK43 0AB**

I have received appeal form and documents for this site. I am the case officer.

I have checked the papers and confirm that the appeal is valid. If I find out later that this is not the case, I will write to you again.

The date of this letter is the starting date for the appeal.

We have decided that the appeal should follow the inquiry procedure. As the inquiry is likely to have a duration of 3 days or more, the appeal will follow our bespoke inquiry procedures. Guidance about bespoke programming of appeals can be found at the following link [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/463405/procedural\\_guide\\_planning\\_appeals.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/463405/procedural_guide_planning_appeals.pdf). Attached is the format for the bespoke programme. Please suggest dates for those actions which have not been greyed out. It would be helpful if 2 agreed inquiry dates could be provided.

NB: As an agreed bespoke programme has not been submitted with the appeal provisional dates for the LPA's Questionnaire and Statement of Case and the final Statement of Common Ground are enclosed. Any changes to these dates should be agreed between all parties.

With regard to the anticipated inquiry duration the parties are requested to provide a well informed estimate (ie including Counsel's input) of time required for their own case and to liaise with one another to see how many witnesses each confidently proposes to field and how long they expect cross examination of one another's witnesses will require. The parties should also factor in a reasonable assessment of 3rd party interest, that the Statement of Common Ground will minimise the areas that need to be covered at the inquiry and that the duration should include the time that will be needed for the Inspector to carry out any accompanied site visit. The reason for this level of detail at this stage is

to enable accurate forward programming of the Inspector's time, and to seek to ensure, as far as possible, that the risk of adjournment caused by underestimation of the inquiry duration is minimised.

You have 2 weeks from the date of this letter in which you can submit a programme agreed with the appellant.

If you do not wish to agree a programme please let me know within the 2 week period. If that is the case, or a programme is submitted which we find unacceptable, we may impose our own programme for this appeal.

Within 2 weeks of the date of this letter you must notify any statutory parties and any other interested persons who made representations to you about the application, that the appeal has been made. You should tell them that:-

i) any comments they made at application stage will be submitted to the Planning Inspectorate and if they want to make any additional comments, they must submit 3 copies of them to me within 6 weeks of the date of this letter i.e. **by 16th February 2017**. If comments are submitted after the deadline, the Inspector will not normally look at them and they will be returned;

ii) when and where the appeal documents will be available for inspection;

iii) that the Planning Inspectorate will not acknowledge representations. We will however ensure that letters received by the deadline are passed on to the Inspector dealing with the appeal;

iv) that they can get a copy of our booklet 'Guide to taking part in planning appeals proceeding by an inquiry' either free of charge from you or on your website, or on GOV.UK - <https://www.gov.uk/government/collections/taking-part-in-a-planning-listed-building-or-enforcement-appeal>; and

v) that the decision will be published on GOV.UK.

Please send a copy of the notification letter to me.

Where a new local policy has been adopted at any point following the LPA decision but before the appeal decision is issued you must inform PINS and outline its effect on this appeal.

## **Costs**

Costs can be awarded in this type of appeal. Details of this can be found on GOV.UK - <http://planningguidance.communities.gov.uk/blog/guidance/appeals/>. You are advised to read this guidance very carefully as it contains important information about how one party to an appeal might have to pay another party's costs.

You should be aware that withdrawal at any stage in the proceedings, without good reason, may result in a successful application for costs. A successful application is also possible should an event be adjourned because of the submission of late evidence.

Additionally, a Planning Inspector or the Secretary of State may on their own initiative make an award of costs, in full or in part, if they judge that a party has behaved unreasonably resulting in unnecessary appeal expense.

If you have any questions, please contact me.

Yours sincerely,

*Tim Salter*

Tim Salter

**Enclosures: bespoke programme**

*Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - <https://www.gov.uk/appeal-planning-inspectorate>*

## The Planning Inspectorate

### PLANNING APPEAL FORM (Online Version)

**WARNING:** The appeal and essential supporting documents must reach the Inspectorate within the appeal period. If your appeal and essential supporting documents are not received in time, we will not accept the appeal.

**Appeal Reference: APP/P0240/W/16/3164336**

#### A. APPELLANT DETAILS

The name of the person(s) making the appeal must appear as an applicant on the planning application form.

Name	Mr Tom Thornewill
Company/Group Name	Hallam Land Management Ltd
Address	C/O Carter Jonas LLP 6-8 Hills Road CAMBRIDGE CB2 1NH
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

#### B. AGENT DETAILS

Do you have an Agent acting on your behalf?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Name	Mr Mark Hyde
Company/Group Name	Carter Jonas LLP
Address	6-8 Hills Road Cambridge CB2 1NH
Phone number	01223 326825
Email	mark.hyde@carterjonas.co.uk
Preferred contact method	Email <input checked="" type="checkbox"/> Post <input type="checkbox"/>

#### C. LOCAL PLANNING AUTHORITY (LPA) DETAILS

Name of the Local Planning Authority	Central Bedfordshire Council
LPA reference number	CB/16/02039/OUT
Date of the application	09/05/2016

Did the LPA validate and register your application? Yes  No

Did the LPA issue a decision? Yes  No

Date of LPA's decision

**D. APPEAL SITE ADDRESS**

Is the address of the affected land the same as the appellant's address? Yes  No

Does the appeal relate to an existing property? Yes  No

Address

Is the appeal site within a Green Belt? Yes  No

Are there any health and safety issues at, or near, the site which the Inspector would need to take into account when visiting the site? Yes  No

**E: DESCRIPTION OF THE DEVELOPMENT**

Has the description of the development changed from that stated on the application form? Yes  No

Please enter details of the proposed development. This should normally be taken from the planning application form.

Outline: Residential development of land situated between Crawley Road and Bourne End Road, Cranfield to provide up to 198 dwellings including affordable housing; green infrastructure accommodation landscaping, allotments, public open space, children's playspace; new roads, car parking, cycleways and footways; associated infrastructure, including a sustainable drainage system; principal vehicular access to be secured from Crawley Road and a secondary pedestrian, cycle and public transport access from Bourne End Road.

Area (in hectares) of the whole appeal site [e.g. 1234.56]

Does the proposal include demolition of non-listed buildings within a conservation area? Yes  No

**F. REASON FOR THE APPEAL**

The reason for the appeal is that the LPA has:

1. Refused planning permission.
2. Refused permission to vary a condition(s).
3. Refused prior approval of permitted development rights.
4. Granted planning permission for the development subject to conditions to which you object.
5. Refused approval of the matters reserved under an outline planning permission.
6. Granted approval of the matters reserved under an outline planning permission subject to conditions to which you object.
7. Refused to approve any matter required by a condition on a previous planning permission (other than those specified above).
8. Failed to give notice of its decision within the appropriate period (usually 8 weeks) on an

application for permission or approval.

9. Failed to give notice of its decision within the appropriate period because of a dispute over provision of local list documentation.

### G. CHOICE OF PROCEDURE

There are three different procedures that the appeal could follow. Please select one.

1. Written Representations

2. Hearing

3. Inquiry

You must give detailed reasons below or in a separate document why you think an inquiry is necessary. The reasons are set out in

the box below

The appeal will contend with complex matters prevailing to housing land supply in the area. It will also contend with complex matter in relation to matters of aviation safety given the appeal site's proximity to Cranfield Airport. Expert witnesses will be required to present evidence on these matters and it will be appropriate for such evidence to be tested through cross-examination.

It is the appellants considered views that the examination of such evidence cannot reasonably be tested through written representations or informal hearing procedures.

It is also anticipated that there will be a high level of public interest in the proceedings.

(a) How many witnesses do you intend to call?

4

(b) How long do they need to give their evidence?

Up to 4 days

(c) How long do you estimate the inquiry will last?

6 day(s)

### H. FULL STATEMENT OF CASE

The full statement of case is set out in

see 'Appeal Documents' section

Do you have a separate list of appendices to accompany your full statement of case? Yes  No

(a) Do you intend to submit a planning obligation (a section 106 agreement or a unilateral undertaking) with this appeal? Yes  No

see 'Appeal Documents' section

(b) Have you made a costs application with this appeal? Yes  No

### I. (part one) SITE OWNERSHIP CERTIFICATES

Which certificate applies?

CERTIFICATE A

I certify that, on the day 21 days before the date of this appeal, nobody, except the appellant, was the owner of any

part of the land to which the appeal relates;

CERTIFICATE B

I certify that the appellant (or the agent) has given the requisite notice to everyone else who, on the day 21 days before the date of this appeal, was the owner of any part of the land to which the appeal relates, as listed below:

Owner's Name: Paul Reginald Drew & Ruth Drew  
Address at which notice was served: 2 Chequers Close, Marston Moretaine, MK43 0RF  
Date the notice was served: 25/11/2016

Owner's Name: Hayley Jane Britton  
Address at which notice was served: Leslie Britton & Robert Britton, Wayside, Bourne End Road, Cranfield, MK43 0AB  
Date the notice was served: 25/11/2016

Owner's Name: Daniel Peter Britton  
Address at which notice was served: 44 Crawley Road, Cranfield, MK43 0AB  
Date the notice was served: 25/11/2016

Owner's Name: Chief Executive  
Address at which notice was served: Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, SG17 5TQ  
Date the notice was served: 25/11/2016

CERTIFICATE C and D

If you do not know who owns all or part of the appeal site, complete either Certificate C or Certificate D and attach it below.

**I. (part two) AGRICULTURAL HOLDINGS**

We need to know whether the appeal site forms part of an agricultural holding.

(a) None of the land to which the appeal relates is, or is part of, an agricultural holding.

(b)(i) The appeal site is, or is part of, an agricultural holding, and the appellant is the sole agricultural tenant.

(b)(ii) The appeal site is, or is part of, an agricultural holding and the appellant (or the agent) has given the requisite notice to every person (other than the appellant) who, on the day 21 days before the date of the appeal, was a tenant of an agricultural holding on all or part of the land to which the appeal relates, as listed below.

**J. SUPPORTING DOCUMENTS**

01. A copy of the original application form sent to the LPA.

02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (these are usually part of the LPA's planning application form).

03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.

04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.

05. (a) Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.

05. (b) A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.

05.(c) A list of all plans, drawings and documents upon which the LPA made their decision.

06. (a) Copies of any additional plans, drawings and documents sent to the LPA but which did not

form part of the original application.

06. (b) A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.

07. A copy of the design and access statement sent to the LPA (if required).

08. A copy of a draft statement of common ground if you have indicated the appeal should follow the hearing or inquiry procedure.

09. (a) Additional plans, drawings or documents relating to the application but not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion.

09. (b) A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA.

10. Any relevant correspondence with the LPA. Including any supporting information submitted with your application in accordance with the list of local requirements.

11. If the appeal is against the LPA's refusal or failure to approve the matters reserved under an outline permission, please enclose:

(a) the relevant outline application;

(b) all plans sent at outline application stage;

(c) the original outline planning permission.

12. If the appeal is against the LPA's refusal or failure to decide an application which relates to a condition, we must have a copy of the original permission with the condition attached.

13. A copy of any Environmental Statement plus certificates and notices relating to publicity (if one was sent with the application, or required by the LPA).

14. If the appeal is against the LPA's refusal or failure to decide an application because of a dispute over local list documentation, a copy of the letter sent to the LPA which explained why the document was not necessary and asked the LPA to waive the requirement that it be provided with the application.

#### K. OTHER APPEALS

Have you sent other appeals for this or nearby sites to us which have not yet been decided? Yes  No

#### L. CHECK SIGN AND DATE

**(All supporting documents must be received by us within the time limit)**

I confirm that all sections have been fully completed and that the details are correct to the best of my knowledge.

I confirm that I will send a copy of this appeal form and supporting documents (including the full statement of case) to the LPA today.

