



Department for
Communities and
Local Government

Gladman Developments Ltd
Gladman House
Alexandria Way
Congleton
Cheshire
CW12 1LB

Our ref: APP/R2520/W/15/3129046
Your ref:

06 July 2017

Dear Sirs

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY GLADMAN DEVELOPMENTS LTD
LAND NORTH OF THURLBY ROAD AND WEST OF LINCOLN ROAD, BASSINGHAM,
LINCOLN, LN5 9LG
APPLICATION REF: 14/1481/OUT**

1. I am directed by the Secretary of State to say that consideration has been given to the report of J Stuart Nixon BSc(Hons) DipTE CEng MICE MRTPI MCIHT who held a hearing on 26 and 27 January 2016 into your appeal against the decision of North Kesteven Council (“the Council”) to refuse planning permission for your company’s application for planning permission for a residential development of up to 120 dwellings, landscape, public open space, associated infrastructure and highway works, in accordance with application ref: 14/1481/OUT, dated 6 November 2014.
2. On 12 July 2016, this appeal was recovered for the Secretary of State’s determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

Inspector’s recommendation and summary of the decision

3. The Inspector recommended that the appeal should be dismissed.
4. For the reasons given below, the Secretary of State agrees with the Inspector’s conclusions and with his recommendation. He has decided to dismiss the appeal and refuse planning permission. A copy of the Inspector’s report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Matters arising since the close of the inquiry

5. On 16 February 2017 the Secretary of State wrote to the main parties to afford them an opportunity to comment on the publication of the Proposed Main Modifications to the emerging Central Lincolnshire Local Plan (CLLP). Representations were received from

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your Company dated 13 March 2017 and from the Council dated 17 March 2017. These representations were circulated to the main parties on 17 March 2017. The Secretary of State wrote again to the main parties on 25 April 2017 to afford them an opportunity to comment on the publication of the final Inspector's Report on the CLLP. Representations were again received from your Company (dated 22 May 2017) and the Council (dated 16 May 2017) and these representations were circulated to the main parties on 1 June 2017. Copies of all the correspondence referred to above may be obtained on written request to the address at the foot of the first page of this letter.

Policy and statutory considerations

6. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
7. In this case the development plan consists of the CLLP, adopted on 24 April 2017; and the Secretary of State considers that the development plan policies of most relevance to this case are CLLP policies LP2, LP4 and LP17.
8. The area of the Bassingham Neighbourhood Plan (BNP) was designated on 15 January 2015 and a consultation exercise undertaken in March/April 2017. Given that the plan is still at such an early stage, the Secretary of State takes the view that he can give only very limited weight to relevant policies in the emerging plan when considered against the three elements of paragraph 216 of the Framework. This view accords with those of the Inspector and the main parties (IR27) that the BNP should carry very limited weight.
9. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as the final Report of the CLLP Examining Inspectors.

Main issues

10. The Secretary of State agrees with the Inspector that the main issues are those set out at IR11. He also agrees with the Inspector that, for the reasons given at IR247-249, it would not be appropriate for him to consider further the alternative application submitted by the Appellants in reaching his decision on this appeal.

The 5-year housing land supply

11. As the final Examining Inspectors' Report into the CLLP has been published and the CLLP has been adopted since the hearing into the appeal closed, the Secretary of State has given very careful consideration to that Report and to the responses received from the parties to this appeal. In particular, he has taken account of the conclusion in paragraph 228 of that Report that, although there is a five-year housing requirement of 10,141 (2,028 dpa), there is a good prospect of an up-to-date supply of specific deliverable sites sufficient to provide five years' worth of housing against the requirements of the plan upon adoption. On that basis, the Secretary of State is satisfied that there is a five year housing land supply across the CLLP area and he gives no weight to the appeal Inspector's conclusions on the 5 year housing land supply as set out at IR260-281.

Effect on landscape

12. For the reasons given at IR282-290, the Secretary of State agrees with the Inspector's conclusion at IR290 that, when looked at in the context of what the village is and how it is defined, coupled with the significant adverse effect for those walking the public footpath and restricted byway, the site would not readily accept the proposed change to residential development. He agrees that the new tranches of landscape planting would merely represent an attempt to mitigate harm to the character and appearance of the countryside, and so would represent a substantial negative in the planning balance.

Physical and social character of the village

13. For the reasons given at IR291-298, the Secretary of State agrees with the Inspector's conclusion at IR299 that the appeal scheme would result in a fundamental change to the scale and character of the village which would represent a major negative factor; and the Secretary of State considers that this conclusion is further reinforced by the fact that the CLLP now demonstrates that there is an overall 5-year housing land supply.