**Signature**

Mr Mark Hyde

**Date**

30/11/2016 15:41:13

**Name**

Mr Mark Hyde

**On behalf of**

Mr Tom Thornewill

The gathering and subsequent processing of the personal data supplied by you in this form, is in accordance with the terms of our registration under the Data Protection Act 1998. Further information



about our Data Protection policy can be found on our website under Privacy Statement.

**M. NOW SEND**

**Send a copy to the LPA**

Send a copy of the completed appeal form and any supporting documents (including the full statement of case) not previously sent as part of the application to the LPA. If you do not send them a copy of this form and documents, we may not accept your appeal.

To do this by email:

- open and save a copy of your appeal form
- locating your local planning authority's email address:  
<https://www.gov.uk/government/publications/sending-a-copy-of-the-appeal-form-to-the-council>
- attaching the saved appeal form including any supporting documents

To send them by post, send them to the address from which the decision notice was sent (or to the address shown on any letters received from the LPA).

When we receive your appeal form, we will write to you letting you know if your appeal is valid, who is dealing with it and what happens next.

**You may wish to keep a copy of the completed form for your records.**

## N. APPEAL DOCUMENTS

We will not be able to validate the appeal until all the necessary supporting documents are received.

Please remember that all supporting documentation needs to be received by us within the appropriate deadline for the case type. If forwarding the documents by email, please send to **appeals@pins.gsi.gov.uk**. If posting, please enclose the section of the form that lists the supporting documents and send it to PO Box 3035, Bristol, BS1 9AY.

**You will not be sent any further reminders.**

Please ensure that anything you do send by post or email is clearly marked with the reference number.

### The documents listed below were uploaded with this form:

**Relates to Section:** FULL STATEMENT OF CASE  
**Document Description:** A copy of the full statement of case.  
**File name:** SoC - Cranfield - Hallam Land Rev D.PDF  
**File name:** Cranfield- SOCG v2.PDF

**Relates to Section:** SUPPORTING DOCUMENTS  
**Document Description:** 01. A copy of the original application sent to the LPA.  
**File name:** CD-3 PLANNING APPLICATION.PDF

**Relates to Section:** SUPPORTING DOCUMENTS  
**Document Description:** 03. A copy of the LPA's decision notice (if issued). Or, in the event of the failure of the LPA to give a decision, if possible please enclose a copy of the LPA's letter in which they acknowledged the application.  
**File name:** CD-3V DECISION NOTICE.PDF

### The documents listed below were already attached elsewhere with this form:

**Relates to Section:** SUPPORTING DOCUMENTS  
**Document Description:** 02. A copy of the site ownership certificate and agricultural holdings certificate submitted to the LPA at application stage (these are usually part of the LPA's planning application form).  
**File name:** Application form

### The documents listed below are to follow by post:

**Relates to Section:** FULL STATEMENT OF CASE  
**Document Description:** A planning obligation (a section 106 agreement or a unilateral undertaking).

**Relates to Section:** SUPPORTING DOCUMENTS  
**Document Description:** 04. A site plan (preferably on a copy of an Ordnance Survey map at not less than 10,000 scale) showing the general location of the proposed development and its boundary. This plan should show two named roads so as to assist identifying the location of the appeal site or premises. The application site should be edged or shaded in red and any other adjoining land owned or controlled by the appellant (if any) edged or shaded blue.

**Relates to Section:** SUPPORTING DOCUMENTS  
**Document Description:** 05.a. Copies of all plans, drawings and documents sent to the LPA as part of the application. The plans and drawings should show all boundaries and coloured markings given on those sent to the LPA.

**Relates to Section:** SUPPORTING DOCUMENTS  
**Document Description:** 05.b. A list of all plans, drawings and documents (stating drawing numbers) submitted with the application to the LPA.

**Relates to Section:** SUPPORTING DOCUMENTS  
**Document Description:** 05.(c) A list of all plans, drawings and documents upon which the LPA made their decision.

**Relates to Section:** SUPPORTING DOCUMENTS  
**Document Description:** 06.a. Copies of any additional plans, drawings and documents sent to the LPA but which did not form part of the original application (e.g. drawings for illustrative purposes).

**Relates to Section:** SUPPORTING DOCUMENTS  
**Document Description:** 06.b. A list of all plans, drawings and documents (stating drawing numbers) which did not form part of the original application.

**Relates to Section:** SUPPORTING DOCUMENTS  
**Document Description:** 07. A copy of the design and access statement sent to the LPA.

**Relates to Section:** SUPPORTING DOCUMENTS  
**Document Description:** 08. A copy of a draft statement of common ground.

**Relates to Section:** SUPPORTING DOCUMENTS  
**Document Description:** 09.a. Copies of additional plans, drawings or documents relating to the application not previously seen by the LPA. Acceptance of these will be at the Inspector's discretion.

**Relates to Section:** SUPPORTING DOCUMENTS  
**Document Description:** 09.b. A list of all plans and drawings (stating drawing numbers) submitted but not previously seen by the LPA.

**Relates to Section:** SUPPORTING DOCUMENTS  
**Document Description:** 10. Any relevant correspondence with the LPA, including any supporting information submitted with your application in accordance with the list of local requirements.

**PLEASE ENSURE THAT A COPY OF THIS SHEET IS ENCLOSED WHEN POSTING THE ABOVE DOCUMENTS TO US**

**Completed by**

MR MARK HYDE

**Date**

30/11/2016 15:41:13

**HALLAM LAND MANAGEMENT**  
**TOWN AND COUNTRY PLANNING ACT 1990**

APPEAL UNDER SECTION 78 AGAINST THE REFUSAL BY CENTRAL BEDFORDSHIRE COUNCIL  
OF AN OUTLINE PLANNING APPLICATION FOR THE DEVELOPMENT OF UP TO 198  
DWELLINGS INCLUDING AFFORDABLE HOUSING; GREEN INFRASTRUCTURE ACCOMODATING  
LANDSCAPING, ALLOTMENTS, PUBLIC OPEN SPACE, CHILDREN'S PLAYScape; NEW ROADS;  
CAR PARKING; CYCLEWAYS AND FOOTWAYS; ASSOCIATED INFRASTRUCTURE, INCLUDING A  
SUSTAINABLE DRAINAGE SYSTEM; PRINCIPAL VEHICULAR ACCESS TO BE SECURED FROM  
CRAWLEY ROAD AND A SECONDARY PEDESTRIAN, CYCLE AND PUBLIC TRANSPORT ACCESS  
FROM BOURNE END ROAD, ON LAND BETWEEN CRAWLEY ROAD AND BOURNE ROAD END  
ROAD, CRANFIELD.

**APPEAL STATEMENT OF CASE**

**LPA REFERENCE: CB/16/02039/OUT**

**NOVEMBER 2016**

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## APPENDICES

- Appendix A - Core Document Schedule
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# 1. INTRODUCTION

- 1.01 This Statement of Case has been prepared by Carter Jonas LLP on behalf of Hallam Land Management Ltd (the Appellant) to set out the main points of case in support of an outline planning application for the development of up to 198 dwellings, including affordable housing; green infrastructure accommodating landscaping, allotments, public open space, children's play space; new roads, car parking cycleways and footways; associated infrastructure, including a sustainable drainage system; principal vehicular access to be secured from Crawley Road and a secondary pedestrian, cycle and public transport access from Bourne End Road; on 9.22Ha of land between Crawley Road and Bourne End Road, Cranfield (the appeal site) at the forthcoming appeal.
- 1.02 A Statement of Common Ground (SoCG) is being prepared separately with Central Bedfordshire Council (the Council) and an outline of the SoCG is set out in Section 2.0. Evidence will be offered on matters of aviation, landscape and settlement character, infrastructure and planning, including housing land supply. Documents that the Appellant intends to refer to or put in evidence are listed as Core Documents in Appendix A.
- 1.03 The evidence to be submitted to the Inquiry will explain how the proposals are justified having regard to the National Planning Policy Framework's (NPPF) (CD/1) '*presumption in favour of sustainable development*'. This justification will refer to the relevant planning policy context both at national and local levels, technical evidence prepared for the submission of the planning application and positive technical advice received from statutory consultees. Evidence will demonstrate how the benefits of the proposed development, in the absence of a five year supply of deliverable sites for housing and up to date development plan polices, significantly and materially outweigh any adverse impacts.
- 1.04 It will be demonstrated that as the development plan policies cited in the reasons for refusal (RfR) are out of date and that as the Council is unable to demonstrate a five year supply of deliverable sites, the NPPF (paragraphs 14 and 49) directs that '*housing applications should be considered in the context of the presumption in favour of sustainable development*'.
- 1.05 Attention will be drawn to NPPF paragraph 6 which states '*policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system*'; NPPF paragraph 7 advises that there are three dimensions to sustainable development which give rise to the planning system needing to perform a number of roles, namely, an economic role, a social role and an environmental role; and that NPPF paragraph 8 advises that these roles should not be undertaken in isolation, as they are mutually dependent, with each being sought jointly and simultaneously, in order to achieve sustainable development.
- 1.06 It will also be noted that the '*presumption in favour of sustainable development*' is at the heart of the Framework and that NPPF Para 14 advises that, for decision-taking, this means:
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:*
    - *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
    - *Specific policies in this Framework indicate development should be restricted.*

- 1.08 As none of the NPPF Footnote 9 exceptions apply to the appeal site, it will be submitted that the '*presumption*' can be applied in full – subject to any adverse impacts not significantly and demonstrably outweighing the benefits. This, in essence, is the '*balancing exercise*' that needs to be undertaken in the consideration of this appeal.
- 1.09 It will be demonstrated that there are significant economic, social and environmental benefits that will arise from the proposed development and that there are no adverse impacts that cannot be mitigated or are not outweighed in this case. It will also be argued that the benefits of the appeal site, coupled with the urgent need to deliver housing in the District, accord with the principles of sustainable development. It will be concluded that the development of the appeal site is fully justified and that planning permission should be granted in accordance with paragraph 14 of the NPPF.
- 1.10 It will also be submitted that the Council's RfR are not justified and cannot be substantiated. It will be argued that the Council has therefore acted unreasonably in refusing the application on these grounds and consequently resulted in this unnecessary appeal.

## **2. STATEMENT OF COMMON GROUND**

- 2.01 It is envisaged that the emerging SoCG will set out areas of agreement in order to reduce the scope of the Inquiry to those areas of difference between parties, which should also be defined by the SoCG.
- 2.02 In the event that any of the matters set out for inclusion in the SoCG cannot be agreed with the Council, evidence will be presented at the Inquiry to address such matters. Every reasonable attempt will be made to ensure that agreed details will not be repeated in written evidence.
- 2.03 A draft SoCG will provide detail on the following:
1. The Planning Application Submission;
  2. Site Context, Description & Surroundings;
  3. Site Planning History;
  4. Planning Policy & Other Material Considerations;
  5. Other Matters that are agreed;
  6. Matters that are not agreed;
  7. Planning Obligations & Conditions.



### 3. NATIONAL POLICY

3.01 S38 (6) of the Planning and Compensation Act 2004 requires that:

*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.*

3.02 This statutory provision is reflected in the NPPF (CD/1) at paragraph 12, which states:

*This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.*

3.03 This is reflected in paragraphs 214 – 216 (inc) of the NPPF which state:

*For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.*

*In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:*

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

3.04 It is clear from Government policy that the successful operation of the planning system requires the maintenance of up to date development plans. Consequently, the extent to which planning policies are 'up to date' is recognised to be an important material consideration in the determination of planning applications and this is reflected in Government guidance. The extent to which the policies contained within the Central Bedfordshire Core Strategy and Development Management Policies DPD (November 2009) (CD/4/A) may be regarded as 'up to date' is addressed below.

#### **The National Planning Policy Framework**

3.05 The NPPF was published on 27 March 2012. It sets out the Government's planning policies for England and how these are to be applied in plan making and development management. It is a material consideration in determining planning applications and appeals. Previously extant Planning Policy Guidance and Planning Policy Statements are superseded by the NPPF, as well as Circular 05/2005 and a number of letters to Chief Planning Officers about

various policy matters. The NPPF applies from the date of publication. The ministerial forward to the NPPF states that:

*Development that is sustainable should go ahead without delay - a presumption in favour of sustainable development that is the basis for every plan and every decision.*

3.06 The following paragraphs are of particular relevance to the determination of the appeal.

#### Achieving sustainable development

3.07 Paragraph 7 indicates that there are three dimensions to sustainable development, including:

- *an economic role – contributing to building a strong responsive and competitive economy by ensuring that sufficient land of the right type is available at the right time and in the right places to support growth... ..*
- *a social role – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, by creating a high quality built environment with accessible local services.....*
- *an environmental role – contributing to protecting and enhancing our natural, built and historic environment and as part of this helping to improve bio-diversity... ..*

3.08 At the heart of the NPPF there is a presumption in favour of sustainable development Paragraph 14 states:

*'At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

*For **plan-making** this means that:*

- *local planning authorities should positively seek opportunities to meet the development needs of their area;*
- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted.*

*For **decision-taking** this means:*

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*
- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted'*

3.09 Paragraph 197 subsequently states that:

*'In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.'*

- 3.10 The appeal scheme is considered a sustainable development. It will provide much needed housing and affordable housing at a sustainable settlement within Central Bedfordshire in circumstances where the Council falls short of demonstrating an adequate supply of deliverable housing land. There is also an acknowledged and demonstrable need for affordable housing in the District.
- 3.11 In this context, it is the Appellant's contention that the development should be granted planning permission in reflection of the guidance contained within paragraphs 14 and 197 of the Framework.

#### Core land use planning principles

- 3.12 There are twelve core land-use planning principles set out in paragraph 17, including to:

*pro-actively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places the Country needs. ....Every effort should be made objectively to identify and then meet the housing needs... ..of an area, and respond positively to wider opportunities for growth.*

- 3.13 It is apparent from the clear shortfall in the identification of a deliverable supply of housing land that the Council has failed objectively to identify and meet the housing needs of the area. The appeal scheme is a positive response to this circumstance and will deliver new housing, including affordable housing.

#### Promoting sustainable transport

- 3.14 Policies to promote sustainable transport are set out in paragraphs 29 – 41 (inc). Proposals that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Decisions should ensure development that generates significant movement are located where the need to travel will be minimised. Development should be located and designed, where practical, to give priority to pedestrian and cycle movements and have access to high quality public transport facilities; it should create safe and secure layouts which minimise the conflicts between traffic and cyclists or pedestrians.
- 3.15 A Transport Assessment was submitted in support of the proposed scheme. This has demonstrated how the scheme is sustainable in transportation terms and thereby consistent with the Framework. The Principal Highways Officer has considered the proposal stating that the application had been supported by a '*robust Transport Assessment*', with the details contained therein agreed in principle raising '*no overriding highway objection to the proposal*'.

#### Delivering a wide choice of high quality homes

- 3.16 Paragraph 47 states:

*'To boost significantly the supply of housing, local planning authorities should:*

- *use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;*
- *identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;*
- *identify a supply of specific, developable sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;*
- *for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and*
- *set out their own approach to housing density to reflect local circumstance.'*

3.17 Local planning authorities may only make an allowance for windfall housing sites in the five years supply in the light of compelling evidence that such sites have consistently become available in the area and will continue to provide a reliable source of supply (paragraph 48). Windfall sites are defined in the Glossary at Annex 2 to the NPPF.

3.18 Paragraph 49 then states that:

*'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing land should not be considered up-to-date if the local planning authority cannot demonstrate a five years supply of deliverable housing sites.'*

3.19 Where a need for affordable housing arises, local authorities should set policies to provide for that need on site (paragraph 50), unless off-site or an equivalent financial contribution could be justified.

3.20 It is acknowledged by the Council that it is unable to demonstrate a five year supply of deliverable housing sites in accordance with the Framework. Consequently, it is considered that the appeal scheme should be considered against the context provided by paragraph 14 of the Framework.

#### Requiring good design

3.21 The Government attaches great importance to the good design of the built environment and for local planning authorities to set out policies to achieve that. Development should optimise the potential of a site to accommodate development, to create and sustain an

appropriate mix of uses, including the incorporation of green and other public space, be visually attractive and create safe and accessible environments (paragraphs 56 – 58 inc).

- 3.22 The appeal scheme is a sustainable development and displays a high quality of design. The accompanying Design & Access Statement (CD/3E) demonstrates how the scheme has responded to the Central Bedfordshire Design Guide (CD/4/C).

#### Promoting healthy communities

- 3.23 Paragraph 69 indicates that planning policies and decisions should aim to achieve places which promote:

- *Opportunities for meetings between members of the community, e.g. through mixed use developments.*
- *Safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.*
- *Safe and accessible developments containing clear and legible pedestrian routes and high quality public space which encourage the active and continual use of public areas.*

- 3.24 The appeal scheme is a sustainable development and displays a high quality of design. The scheme makes provision of land for community uses in the form of allotment provision; it provides opportunities to connect to existing foot and cycle linkages with the existing community; supporting local employment growth; and incorporates substantial new public open space which will accommodate children's play space.

#### Conserving and enhancing the natural environment

- 3.25 When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. Opportunities to incorporate biodiversity in and around developments should also be encouraged (paragraph 118).

- 3.26 A Landscape and Visual Impact Assessment (CD/3J) and an Ecological Appraisal (CD/3L) were submitted in support of the scheme. The former states at paragraph 6.4 that:

*'Views to the site are limited due to the existing built development to the north east, east and south, as well as the relatively level topography of the surrounding area. Where there are views of the site from the west and south west, these are seen against a backdrop of the existing houses and development within Cranfield. Where the proposed new homes may thus be visible on the site, they will be seen against the backdrop of the existing development, and will merely transcribe the built edge of the settlement a short distance closer to the viewer.'*

- 3.27 It went on to conclude (paragraph 6.5) that:

*'There are no overriding landscape or visual constraints to residential development at the site. In addition, the site can be developed in line with the proposals shown on the Illustrative Masterplan and Illustrative Landscape Strategy, without resulting in material landscape or visual effects on the surrounding landscape.'*

- 3.28 The Ecological Appraisal concludes (paragraph 6.1) that:

*'No impacts to statutory and non-statutory designations of nature conservation interest are anticipated from residential development at the site.'*

3.29 Paragraph 6.2 of the Appraisal goes further to state that:

*'Subject to the results of the recommended further survey work and subject to a sensitive masterplan that retains, protects and enhances the habitat features of elevated ecological value, namely the hedgerows, ditches and pond, it is considered that a development can be achieved at this site without significant negative impacts on local biodiversity.'*

#### Decision taking

3.30 The final section of the NPPF addresses the matter of 'decision-taking'. Paragraph 187 states that:

*'Local planning authorities should look for solutions rather than problems, and decision takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.'*

3.31 Paragraphs 196 and 197 then state that:

*'The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.'*

*'In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.'*

3.32 As demonstrated below, it is the Appellant's case that the Council has failed to properly apply the presumption in favour of sustainable development. There is less than a five year supply of deliverable housing land and the extant policies of the CSDM DPD (2009) are out of date. The significant public benefits that will arise from the proposed development considerably outweigh the harm alleged by the Council.

#### Planning conditions and obligations

3.33 Planning obligations should only be sought where the use of conditions on their own would not make an otherwise unacceptable development acceptable. Obligations may only be sought where they meet the following tests (paragraph 204):

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development;*
- *fairly and reasonably related in scale and kind to the development.*

3.34 Furthermore, paragraph 206 indicates that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

- 3.35 The Statement of Common Ground addresses the matter of a Planning Obligation and conditions. In that context, the Appellant will work towards an agreed and executed S106 Obligation with the Council and an agreed list of draft conditions.

## **National Planning Practice Guidance**

### Prematurity

- 3.36 The National Planning Practice Guidance (NPPG) (CD/2) was published in March 2014. The NPPG provides advice on the determination of planning applications in terms of prematurity. Paragraph: 014 Reference ID: 21b-014-20140306 states:

*'...in the context of the Framework and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies in the Framework and any other material considerations into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:*

- a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging Local Plan or Neighbourhood Planning; and*
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.'*

- 3.37 Central Bedfordshire Council is at the early stages of its Local Plan process. At present, the Council are consulting on the identification of four areas of growth within the Central Bedfordshire area. These are 'South & West / M1 Corridor', 'East / A1 Corridor', 'East / West Corridor' and 'Central Section'. In this regard, Cranfield is identified within the 'East/West Corridor', which it suggests has the '*potential for medium up to strategic scale growth including new settlements subject to investment in infrastructure and viability of sites at this scale*'.

- 3.38 With regard to Paragraph 014 of the NPPG, the Local Plan process is at an early stage, the strategy for development is yet to be settled and sites put forward to the Council yet to be allocated. In addition, the site is considered to be a sustainable development, in accordance with the policies contained within the NPPF.

### Use of conditions in planning permission

- 3.39 The NPPG provides guidance on the use of conditions in planning permission. Paragraph: 003 Reference ID: 21a-003-20140306 provides guidance upon the six tests that should be applied to the use of conditions, i.e. that: '*Conditions should be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other aspects*'.

### Community Infrastructure Levy (CIL) Regulations (2010)

- 3.40 The CIL Regulations came into force in April 2010. The Regulations have in part the effect of limiting the use of Planning Obligations to circumstances where:

- *It is necessary to make the development acceptable in planning terms;*
- *It is directly related to the development; and*
- *It is fairly related in scale and kind to the proposed development (Regulation 122).*

3.41 Furthermore, Regulation 123 limits the 'pooling' of S106 funding or infrastructure provision. Section 7 of the Statement of Common Ground addresses the matter of a Planning Obligation. In this context, the Appellant is working towards an agreed and executed S106 Obligation with the Council.



## 4. HOUSING LAND SUPPLY

- 4.01 The NPPF states at paragraph 47 that it is Government policy to *'boost significantly the supply of housing'*. In doing so, local planning authorities (LPA) are enjoined to:

*'Identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moving forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moving forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.'*

- 4.02 Paragraph 49 of the NPPF then states that:

*'Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites.'*

- 4.03 The Council is not able to demonstrate a five year supply of housing; this was determined at a planning appeal in respect of an outline application for 93 dwellings at Langford Road, Henlow, under reference APP/P0240/W/15/3003634 (dated 19 February 2016). The appeal decision is attached at Appendix C. Although the appeal was dismissed, the Inspector concluded in respect of housing land supply that *'the Council does not have a 5YHLS and therefore, to the extent that the policies are concerned with the supply of housing, they must be regarded as out-of-date.'* In this regard, paragraph 14 of the NPPF confirms that, where relevant policies of the development plan are out-of-date, permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF.

- 4.04 Following the appeal decision, the Council have acknowledged within their recent published paper that the most up-to-date annual supply of deliverable housing (Appendix B - Five Year Land Supply Statement – 1<sup>st</sup> October 2016) still does not provide a five year supply of housing. Within the Council's update SHMA (Summer 2015), the housing need for Central Bedfordshire is established as 29,500 new homes over the period covering 2011 to 2031. This is equivalent to 1,475 units per year. During the five and a half year period from 1<sup>st</sup> April 2011 to 30<sup>th</sup> September 2016 a total of 7,613 new dwellings were completed within Central Bedfordshire.