Sustainability

14. Having regard to the three dimensions of sustainability (IR300), the Secretary of State agrees with the Inspector that there would be some marginal positive benefit to be derived from the appeal scheme with regard to economic benefits (IR301-303); and he gives this limited weight.
15. Turning to social benefits (IR304-310), the Secretary of State agrees with the Inspector at IR310 that, although the proposed new development would provide some benefit through the provision of new housing, this would neither reflect local needs nor be located where it would enhance or maintain the vitality of the rural settlement. He therefore gives it very limited weight.
16. With regard to environmental benefits, the Secretary of State agrees with the Inspector's conclusion at IR327 that, for the reasons given at IR311-326, the environmental dimension falls well short of a positive outcome – to which he gives significant weight against the scheme.
17. Overall, therefore, the Secretary of State agrees with the Inspector at IR328 that the limited economic and social benefits of the scheme would be outweighed by the environmental harm; so that the scheme does not represent sustainable development in the terms of the Framework.

Planning conditions

18. The Secretary of State has given consideration to the Inspector's analysis at IR215-234, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 206 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 206 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for dismissing this appeal and refusing planning permission.

Planning obligations

19. Having had regard to the Inspector's analysis at IR 235-245, paragraphs 203-205 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR 245 that it is unclear whether the level of contribution and the delivery of the necessary services are proportionate to the demands of the appeal scheme, and that this is a significant negative factor in the scheme. He does not therefore consider that the terms of the Obligations overcome his reasons for dismissing this appeal and refusing planning permission.

Planning balance and overall conclusion

20. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with the CLLP taken as a whole. He has therefore gone on to consider whether there are material considerations which indicate that the proposal should nevertheless be determined other than in accordance with the development plan. However, like the Inspector, he is satisfied that the harm caused would significantly and demonstrably outweigh the benefits when looked at against the Framework as a whole.

Formal decision

21. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses planning permission for a residential development of up to 120 dwellings, landscape, public open space, associated infrastructure and highway works, in accordance with application ref: 14/1481/OUT, dated 6 November 2014.

22. Right to challenge the decision

23. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

24. Copies of this letter have been sent to North Kesteven District Council and Bassingham Parish Council, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Jean Nowak

Authorised by Secretary of State to sign in that behalf

Report to the Secretary of State for Communities and Local Government

by J Stuart Nixon BSc(Hons) DipTE CEng MICE MRTPI MCIHT

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

Date: 10 January 2017

TOWN & COUNTRY PLANNING ACT 1990 SECTION 78

Appeal by

GLADMAN DEVELOPMENT LTD

Against the Decision of

NORTH KESTEVEN DISTRICT COUNCIL

Hearing opened 26 January 2016

The development proposed is for a residential development of up to 120 dwellings, landscape, public open space, associated infrastructure and highway works on land north of Thurlby Road and west of Lincoln Road, Bassingham, Lincoln, LN5 9LG.

File Ref: APP/R2520/W/15/3129046

Appeal Ref: APP/R2520/W/15/3129046

Land north of Thurlby Road and west of Lincoln Road, Bassingham, Lincoln, LN5 9LG.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (the Act) against the refusal to grant outline planning permission.
- The appeal is made by Gladman Developments Ltd against the decision of North Kesteven District Council.
- The application Ref. No: 14/1481/OUT, dated 6 November 2014 was refused by notice dated 13 March 2015.
- The development proposed is for a residential development of up to 120 dwellings, landscape, public open space, associated infrastructure and highway works.

Summary of Recommendation: That the appeal be dismissed.

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Abbreviations used in the Report

| | |
|------------------|--|
| AWS | Anglian Water Services |
| CIL | Community Infrastructure Levy |
| CLLP | Central Lincolnshire Local Plan |
| Council | West Kesteven District Council |
| DAS | Design and Access Statement |
| DP | Development Plan |
| DPA | District Planning Authority |
| EA | Environment Agency |
| EIA | Environmental Impact Assessment |
| ELP | European Landscape Convention |
| ES | Environmental Statement |
| Framework | National Planning Policy Framework |
| GLVIA | Guidelines for landscape and visual impact assessment |
| GVA | Gross value added |
| ha | Hectare |
| HLS | Housing Land Supply |
| LCA | Landscape character assessment |
| LCC | Lincolnshire County Council |
| LCSA | Landscape character sub area |
| LEA | Local Education Authority |
| LHA | Local Highway Authority |
| LP | Local Plan |
| LVIA | Landscape visual impact assessment |
| NCA | National character area |
| NHS | National Health Service |
| NP | Neighbourhood Plan |
| POS | Public open space |
| PPG | Planning Practice Guidance |
| PRoW | Public right of way |
| RAER | Residential Allocations Evidence Report |

| | |
|---------------|--|
| RFC | Ratio of flow to capacity |
| SHELAA | Strategic housing economic land availability assessment |
| SoCG | Statement of Common Ground |
| SoS | Secretary of State for Communities and Local Government |
| SuDS | Sustainable urban drainage system |
| TA | Transport Assessment |
| TP | Travel Plan |
| TRICS | Trip rate information computer system |