- 4.05 This is a shortfall of 500 dwellings when assessed against what is needed to be provided during that period. According to the Council's Housing Trajectory (which identifies sites as allocated for housing, with planning permission or which are sites which have strong expectation of being granted planning permission), it shows that over the five year supply period a total of 9,449 dwellings are considered to have a 'realistic prospect' of being delivered. This is 211 dwellings less than required and equates to a supply of 4.89 years of deliverable housing.

- 4.06 The Appellant has undertaken a review of the Council's 'update' of 1<sup>st</sup> July 2016. It is concluded that if the correct five year period is utilised, the appropriate buffer (20% in reflection of evidence of persistent under delivery) and that the correct method for recovery

('Sedgefield' as opposed to 'Liverpool') is applied. However, the Appellant also concludes that the Council's identified supply in the five year period is optimistic and will not be delivered. The Appellant will endeavour to agree a 'supply side' figure with the Council in the SoCG.

4.07 It is contended that the Council must continue to grant planning permissions in order to maintain the required rolling supply of housing land. It is anticipated that the housing land supply position will not significantly improve until the new Local Plan is adopted. In the interim period it may well worsen. Updated evidence will be submitted within proofs of evidence and/or the SoCG in the event of an agreed position being reached in advance of an Inquiry.

4.08 In conclusion, the Council acknowledges and the Appellant maintains that there is not a five year supply of land for housing in the District and accordingly, NPPF Para 49 of the NPPF is triggered. This affects the weight to apply to policies contained in the adopted Development Plan and referenced in the refusal of planning permission.

## **5. LOCAL PLANNING POLICY**

- 5.01 The extant Central Bedfordshire Core Strategy, insofar as it relates to this appeal, comprises the following:
- The Central Bedfordshire Core Strategy and Development Management Policies – adopted 19<sup>th</sup> November 2009 (CD/4/A); and
  - Site Allocations DPD – adopted 14<sup>th</sup> April 2011 (CD/4/B).
- 5.02 Section 6 of the Planning Statement (CD/3D) submitted in support of the planning application contains a detailed assessment of the scheme against relevant policies of the Core Strategy. It is not repeated here. However, it should be noted that Policy CS1 (Development Strategy) identified Cranfield as a Minor Service Centre that will provide new housing development to help deliver new community infrastructure and facilities that will benefit the sustainability of the settlement.
- 5.03 Policy CS5 (Providing Homes) refers to the delivery of new housing coming forward in either existing commitments, or new allocations. The distribution of growth is detailed in a table within the policy, which identifies Cranfield as providing 'new allocations' within an indicative range of 150-250 dwellings.

## 6. REASONS FOR REFUSAL

6.01 Planning permission has been refused for four reasons. These are addressed in turn below.

### Reason for Refusal 1

6.02 The first reason for refusal states that:

*The development would result in the urbanisation of the open countryside outside of the Settlement Envelope, which should be protected for its own sake; the scale and form of the proposed development would cause significant harm to the character and appearance of the area and result in an unacceptable extension to Cranfield in a predominantly rural location. The scale of the development would generate substantial traffic movement on otherwise rural roads which would add to the urbanising impact of the proposed development. Accordingly, the development would conflict with Policies DM3, DM4, DM14, CS1, CS14 and CS16 of the Central Bedfordshire Core Strategy and Development Management Policies (North) (2009), the Central Bedfordshire Design Guide (2014) and the National Planning Policy Framework (2012). The adverse impacts of the development would significantly and demonstrably outweigh the benefits.*

6.03 There is an acknowledged shortfall in the five year supply of deliverable housing land by reference to the Council (see Appendix B). This is evidenced in a recent appeal decision, reference APP/P0240/W/15/3003634 dated 19<sup>th</sup> February 2016, which is attached as Appendix C.

6.04 As evidenced above, DM4 is 'out of date' as it was prepared to conform to national guidance (PPS1) that has been superseded; secondly, it is also considered to be 'out of date' by virtue of the operation of paragraph 49 of the NPPF given the acknowledged and substantial shortfall in the five year supply of deliverable housing land. This is also evidenced within the Planning Statement.

6.05 Whilst the site is outside the Settlement Envelope, it is located directly adjacent to it, providing a natural extension to Cranfield. Development would be sited directly adjacent to existing residential development that is positioned along Crawley Road (to the south of the site), with further existing residential development located to the east of the site, abutting Bourne End Road. In addition, the proposed development is outline only, with the submitted Masterplan clearly setting out an efficient use of the land, which respects the character and appearance of the locality. The appearance of the development would be softened by an appropriate level of landscaping, open space and sustainable drainage, ensuring the built edge is graduated into the open countryside – in the form of a buffer to the east and north east of the site, with the effect of providing a subtle transition from the urban to rural environment.

6.06 Furthermore, it is recognised that the site falls within the Cranfield to Stagsden designation, which is characterised as Clay Farmland. As part of the appellant's submission to the application, a Landscape & Visual Impact Assessment (CD/3/C) was submitted. The LVIA concluded that '*there is no overriding landscape or visual constraints to residential development at the site*'. In addition, the site can be developed in line with the proposal shown on the illustrative Masterplan and Illustrative Landscape Strategy, without resulting in material landscape or visual effects on the surrounding landscape. Such an approach within the LVIA to the possible impacts from the development on its wider setting is

supported by the Council's Trees and Landscape Officer. The Officer considers the Illustrative Landscape Strategy to be 'well thought out in principle', concluding that the scheme in general 'would seem to be an acceptable proposal.'

- 6.07 Within RfR 1, the Council state that 'The scale of the development would generate substantial traffic movement on otherwise rural roads which would add to the urbanising impact of the proposed development.' As part of the appellant's submissions, a Transport Assessment was carried out to assess the impact of vehicular (including the private car and sustainable modes of transport) movement as part of the development. The TA concludes that the provision of existing services and facilities within Cranfield are accessible by non-car modes of transport. In support of this, a Framework Travel Plan accompanied the application promoting measures and initiatives that would promote non-car modes of transport and movement. Thus, the development would be well assimilated with the rest of Cranfield in terms of movement. Furthermore, the Principal Highway Officer has responded to the application stating that details provided within the TA are acceptable in principle, with no overriding highway objection to the proposal.
- 6.08 It is the appellant's contention that the proposed development adheres to the requirements as set out within Core Strategy Policies DM3, DM14, CS1, CS14 and CS16.

#### Reason for Refusal 2

- 6.09 The second reason for refusal states that:

*The impact of this development and the cumulative impact of the development with existing planned and unplanned development already consented within Cranfield would result in an unreasonable demand on existing infrastructure and an urbanisation of Cranfield which would result in the development being unsustainable and would conflict with Policies DM3, DM4, DM14, CS1, CS14 and CS16 of the Central Bedfordshire Core Strategy and Development Management Policies (North) (2009), the Central Bedfordshire Design Guide (2014) and the National Planning Policy Framework (2012). The adverse impacts of the development would significantly and demonstrably outweigh the benefits*

- 6.10 As explained within RfR 1 (above), Policy DM4 is considered to be 'out-of-date' due to the shortfall in the five year supply of housing. In this regard, the proposal should be assessed against policies contained within the NPPF, as well as other policies referred to within the Council's Core Strategy.
- 6.11 As previously mentioned within section 5 of this statement, the Council's Core Strategy identify Cranfield as a 'Minor Centre' providing a number of local services and facilities, as well as providing employment locally and for the wider area. As part employment provision within Cranfield, the Core Strategy (Policies CS1, CS9 and CS10) acknowledge that additional employment opportunities will be provided for at the University Campus and Technology Park, to help reinforce its importance as a sub-regional employment location. In support of this, this provision of much need housing, including affordable housing, will support such employment, as well as utilising existing services and facilities (e.g. shops and other businesses) within the town itself. This would achieve the economic and social dimensions of sustainable development as stated within the NPPF.
- 6.12 The appellant recognises that the proposed development would need to provide an appropriate level of contributions that would support both existing and proposed infrastructure requirements. To this end, the appellant has provided prospective S106 Heads

of Terms within the submitted Planning Statement (Section 8), which outlines the following provision:

- Affordable housing provision
- Highway infrastructure works including contributions towards a gateway scheme to slow traffic entering the settlement
- Public transport infrastructure provision
- Management/maintenance contributions for Public Open Space (including land for allotments)
- Financial contributions towards education Infrastructure provision
- Financial contributions towards healthcare infrastructure provision
- Financial contributions towards off-site sporting open space provision

6.13 In terms of transport infrastructure, the TA provided in support of the application identifies a number of off-site pedestrian, non-car model transport, and traffic management mitigation measures for in and around the site. Following the assessment of the site and proposed mitigation, the TA has demonstrated that the development will have a negligible impact on the operation of the surrounding highway network and the cumulative transport impacts of the development are deemed to not be severe. In addition, the Principal Transport Officer has responded to the application stating that '*there is no overriding highway objection to the proposal*'.

6.14 It is the appellant's contention that the proposed development adheres to the requirements as set out within Core Strategy Policies DM3, DM14, CS1, CS14 and CS16.

#### Reason for Refusal 3

6.16 The third reason for refusal states that:

*In the absence of a completed legal agreement securing the provision of affordable housing and financial contributions required to mitigate the impacts of the development on local infrastructure, the proposal would not constitute sustainable development and would be contrary to Policies CS2 and CS7 of the Central Bedfordshire Core Strategy and Development Management Policies (North) (2009) and the National Planning Policy Framework (2012).*

6.17 As outlined in the response to RfR 2 above, the appellant is willing to enter into a legal agreement to provide an appropriate level of developer contribution commensurate with the proposed development. The details of the proposed legal agreement will be provided within the SoCG.

6.18 Furthermore, it should be noted that the appellant intends to provide the required level of affordable housing, that being 35% affordable provision, in accordance with Policy CS7 of the Council's Core Strategy.

#### Reason for Refusal 4

6.19 The fourth reason for refusal states that:

*Insufficient information has been submitted to determine whether the development would have an acceptable impact on the safe operation of Cranfield Airport, due to the proximity of the site to the runway/ approach flight path.*

- 6.20 Within the Core Strategy, Cranfield Airport is identified as a *'busy general aviation airport which has world-class training facilities linked to Cranfield University's School of Aeronautics and also provision for private charter flights for both business and recreation purposes.'* Whilst the airport is specifically referenced within the Core Strategy, there is not a specific policy restricting development in relation to the site. Nevertheless, the appellant has provided an Aviation Impact Assessment (AIA) undertaken by Osprey Consulting Services (OCS – CD/3/R) to address concerns that have been raised by Cranfield Airport. Following submission of the AIA, Atkins was instructed by the Airport to provide a review of the AIA. The review, accompanied by a letter from Turnberry (dated 8<sup>th</sup> August 2016), identified the following areas of concern:
- Accuracy of measurements used in analysis,
  - Lack of information on ground works and site levels,
  - Lack of clarity in terms of landscaping and how it will be managed,
  - Concern over location of landscape works and allotments,
  - Lack of consideration to the practicalities of construction and aviation safety,
  - Lack of consideration given to the airport's emergency response obligation, and
  - Limited detail within the Bird Strike Assessment.
- 6.21 In response, OCS provided specific comments (CD/3/S) supported by a letter from Carter Jonas (dated 17<sup>th</sup> August 2016). It is contended that the concerns raised have been addressed by OCS with the support of other documents provided as part of the application, particularly the Design and Access Statement (CD/3/E).
- 6.22 The letter addresses the key areas of concern by Cranfield Airport. In terms of Obstacle Limitation Surfaces (OLS) – the initial OCS report, along with the Design and Access Statement clearly identify sufficient detail of potential landscaping. It is considered that this matter can be dealt with by way of condition.
- 6.23 Development lighting – there are two aspects of lighting that would need to be controlled; that being the safe operation during development construction and the eventual public street lighting scheme. It is considered that both elements can be controlled by way of condition (e.g. Construction Management Plan) with street lighting not leading to any airport operational risks in terms of wildlife or roosting birds.
- 6.24 Landscaping and Wildlife Attraction – the OCS report and FPCR Bird Strike Assessment should be read in conjunction with the Design and Access Statement as well as the Landscape Strategy, which details landscaping matters, including the operation of the SuDS feature. The basins for the SuDS are designed to be dry throughout the year, to ensure that they are not attractive to 'wildfowl'. Concerns were also raised by the provision of allotments and attracting birds due to growing crops. It is argued that it is dependent upon the type of crop grown on the allotments. In addition, those managing the allotments would be mindful of such predators damaging crops and would take necessary preventative measures.
- 6.25 Construction Implications – Such concerns can be addressed via a suitably worded condition relating to a Construction Management Plan.
- 6.26 Emergency Response – It should be noted that the application is for outline only, with all matters reserved except for means of access to the site. It is clear that the dimensions of the

access road and junction radii accord with local highway authority standards, and as such, will accommodate both emergency and public transport vehicles.

- 6.27 It is considered that the details provided by OCS, FPCR and the appellant are sufficient in addressing the concerns of Cranfield Airport.



## 7. SUMMARY AND CONCLUSIONS

- 7.1 Cranfield is identified as a 'Minor Centre' to the north of Central Bedfordshire. It provides employment and a wide range of community facilities and services; and is well related (and sustainably connected) to Milton Keynes to the east and Bedford to the north.
- 7.2 The National policy context is noted in Section 3 and that local authorities are enjoined to approve planning applications where plans are out of date, provided that they do not offend the key sustainable development principles of the NPPF. The scheme is assessed against the core land use planning principles of the NPPF which demonstrates that it is a sustainable development which will provide much needed housing and affordable housing in circumstances where Central Bedfordshire falls substantially short in demonstrating an adequate supply of deliverable housing land and where there is an acknowledged and demonstrable need for affordable housing.
- 7.3 The matter of housing land provision is addressed in Section 4. Paragraph 47 of the Framework sets out the requirement for LPAs to boost significantly the supply of housing; to use their evidence base to ensure that the Local Plan meets the full objectively assessed needs for market and affordable housing in the housing market area; and to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements. Paragraph 49 explains that relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate the requisite five year supply. Paragraph 197 explains that in assessing and determining development proposals, LPA should apply the presumption in favour of sustainable development (paragraph 14 of the Framework).
- 7.4 The latest housing land supply evidence published by Central Bedfordshire Council is assessed as at 1<sup>st</sup> October 2016 and concludes that the Council cannot demonstrate a five year housing land supply for the 2011-16 period against the housing requirements of the extant development plan. In this context relevant policies for the supply of housing should not be considered up to date and the appeal must fall to be determined against the guidance contained in paragraph 14 of the Framework.
- 7.5 Extant development plan policies are addressed in Section 5 and by reference to CD/3/D and demonstrate how the appeal scheme accords with these where they remain relevant and up to date. It is also demonstrated how the extant policies of the Central Bedfordshire Core Strategy and Development Management Policies DPD referenced in the RfR are out of date on their own merits and that the Council has misdirected itself in their application. The policy framework of the emerging development plan is briefly addressed.
- 7.6 In Section 6 the reasons for refusal of planning permission are addressed. The following is demonstrated:
- There is an acknowledged and shortfall in the five year supply of deliverable housing land. Consequently paragraph 49 of the NPPF is triggered and relevant policies for the supply of housing, cannot be considered up to date and therefore carry little if any weight in the determination of the appeal scheme.
  - Policy DM4 is 'out of date' as it was prepared to conform to national guidance (PPS1) that has been superseded; furthermore, it must also be considered 'out of date' by virtue of the operation of paragraph 49 of the NPPF given the acknowledged shortfall in the five year supply of deliverable housing land.

- The Appellant contends that the appeal scheme is a sustainable development.
- The appeal site is well contained in views from the wider landscape from the north and north east, and the proposals will not have a material impact on the setting of the open countryside. The scheme responds sensitively to its site and surroundings and development in accordance with the illustrative masterplan will not appear discordant with the area nor give rise to any significant adverse impacts on the surrounding landscape.
- A S106 Obligation can be entered into with the Council to ensure the appropriate level of contributions is provided.

7.7 In conclusion, the appeal scheme constitutes a sustainable development and falls squarely to be considered against the provisions of paragraph 14 of the Framework and the presumption in favour of sustainable development. Relevant policies of the extant development plan are out of date, quite independently of the shortfall in housing land which triggers the operation of paragraph 49 of the NPPF. There are no adverse impacts that would arise from the appeal scheme that would significantly or demonstrably outweigh the benefits when assessed against the policies of the NPPF. The appeal should be allowed and planning permission granted.

## **8. OTHER MATTERS**

### Rule 6

- 8.01 At this stage, it is not known whether any interested persons will request Rule 6 status for the Appeal. The Appellant therefore reserves the right to refer to any other matters raised by any Rule 6 parties in the proof of evidence or any addenda thereto.

### Planning Obligations and Conditions

- 8.02 It is the Appellant's intention to submit a signed Planning Obligation ahead of the commencement of the Inquiry. This will provide for the necessary contributions and other obligations to mitigate the proposed development and will be prepared in accordance with CIL Regulation 122. A set of agreed Conditions will be submitted to the Inquiry.

### Witnesses

- 8.03 Prior to the commencement of the Inquiry, a list of those consultants giving evidence on behalf of the Appellant will be provided. However, the Appellant proposes provisionally that evidence will be presented on the following issues:

- Landscape
- Transport
- Aviation
- Planning

- 8.04 The Appellant reserves the right to review its list of witnesses in the light of the Council's Statement of Case.

- 8.05 A Core Documents schedule is included at Appendix A. The Appellant reserves the right to add to this in the light of the Council's Statement of Case.

# Appendix A

## Core Document Schedule

CD/1 National Planning Policy Framework (March 2012)

CD/2 National Planning Practice Guidance (March 2014)

CD/3 Planning Application and supporting documentation

- CD/3A/A Illustrative Masterplan
- CD/3A/B Parameters Plan
- CD/3A/C Site Location Plan
- CD/3B/A Arboricultural Report
- CD/3B/B Tree Constraints Plan
- CD/3B/C Landscape and Visual Impact Assessment
- CD/3B/D illustrative Landscape Strategy
- CD/3C/A Transport Assessment
- CD/3C/B Framework Travel Plan
- CD/3D Planning Statement
- CD/3E Design and Access Statement
- CD/3F Flood Risk Assessment
- CD/3G Ecological Appraisal
- CD/3H Geophysical Survey Report
- CD/3I Statement of Community Involvement
- CD/3J Planning Noise Assessment
- CD/3K Utilities and Services Report
- CD/3L Sustainability/Energy Statement
- CD/3M Agricultural Use and Quality
- CD/3N Heritage Desk Based Assessment
- CD/3O Planning Noise Assessment
- CD/3P Air Quality Screening Assessment
- CD/3Q/A Aviation Impact Assessment (Osprey)
- CD/3Q/B Aviation Impact Assessment – addendum
- CD/3R Bird Strike Assessment (FPCR)
- CD/3S Archaeological Evaluation
- CD/3T Revised Access Drawing
- CD/3U Delegated Report
- CD/3V Decision Notice

CD/4/A Central Bedfordshire Council Core Strategy and Development Management Policies  
DPD (2009)

CD/4/B Site Allocations Development Plan Document (2011)

CD/4/C Central Bedfordshire Design Guide (2014)

# Appendix B

## Housing Land Supply in Central Bedfordshire Council



.....  
**Five Year Land Supply Statement**

For the five year period commencing 1<sup>st</sup> October 2016

National planning policy requires all local authorities to identify a supply of specific deliverable sites to provide five years worth of new housing against their requirements.

The housing need for Central Bedfordshire is 29,500 (source: SHMA update, Summer 2015) new homes over the period 2011 to 2031. This is equivalent to 1,475 per year and is used as a basis to calculate the authority's five year supply requirement.

During the 5 ½ year period from **1st April 2011 to 30th September 2016** a total of 7,613 new dwellings were completed within Central Bedfordshire. This is a shortfall of 499.5 dwellings when assessed against what needed to be provided during that period.

$$\begin{aligned} 1,475 \times 5.5 \text{ (years)} &= 8,112.5 \\ 8,112.5 - 7,613 &= 499.5 \end{aligned}$$

This shortfall must be added to the five year requirement together with a buffer of 20% "to provide a realistic prospect of achieving the planned supply and ensure choice and competition in the market"<sup>1</sup>. The derivation of the five year supply requirement is set out below:

$$\begin{aligned} 29,500/20 \text{ (years)} &= 1,475 \\ 1,475 \times 5 \text{ (years)} &= 7,375 \\ 7,375 + 499.5 \text{ (shortfall)} &= 7,874.5 \\ 7,874.5 + 20\% \text{ buffer} &= 9,449.4 \end{aligned}$$

When applying the 'Sedgefield Method' (where all the shortfall is added to the five year supply period), at 1st October 2016 the five year housing supply requirement for Central Bedfordshire is 9,449 dwellings.

The Housing Trajectory (available on the website) has been updated for 1st October 2016. Sites listed are either allocated for housing development, have planning permission or are sites which have a strong expectation of being granted permission. The Trajectory shows that over the five year supply period (01/10/16-30/09/21) a total of 9,238 dwellings are considered to have a 'realistic prospect' of being delivered. This is 211 dwellings less than is required.

At 1st October 2016 this council can demonstrate 4.89 years supply of deliverable housing sites

$$\begin{aligned} 9,449.4/5 &= 1,889.88 \\ 9,238/1,889.8 &= 4.89 \text{ (years)} \end{aligned}$$

As the housing land supply position fluctuates, housing completion data for Central Bedfordshire is collected on a quarterly basis. This council is therefore able to monitor and update the five year supply position every three months.

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<sup>1</sup> National Planning Policy Framework paragraph 47

# Appendix C

## Appeal Decision



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## Appeal Decision

Inquiry held on 24 November 2015

Site visit made on 27 November 2015

**by Frances Mahoney DipTP MRTPI IHBC**

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

**Decision date: 19 February 2016**

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**Appeal Ref: APP/P0240/W/15/3003634**

**16 Langford Road, Henlow, Bedfordshire SG16 6AF**

- 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 Gladman Developments Ltd against the decision of Central Bedfordshire Council.
  - The application Ref CB/14/01728/OUT, dated 2 May 2014, was refused by notice dated 5 August 2014.
  - The development proposed is outline planning permission for 93 dwellings. Access from Langford Road, Henlow. Demolition of number 14 & 16 Langford Road, Henlow.
- 

### Decision

1. The appeal is dismissed.

### Preliminary matters

2. The Inquiry sat on 24, 25, 26 and 27 November 2015 and was closed in writing on 8 December 2015<sup>1</sup>. The appeal related to an outline application with all matters, other than access, reserved for future consideration. Along with the location plan (red line plan 2013-001(A)<sup>2</sup>), the suggested access-option 1 priority junction plan (F0032-001-001<sup>3</sup>) is relevant as it shows the proposed access point from Langford Road<sup>4</sup>. Along side these plans, the planning application was accompanied by, amongst other informative plans and documents, a development framework/block plan (5542-L-02 Rev I<sup>5</sup>). This reflected the location of the proposed access onto Langford Road. It seeks to set out, in illustrative terms, how a development of 93 dwellings could come forward on the appeal site, including proposed road layout, open space and footway/cycle routes and their linkages with existing public footpaths.
3. At the Inquiry the appellant company requested that the scheme for 93 dwellings<sup>6</sup> be substituted by a scheme for 72 dwellings. The proposed red line appeal site would remain the same as would the position and details of the proposed access. However, the development framework/block plan (5542-L-02 Rev I) would be superseded by Revision O (5542-L-02 Rev O<sup>7</sup>). This requested

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<sup>1</sup> Inquiry Doc 20.

<sup>2</sup> CD 1.2.

<sup>3</sup> CD 1.2.

<sup>4</sup> Which requires the demolition of nos 14 & 16 Langford Road.

<sup>5</sup> CD 1.3.

<sup>6</sup> See description of development CD 1.1.

<sup>7</sup> CD 3.03 along with other addendums to relevant supporting documents.

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change came about following the consideration of an earlier planning appeal decision relating to an identical outline proposal<sup>8</sup> on the appeal site which was dismissed in November 2014<sup>9</sup> (the earlier decision). The appellant company considered given the content of the earlier appeal decision, it would be possible to address the concerns of my colleague by means of a rebalancing exercise. This involved a proposed reduction in the developable area, with a much larger area of proposed open space and landscaping.

4. The appellant company undertook a series of consultations<sup>10</sup> over a period of some 8 months (January, March & August 2015), to engage with local residents in respect of the proposed revised scheme. These consultations followed on from the public consultations on the earlier appeal as a planning application (July 2013) and subsequently as an appeal (October 2014) and from the second planning application (May 2014), now the subject of this appeal (January 2015). I heard from Mr Jewel, a local resident, and from the Council that there had been confusion for residents as to exactly what they were being consulted upon, its status and effect. I am not surprised in respect of the perplexity of residents in relation to the changing scheme. The sheer number of consultations carried out would have been likely to evoke not only confusion, but also fatigue in terms of responding at each stage.
5. In addition, over the three periods of consultation undertaken by the appellant company in 2015, relevant to the proposed change, three different distribution lists were used with the number of residents notified varying from 169 (January 2015), 801 (March 2015) to 555 (August 2015). The implication of the wide variation in consultation numbers is that some households consulted in March were not consulted in January or August. The shifting level and extent of consultation would have resulted in some local residents being excluded. Any consultation sets up a reasonable expectation of future engagement for those receiving the request for comment.
6. Whilst I appreciate the proposed amendment would result in a reduction in the overall number of dwellings on the appeal site, the confusion of residents likely fuelled by the volume of consultations; the fact that the material specific to this proposed change came directly from the appellant company and not the Council; the lack of consistency in the extent of the consultation process; and as non-planning professionals, a possible understandable lack of comprehension of the process by some local residents, are all factors which lead me to the view that I cannot be sure that those who should have been consulted on the changed development have not been deprived of that opportunity to comment<sup>11</sup>. Therefore, the proffered change in the illustrative development framework/block plan (5542-L-02 Rev I) to Revision O (5542-L-02 Rev O) is rejected<sup>12</sup>.
7. The appellant company also contends that within the 93 dwellings proposed it would be possible to build a lesser number, with reserved matters reflecting 72

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<sup>8</sup> For 93 dwellings.

<sup>9</sup> APP/P0240/A/14/2215889 – CD 9.01

<sup>10</sup> Three in total, in January 2015, March 2015 and August 2015. The extent of these consultations is set out at paragraph 12 of Inquiry Doc 2.

<sup>11</sup> Taking into account the terms of the 'Wheatcroft' judgement - CD 10.05.

<sup>12</sup> This matter was dealt with at the beginning of the Inquiry by means of submissions on behalf of the Council (Inquiry Doc 1) and the appellant company (Inquiry Doc 2) and a subsequent Inspector's ruling delivered orally. That ruling took into account that the Henlow Parish Council had actively discouraged residents from responding to the consultation (this was confirmed by Bert Schrier in oral evidence). The level of response is not at issue here. It is the variation in offers of engagement from the appellant company which is at issue.

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dwellings and a larger area of open space and landscaping. That may be so but that would be the subject of a reserved matters application which would be open to public consultation/ comment, determined by a future decision-maker. I am charged with considering the development proposed which is described as 'for 93 dwellings'. I do not have a remit to change the description of development. To consider a lesser scheme within the overall stated maximum number, at this stage, would be ill-defined and imprecise. It would be contrary of me as decision-maker, having rejected the substitution of the 93 dwelling scheme<sup>13</sup>, to then go on to consider the 72 dwelling scheme by reason of some possible future dilution of the overall development under the terms of this appeal proposal.

8. The appellant company has suggested the imposition of a planning condition restricting the composition of the proposed development to no more than 72 dwellings. This is proposed in conjunction with a promise within the submitted Unilateral Undertaking (UU)<sup>14</sup> which includes reference to the open space for use by the general public being a minimum size of 2.51 hectares<sup>15</sup>.
9. I appreciate the promise of this increased area of open space has come about as a direct result of the intention of the appellant company to proceed with a development of 72 dwellings. However, that change in the appeal proposal has been rejected<sup>16</sup>. So, in the context of a development for 93 units, its impact would be to concentrate development in a much smaller area thereby potentially increasing density and the effect on the character and appearance of the landscape. In the face of the rejection of the change to the lesser number of units I have given the promised increased area of open space and the imposition of the condition little weight in the balance of this decision<sup>17</sup>.
10. Reason for refusal 2 dealt with the absence of a satisfactory mechanism to secure financial contributions to local infrastructure and the provision of affordable housing. The parties have worked collaboratively to establish and agree the provisions within the completed UU for the appeal site. The UU agreement made pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) promises the delivery of on-site public open space, the provision of a management company with responsibility for the open space etc, and the payment of contributions towards education, highways, transport, village hall, indoor and outdoor sports. Other than the contribution to early years provision (under the heading education) all have been found to be necessary, reasonable and justified in accordance with Regulations 122 & 123 (3) of the Community Infrastructure Levy Regulations 2010<sup>18</sup>. In addition, under the terms of an agreed promoted condition, a scheme for the required affordable housing<sup>19</sup> would need to be approved before work commenced.
11. The disagreement relating to early years provision centres on whether there is an additional need for extra spaces to accommodate children from the proposed development. The Council's position is that an extension to

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<sup>13</sup> For reasons of a lack of surety of appropriate public engagement

<sup>14</sup> Inquiry Doc 3.

<sup>15</sup> This would be a larger area than that shown on the Development Framework/Block Plan 5542-L-02 Rev I, more in line with the area shown on Rev O.

<sup>16</sup> Paragraphs 3-6 of this decision.

<sup>17</sup> Promoted positive benefits would include increasing the size of the extension to the Millennium Meadow, and the amount of potential landscaping within the river valley.

<sup>18</sup> Inquiry Documents 3, 4, 5 & 6.

<sup>19</sup> 35% of proposed housing units in accordance with CS policy CS7.

Raynsford Lower School is required to increase capacity for 2, 3 and 4 year olds. This may be so but the appellant company highlight that the private sector also contributes to early years education provision. There is spare capacity in four nurseries within 6.5 kilometres of the appeal site<sup>20</sup>. The Henlow Village Pre-School<sup>21</sup>, however, has no current capacity, although I appreciate this may fluctuate throughout the year. The acknowledgement of the need for an extension to the Lower School and lack of capacity in private provision within the village indicates to me that those living in the village may be forced to seek access to early years schooling some distance from Henlow. I appreciate the relationship between local authority provision and private provision is rather blurred but it is clear that provision of whatever kind close to the appeal site is at capacity and so, in my view, the contribution is justified in this instance.

12. Other than the disagreement on the early years education point, the Council did not defend reason for refusal 2 and based on the justifying evidence submitted I do not consider it necessary to question this aspect of the proposal further.
13. Off to the south of the appeal site is the Grade I listed church of St Mary the Virgin. It was no part of the case in opposition that the appeal proposal would impact upon the setting or preservation of the listed building<sup>22</sup>. The significance of the church is that of a prominent landmark feature within the village representing part of the historic evolution of the settlement. It lies within a churchyard setting, including an extension to the burial grounds, next to the Millennium Meadow and the River Ivel. However, modern residential development in Church Road and along Gardeners Lane and Northfield Close form a significant part of its setting. The appeal proposal would be distant to the church and its churchyard, with existing intervening housing, sufficient so as not to harm the significance of the heritage asset, thereby preserving the setting of the listed building.

### **Main Issues**

14. Therefore, from the evidence before me, including all that I have seen and read, the main issues are:
  - the effect of the proposal on landscape character and appearance; and
  - whether the appeal proposal constitutes a sustainable development in the countryside, having regard to national and local policies on the supply of housing land.

### **Planning Policy/Housing Land Supply**

15. The National Planning Policy Framework (the Framework) acknowledges that it is highly desirable that local planning authorities should have an up-to-date plan in place. The Council was engaged in the production of the Central Bedfordshire Development Strategy (CBDS). Initial examination hearings were undertaken in February 2015. The Examining Inspector then set out interim

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<sup>20</sup> Inquiry Doc 5.

<sup>21</sup> 785 metres from the appeal site – private provision.

<sup>22</sup> Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that special regard shall be had to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest which they possess. I have undertaken this statutory duty in my assessment of this case.

concerns in relation to compliance with the Duty to Co-operate, suggesting the Plan should be withdrawn or await the final report. The Council has now withdrawn the emerging development strategy<sup>23</sup> and considers that no weight should be given to the policies contained therein<sup>24</sup>.

16. There is a Neighbourhood Plan in preparation to cover Henlow. However, it is in the early stages of preparation with the identification of housing sites being the next stage. There has been no public consultation undertaken and there is no promoted date for the adoption of the plan<sup>25</sup>. The parties agreed it did not form part of the development plan and that no weight could be ascribed to the Neighbourhood Plan in its early stage of emergence. In addition, no party relied on any aspect of the Neighbourhood Plan in evidence.
17. The development plan includes the saved policies of Mid Bedfordshire Local Plan, First Review (2005), the Central Bedfordshire Core Strategy and Development Management Policies (2009) (CS) and the Central Bedfordshire (North) Site Allocations Development Plan Document (2011) (SADPD)<sup>26</sup>. All of these documents pre-date the Framework. Therefore, paragraph 215 of the Framework is engaged, setting out that the weight to be given to relevant policies, in such existing plans, depends on their degree of consistency with those within the Framework.
18. The Council is relying on the CS as the relevant policy foundation in this case.
19. The appeal site lies outside the settlement envelope for Henlow<sup>27</sup>. The specified settlement boundary would have been fixed having regard to the need to accommodate development planned up to 2026. The appeal site was not allocated for development within the Site Allocations DPD (2011)<sup>28</sup>.
20. CS Policy DM4 deals with development within settlement envelopes<sup>29</sup>, although it does acknowledge that where no land is available within the settlement, a site adjacent to the settlement may be granted planning permission. Nonetheless, the fixed settlement envelopes would have the effect of constraining development, including housing, within these settlements.
21. CS Policy CS16 recognises the countryside outside settlements as being a highly valued resource and should be protected for its own sake, safeguarding it from the increasing pressures of development. Policy DM14 goes on to identify that any development that has an unacceptable impact on landscape quality will be resisted. I do not find a tension between these two policies. Their overall objective is to protect the character and amenity of the countryside of which the appeal site forms part.
22. However, whilst this overall policy approach does reflect the spirit of one of the core planning principles of the Framework, namely that of recognising the intrinsic character and beauty of the countryside<sup>30</sup>, it is inextricably linked with the constraining effect of the settlement boundaries on the housing

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<sup>23</sup> November 2015.

<sup>24</sup> Andrew Marsh in oral evidence. The Council has commenced work on a new local plan, but this is still at the scoping stage with no mile stones set although the intention is to meet the Government deadline of 2017.

<sup>25</sup> Bert Schrier in oral evidence.

<sup>26</sup> Both latter documents informed by the data and policies of the Regional Strategy (now revoked).

<sup>27</sup> Will be treated as open countryside.

<sup>28</sup> Paragraph 3.3.1 of the Statement of Common Ground.

<sup>29</sup> It is common ground between the parties that the proposal is contrary to CS Policy DM4 – Statement of Common Ground - paragraph 2.2.5.

<sup>30</sup> Paragraph 17, bullet point 5 of the Framework.

requirement. Therefore, I consider CS Policies DM4, DM14 and CS16 are relevant policies for the supply of housing within the meaning of paragraph 49 of the Framework and I shall appraise the weight to be afforded to them accordingly.

#### *Housing requirement*

23. Paragraph 47 of the Framework seeks to boost significantly the supply of housing. It identifies that Councils should ensure that their local plans meet the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies of the Framework. In addition, they must identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements, with an additional buffer of either 5% or 20% (moved onward from later in the plan period), to ensure choice and competition in the market for land.
24. The parties agree that the application of the 'Sedgefield Method' to addressing past under-delivery is appropriate and further that a 20% buffer should be added to the five year requirement given previous persistent under delivery. The calculation of the 5 year housing land supply is agreed as being on the basis of 5 year target + shortfall + 20% buffer<sup>31</sup>.
25. The Council also agrees that the housing requirement in the adopted CS is out-of-date<sup>32</sup>. Therefore, in the absence of an up-to-date local plan, the Council has relied on the full objectively assessed need for housing (OAN) figure set out in the Luton & Central Bedfordshire Strategic Market Assessment Update (Summer 2015) (SHMA)<sup>33</sup>, that being 29,500 dwellings<sup>34</sup> or 1,475 basic annual requirement<sup>35</sup>. The appellant company disputes this figure and utilises the OAN of 1,757 dwellings per annum as set out in the GVA document Objective Assessment of Housing Needs October 2015<sup>36</sup>.
26. The SHMA is a technical document intended to inform the formulation of the local plan strategy. Whilst it has not been through the process of examination, it was undertaken to establish the OAN for housing across the Luton and Central Bedfordshire Housing Market Area (HMA). I agree with my colleague in the earlier decision that this HMA is the most useful and appropriate option, particularly as neighbouring authorities were involved in a Steering Group that informed the SHMA process.
27. This appeal is not the forum to carry out a forensic analysis of the SHMA. I have noted the concerns of the appellant company that the reliance upon Census data for migration projections and a failure to properly account for market signals, in their view, would increase the dwellings per annum figure<sup>37</sup>. It was accepted that the Office of National Statistics do not consider Census data to be completely accurate. However, there are risk factors attributable to all data sources. The Census, whilst infrequent, provides estimates of long-term migration patterns. As a document which informs local plan making, the SHMA must look to the long-term without the danger of being influenced by

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<sup>31</sup> Statement of Common Ground (paragraph 5.1.1)

<sup>32</sup> Statement of Common Ground paragraph 2.2.21

<sup>33</sup> CD15.13.

<sup>34</sup> This overall total includes 7,400 dwellings of affordable housing over the plan period.

<sup>35</sup> This gives a basic 5 year requirement of 7,375.

<sup>36</sup> Baker Appendix VI.

<sup>37</sup> By an increase of 140 dpa.

short-term trends. Sensitivity testing may be an approach which should be considered but for the purposes of this appeal I am satisfied that the use of the Census data permeating through the substance and conclusions of the SHMA is appropriate. In reaching this view I am mindful that the difference between the mid-year estimates as the starting point and the Census data on the unadjusted housing need figures would likely be academic.

28. In considering market signals these should be assessed with reference to HMA. The SHMA approach is to draw comparisons with HMAs which exhibit similar demographic and economic characteristics. This does not necessarily mean neighbouring local authority areas. These may not be comparable with the extent and characteristics of the HMA. This is a judgement to be made and I am not convinced that the approach taken in the SHMA in this regard is unjustified.
29. Therefore, whilst I accept that some adjustments may be required to the OAN<sup>38</sup>, as a result of the matters raised by the Examining Inspector, and in the formulation of a new local plan, this is a matter which requires further work, consideration, consultation and examination. I do not consider it is my role to set an OAN for the District. In my view, to the extent that it has been considered at the Inquiry, the SHMA represents a robust source of base data to establish the housing requirement. As a result the Council's OAN in all probability would not be less than 29,500 dwellings over the plan period. I have considered the five year housing land supply (5YHLS) on this basis.

#### *Housing land supply*

30. Both parties agree that the most appropriate base date to use in the calculation of the housing land supply is the 1 April 2015<sup>39</sup>. The Council did then provide additional supply data relating to planning permissions on newly identified sites issued after 1 April 2015. This also included taking into account lapses of permissions since the April base date. Paragraph 47 of the Framework (second bullet point) does indicate the supply of deliverable sites should be identified and updated annually. This is not prescriptive in the sense that circumstances may justify a more regular up-dating of the supply, particularly as land availability is in a constant state of flux. However, whilst I appreciate that this may have been an approach adopted at previous appeals<sup>40</sup>, I am not convinced that this application of supply beyond the base date is undertaken in a balanced way. The base date remains the same but the supply moves on 6 months being then measured against a 4.5 year completion requirement. It seems to me for the overall calculation of housing land supply to remain in balance it would be necessary to move the base date for the calculation of the 5YHLS forward to the 30 September 2015.
31. The Council has undertaken that exercise<sup>41</sup> and using a base date of 1 October 2015 their requirement would be 9,724, including the shortfall and the 20% buffer, with supply being 9,969. This gives a surplus of 245 units by their calculations. The Council accepted that were that number of units to be

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<sup>38</sup> The Council conceded a number of adjustments to their OAN figure over the course of the Inquiry.

<sup>39</sup> Statement of Common Ground paragraph 5.1.2.

<sup>40</sup> Deddington Inquiry – APP/C3105/A/13/2201339.

<sup>41</sup> Table appended to Council's Closing Submission – Inquiry Doc 18.

discounted from their declared supply they would not be able to demonstrate a 5YHLS<sup>42</sup>.

32. A number of sites were disputed between the parties as being appropriate to include in the 5YHLS<sup>43</sup>. I do not intend to go through all of the sites, only those where I consider there is relevant doubt in respect of the extent and timing of delivery<sup>44</sup> of housing within the trajectory<sup>45</sup>.
33. Land at Arlesley (HT005) is a Council owned site allocated in the SADPD with an adopted Masterplan<sup>46</sup>. No planning permission has yet been granted. The development is linked to a relief road project. The Council could not provide reassurance that the funding for the relief road was secured or a timetable for its provision. The Council relied upon 125 dwellings being delivered on this site within the 5YHLS although it was not clear whether any units could be delivered prior to the delivery of the relief road. There is no contract of sale for the site either in whole or part and no indication of how many house builders may be involved. This site can be considered to be available in the sense that the Council wish to sell it. However, with no planning permission and no clear forward moving position on its inter-dependence with the relief road, particularly in relation to the funding of this associated infrastructure, I am not persuaded on the evidence before me that there is a realistic prospect of delivering the 125 dwellings suggested by the Council even with delivery being reserved to the latter part of the trajectory. The apparent lack of costings and identification of funding streams for the relief road also gives me concerns in respect of the viability of the site.
34. Land North of Houghton Regis (Site 1) (HT057) is part of a larger site to deliver over 5000 dwellings. Outline planning permission has been granted allowing commencement within 5 years with phasing over a 20 year period. A phasing strategy will be required for a site of this scale. The site is being promoted by a consortium of 10 landowners, but as yet there is no named house builder involved. Albeit that a timetable has been agreed between the parties to give an indication of delivery there is still a lot of work to do to facilitate completion of 50 units in 2017/18 as the Council suggest<sup>47</sup>. The matter of equalisation across the site has also to be resolved before disposal. No reserved matters applications have been submitted as yet although some work on design codes is underway. Whilst I appreciate some work is progressing I heard nothing which gave me confidence that the aspirational timetable for delivery would be adhered to without slippage. The lack of involvement of house builders and extent of work still to be undertaken in the context of this exceptionally large overall development, including the necessary supporting infrastructure, are factors which serve to dissuade me from accepting the Council's trajectory of initial delivery of units in 2017/18. In these circumstances it is more realistic to consider units becoming available in the latter years of the trajectory. As a

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<sup>42</sup> Ms Dilley in cross-examination. Using the 1 April 2015 base date the surplus would be 211 units – Inquiry Doc 18.

<sup>43</sup> Inquiry Doc 8.

<sup>44</sup> For sites to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years and in particular that development of the site is viable<sup>44</sup>.

<sup>45</sup> Inquiry Doc 8.

<sup>46</sup> 850 dwellings in total.

<sup>47</sup> Inquiry Doc 8.

result I consider the trajectory of the appellant company, in respect of this site, to be more realistic reducing delivery by some 160 units.

35. HT058 is also part of the larger Houghton Regis site (Site 2). It is anticipated that the development will deliver 50 dwellings in 2017/18 with a total of 300 before April 2020. The promoted timetable does seem optimistic that a commencement of reserved matters in late summer 2016 could result in an autumn commencement of development, particularly taking into account there is no house builder/builders involved at this stage. Any delay at this point would have an impact on when and how many dwellings would be completed. I therefore favour the appellant company's more conservative estimate of delivery of 240 by April 2020, reducing the trajectory by some 60 units.
36. I have also noted that a number of the development sites within the trajectory were not identified within the now withdrawn CBDS. Whilst some of the sites have now gained planning permission others still remain as yet uncommitted. The position of these sites, having been neither tested through the process of recent plan examination nor through a planning application, does reduce the weight I ascribe to their realistic contribution to the promoted 5YHLS. This adds to my unease in relation to whether the Council's promoted housing land supply can be considered available, deliverable, suitable and viable. Having discounted some 345 dwellings from the supply, based on the evidence before me, I have little confidence that the overall assessment of land available to meet a 5YHLS is robust and can be relied upon.
37. Therefore, I conclude that on this evidence the Council has not demonstrated a five year supply of deliverable housing sites in the District. Framework paragraph 49 sets out that in such circumstance relevant policies for the supply of housing should not be considered up-to-date. Whilst a lack of a five year land supply of deliverable housing land does not provide an automatic 'green light' to planning permission a balance must be struck. The deficiency in land supply would carry substantial weight in that decision balancing exercise.

*Conclusion on this issue*

38. The proposal would cause harm to adopted policy objectives which seek to restrict development in the open countryside. However, the objectives of CS Policies DM4, DM14 and CS16 remain broadly consistent with those in the Framework which requires decision makers to recognise the intrinsic character and beauty of the countryside. To the extent that the policies are concerned with these matters I consider that they continue to attract due weight.
39. However, as already identified they are, in part, policies for the supply of housing. The adopted settlement boundaries reflected requirements to 2026 which will inevitably have to be reviewed in light of current requirements<sup>48</sup>. There have also been changes to some aspects of national policy. In addition, the Council does not have a 5YHLS and therefore, to the extent that the policies are concerned with the supply of housing, they must be regarded as out-of-date.
40. For the above reasons, the weight given to the harm caused by a breach of the relevant CS policies is reduced by them being out-of-date and by virtue of the lack of the 5YHLS.

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<sup>48</sup> These settlement boundaries were predicated on housing requirements based on now revoked RS policy.



41. Framework paragraph 14 confirms that, where the relevant policies of the development plan are out-of-date, permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework, taken as a whole or specific policies in the Framework indicate development should be restricted. It is necessary then to consider whether the impacts arising from granting planning permission are adverse and whether they would significantly and demonstrably outweigh the benefits of that permission in addressing the housing shortfall. This is a further consideration to be weighed into the balance of my decision.

*Impact - Character and appearance*

42. The appeal site lies on the north-east edge of Henlow. It lies within the river valley in a low lying, gently sloping position falling from Langford Road down to the flat valley bottom. It is essentially an open agricultural field without any particular, distinguishing features of merit. It also adjoins established modern residential development to the south and west and the Millennium Meadow to the east and south-east with the River Ivel beyond.

43. Millennium Meadow is an area of public open space which links through to Gardners Lane, St Mary's Church and on into the historic heart of the village. Existing public footpaths, including a footbridge over the River Ivel, cross the meadow, as well as part of the appeal site, allowing for ready access into the expansive open countryside which surrounds the village. The countryside character is one of predominantly arable farmland, with hedgerow bounded fields and scattered woodland.

44. The River Ivel is a dominant feature of the immediate landscape. It meanders its way through the Upper Ivel Clay Valley<sup>49</sup>, and in the vicinity of the appeal site evidence of old mineral workings in the form of fishing ponds persist.

45. Development along Langford Road and Gardners Lane amounts to part of an undistinguished modern urban extension to historic Henlow, spreading out along connecting roadways, typical of settlements in this character area. The development along Langford Road stands at a highpoint with particular visual dominance in the wider landscape.

46. Gardners Lane, a comparatively recent development, follows the slope of the valley side, immediately adjoining Millennium Meadow. With some houses built up out of the ground<sup>50</sup>, including raised rear deck areas, little attempt has been made to limit the visual impact of this edge of settlement development which sweeps down, brazenly addressing Millennium Meadow. The visual prominence of this existing development is obvious when viewed from the network of footpaths on both sides of the River and off to the north, as well as from the riverside open space.

47. The relationship of this hard urban edge to Millennium Meadow is immediate in the vicinity of Gardners Lane. This includes the comings and goings of the daily lives of residents<sup>51</sup>, including leisure time in their gardens<sup>52</sup>. Development in Langford Road is more at a distance, but the scale and

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<sup>49</sup> Character area 4c - Mid-Bedfordshire District Landscape Character Assessment.

<sup>50</sup> Due to change in ground level.

<sup>51</sup> There is a car park at the end of Gardners Lane serving Millennium Meadow.

<sup>52</sup> This would be more apparent when the raised decked areas are in use

massing of the houses, as well as the obvious rear fence line and a distinct awareness of traffic along High Street and Langford Road accentuates its prominence in the landscape. The juxtaposition of modern housing development with the open river valley is thereby established.

48. Overall, the character of Millennium Meadow is variable for those using the open space and walking the footpaths. In the vicinity of Gardners Lane as well as along a considerable part of the footpath which skirts the appeal site boundary users could not fail but to be aware of the close-by urban settlement<sup>53</sup>. The sense of being away from the village in a more rural environment increases with distance from the built-up area. In the close vicinity of the River, crossing the River or walking off to the north, Henlow seems distant and one is absorbed by the river and its valley landscape.
49. Paragraph 109 of the Framework states that the planning system should contribute to and enhance the natural and local environment by (amongst other matters) protecting and enhancing valued landscapes, although the term 'valued landscapes' is not defined. Whilst the landscape here is clearly valued by local people, it does not include specific attributes or landscape features which would take it out of the ordinary sufficient for it to amount to a 'valued landscape' in terms of the Framework<sup>54</sup>.
50. That said landscape is about the relationship between people and place. It provides the setting for our day-to-day lives. This is a landscape in which people spend their leisure time. They experience it both up-close and at a distance.
51. The appeal site does form part of the wider rural setting of the River Ivel. However, proximity to existing residential development and distance to the Millennium Meadow and the River are both factors which must be considered in assessing the impact of the proposal in landscape terms.
52. The appeal proposes 93 dwellings covering much of the site. The Development Framework/Block Plan<sup>55</sup>, whilst illustrative does give an indication of how such a development might be accommodated. It shows development sweeping down the slope of the site towards the River, halted by a long, wide buffer of landscaped open space, laid out to include an equipped play area and new footpath/cycleway<sup>56</sup>. Development would extend beyond the line of Gardners Lane in close proximity to the River and its open valley bottom. There is no doubt that any development of the appeal site would lead to a change in character and appearance of what is an agricultural field. Whilst I appreciate that the sensitivity to change of this landscape might be moderate, with the river valley bottom itself remaining unaltered, a development of the number proposed would not fail to be immediately apparent to those using the Millennium Meadow and its associated footpaths. Even given the landscaped buffer/open space at the size proposed, whilst extending Millennium Meadow, it would not provide the isolation necessary either in landscape terms or in respecting the quieter more tranquil parts of Millennium Meadow already identified.

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<sup>53</sup> Walking in either direction.

<sup>54</sup> Whilst my colleague mentions paragraph 109 of the Framework in the earlier decision, I am satisfied that on the strength of the evidence I heard using Box 5.1 of the Guidelines for Landscape and Visual Impact assessment as a starting point, my conclusion in this regard is justified.

<sup>55</sup> Dwg no 5542-L-02 Rev I.

<sup>56</sup> Proffered as an extension to Millennium Meadow

53. As a result the development would unacceptably erode the rural setting of the river valley neither conserving nor enhancing the varied countryside character or quality of the wider landscape. In this way the terms of CS Policy CS16, DM4 and DM14 would be unacceptably compromised, in so far as they relate to taking account of impacts on the character and quality of landscape<sup>57</sup>.

*Contribution to the achievement of sustainable development*

54. There are three dimensions to sustainable development: environmental, social and economic. These roles should not be considered in isolation, because they are mutually dependant.

*Economic role*

55. The proposal would enhance/contribute to the economic role by the creation of jobs associated with the construction stage. New residents are also likely to support existing local services and businesses, with a possible increase in local jobs as a result. In addition, future Council tax payments and New Homes Bonus would be spent in the area. These are positive contributions to fulfilling the economic role which, in combination with the other economic benefits, I ascribe considerable weight.

*Social role*

56. The proposed housing would fulfil a social role by contributing to the support, strengthening, health and vibrancy of the local community by providing towards a supply of housing to meet the needs of present and future generations. This would include the provision of 35% affordable housing<sup>58</sup> needed within the District<sup>59</sup>.

57. The development proposals also include enhancements to the local footpath network which would serve to maintain access for recreational purposes promoting the wellbeing of the local population. Upgrades to local bus stops as well as access improvements to local schools are also identified as benefits of the proposal. Contributions towards local sports facilities and a play area are also promised.

58. Where these elements would enhance local facilities and support the well-being of the local community over and above their aim of mitigating the effects of the proposed development, a positive weighting of substance is applied.

59. In respect of both the economic and social strands of sustainability the Council accept that these would be met by the proposal<sup>60</sup>. In light of the above assessment I have no reason to disagree.

*Environmental role*

60. The proposal would provide an extension to Millennium Meadow which would add to the area of open space to be enjoyed by residents. It would also introduce further planting in the river valley in contrast to the existing hard urban edge. The proposed landscaped area would also provide opportunities for improved biodiversity.

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<sup>57</sup> Consistent with the core principles of the Framework.

<sup>58</sup> Secured by means of an appropriately worded condition.

<sup>59</sup> SHMA identifies an affordable housing need of 363 dpa.

<sup>60</sup> Paragraph 55 of Council's closing – Inquiry Doc 18.

61. However, even given the above positive factors in the balance of the environmental role of the proposal, due to the significant identified harm to the character and appearance of the countryside, these adverse effects would result in considerable environmental detriment.

*Overall conclusion on sustainability*

62. On balance the adverse harm identified within the environmental role relating to character and appearance, outweighs the environmental, social and economic advantages of the scheme. Therefore, I conclude the appeal proposal would not constitute sustainable development as prescribed by the Framework. Taking into account the golden thread of the presumption in favour of sustainable development which runs through the Framework, I ascribe this finding substantial weight.

**Conclusion and balance**

63. Sustainable development is about change for the better. The appeal proposal would assist in the provision of much needed housing<sup>61</sup> in the local area and the District in general. This is a highly significant material consideration and carries substantial weight in the context of paragraph 49 of the Framework. It would also have a social and economic role to play in achieving positive growth both now and in the future.

64. However, such benefits would be at significant cost to the intrinsic character and beauty of the landscape. In this instance I find that the adverse effects identified to character and appearance weighs more heavily against the proposal than the identified positive elements.

65. The presumption in favour of sustainable development set out in paragraph 14 of the Framework applies only to sustainable development. Taking this conclusion into account along with all other considerations set out above, including the contribution of the proposal to addressing the shortfall in housing supply, on balance, I conclude that the adverse impacts of the appeal proposal<sup>62</sup> would significantly and demonstrably outweigh the benefits of granting planning permission contrary to national and local policy. Therefore, the appeal should fail.

*Frances Mahoney*

Inspector

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<sup>61</sup> Including affordable housing. I afford the deficiency in land supply substantial weight in the balancing exercise.

<sup>62</sup> At the extent of 93 dwellings.

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## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Alexander Booth Of Counsel	Instructed by Andrew Emerton Solicitor to the Council
He called	
Jonathan Lee BSc (Hons)	Managing Director of Opinion Research Services
Andrew Marsh BSc (Hons) MA MRTPI	Acting Senior Planning Officer – Strategic Planning and Housing Team
Nicola Dilley BA(Hons) MA MRTPI	Senior Planning Officer
Alex Harrison BA(Hons) MTP MRTPI	Principal Planning Officer – Development Management

### FOR THE APPELLANT:

Peter Goatley Of Counsel	Instructed by Gladman Developments Ltd
He called	
Timothy Jackson BA(Hons) Dip LA CMLI	Partner/Director FPCR Environment and Design Ltd
Tom Baker BA (Hons) MA MRTPI	Associate GVA
Richard Lomas BSc (Hons) DipTP MRTPI	Hourigan Connolly
Christopher Still BSc (Hons) MRICS	Gladman Developments Ltd

### INTERESTED PERSONS:

Bert Schrier	Clerk to Henlow Parish Council
Philip Jewel	Local Resident

## **DOCUMENTS**

- Doc 1 Position of Central Bedfordshire Council in relation to the intended amendments to the appeal proposal
- Doc 2 Submissions on behalf of the appellant in respect of the proposed amendment of the appeal scheme to 72 dwellings
- Doc 3 Unilateral Undertaking dated 27 November 2015

- Doc 4 S106 Briefing Table stating appellant position and LPA justification including Regulation 123 compliance
- Doc 5 Response from the appellant to contributions sought in respect of Site at 14, 16 and land to the rear of Langford Road, Henlow
- Doc 6 Planning Obligations Supplementary Planning Document (north)
- Doc 7 Great Lifestyles – Chapters 1 & 3
- Doc 8 Summary Housing Land Supply Position (24 November 2015)
- Doc 9 Statement with respect affordable housing need in Central Bedfordshire 26 November 2015
- Doc 10 Report to Development Management Committee – 11 November 2015 – Land to the East of High Road, Shillington
- Doc 11 Highways and landscape comments
- Doc 12 Calculating the five year requirement as 1 October 2015
- Doc 13 Listing of Church of St Mary the Virgin
- Doc 14 Houghton Regis North - HTO57
- Doc 15 Letter re HT005
- Doc 16 Henlow Parish Council's Statement
- Doc 17 APP/A0665/A/14/2214400
- Doc 18 Closing Submissions of Central Bedfordshire Council including Response on Matters of Law
- Doc 19 Outline Closing Submissions on Behalf of the Appellant
- Doc 20 Email dated 8 December 2015 closing the Inquiry

**PLAN**

Plan A Proposed new cycleway between Arlesey Station and Henlow