INTRODUCTION

Procedural Matters

1. Following abandoning the site visit procedure, a hearing was arranged for 26 and 27 January 2016 and held in the Village Hall in Bassingham. An accompanied site visit was conducted on the second day. However, application was made to the Secretary of State for Communities and Local Government (SoS) for the case to be recovered for his decision. Following this, the SoS directed, by letter dated 12 July 2016, that he shall determine this appeal as it involves residential development of over 5 hectares (ha), which would impact significantly on the Government's objective to secure a better balance between housing demand and supply, and to create high quality, sustainable, mixed and inclusive communities.
2. As considerable time had elapsed between the hearing event and the recovery, the parties were requested by letter dated 9 August 2016 to provide the Inspector with details of any relevant planning matters that might have changed since the hearing date and the effect this may have on their previous submissions. Responses were received (Documents PH3 and PH11-16) and these have been incorporated these into this report, which is drafted for the SoS, with a recommendation.
3. The application was submitted on 19 July 2014 (Ref. No: Ref. No: 14/1481/OUT), for outline planning permission, with all matters except for access reserved for subsequent approval. The Council refused the application by notice dated 13 March 2015. On the 4 September 2014 the Appellants requested a Screening Opinion from the Council, which was issued on 26 September 2014. This confirmed that the building of up to 120 dwellings on the appeal site falls to be considered under Schedule 2, Part 10(b) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, as it could be classified as an urban development project.
4. The Council concluded, however, that, applying the purposes of the Regulations and taking into account the scale and nature of the development, the absence of any formal designations affecting the site, the lack of potentially polluting and harmful uses within the proposals and its location outside environmentally sensitive areas, the environmental impacts of the proposals for up to 120 dwellings were not expected to be significant. The Council's formal view, therefore, is that the development does not constitute Environmental Impact Assessment Development (EIA) for the purposes of the Regulations and no statutory Environmental Statement (ES) is required. Having looked at the submissions and, while raising some detailed points on environmental matters, I see no reason to disagree with the Council's overall conclusion.
5. With the application a significant number of specialist topic reports was submitted. These raised a number of points, which were covered in the evidence and questions I put to the parties at the hearing. For convenience a CD containing Core Documents is attached (Document CD1).
6. A signed s.106 Undertaking (Document 14) was presented to the hearing on the final day and covers such matters as public open space, education, health care and public transport. With regard to the health care contribution, there is a

divergence of view between the main parties and this is discussed later. In the event the SoS is minded to allow the appeal, draft conditions were submitted to the hearing and discussed in open session on the second day. Most of these were agreed, with an updated set of draft conditions containing the suggested variations of the main parties being forwarded to PINS after the close of the hearing (Document 13). These, and the reasons for them, are looked at in more detail just prior to the Inspector's conclusions and the Inspector's suggestions produced as Annex A. A Statement of Common Ground (SoCG) (Document 4) was agreed by the main parties.

Description of the appeal proposal

7. The appeal application was made in outline, with all matters other than access reserved for future consideration. There was an Officer recommendation for approval. Access to the site would be gained from Thurlby Road and the indicative layout suggests that the site could be developed for a range of 1-4 bedroom, 2-3 storey dwellings, with areas of public open space, incorporating a children's play area, located to the western and south-eastern parts of the site. A surface water attenuation pond is shown illustratively to the north-western part of the site, which would drain ultimately to the west down to the River Witham, via an underground pipe. The illustrative plan also shows a potential footpath link to be created from the appeal site running due west, to connect with the existing north/south public right of way (PRoW), between Thurlby Road and Witham Farm.
8. Following issue of the Council's refusal notice, the Appellants submitted an alternative application for development on the appeal site (Ref. No: Ref. No: 15/0688/OUT), for outline planning permission, again with all matters reserved for subsequent approval except for access, but with a reduced number of dwellings, down from a maximum of 120 to a maximum of 98. It is argued that this reduction would deliver benefits without adversely affecting any relevant interest or party. The Wheatcroft Judgement was prayed in aid on the basis that this Judgement allowed a change to an application so long as no person or party would be prejudiced adversely. As such, it was asked that, in the event there was a conclusion to dismiss this appeal, the amendment be considered as a substitute proposal. At the hearing I did not dismiss this out of hand, and agreed to give it consideration. This is done at the start of my conclusions.

Council's Reasons for Refusal

9. Although recommended for approval by Officers, the substantive application was refused by the Council on 13 March 2015 for the following reason, which is set out in full as follows:
 1. By virtue of its location, size and density the proposals would fail to preserve, enhance or integrate with, and instead would create a harmful urbanising and significant adverse visual impact upon the local landscape around the northern edge of Bassingham. It is considered that these significant adverse impacts would fail to be fully mitigated through the proposed retention of the majority of the hedgerow and trees around the site boundary, or through scope within the future design, layout and soft landscaping of the site

The proposals would, therefore, fail to fully satisfy the environmental

element of sustainable development as required by the National Planning Policy Framework 2012 (the Framework). Instead, the development's significant adverse visual impacts within the local landscape would significantly and demonstrably outweigh the scheme's benefits, including the provision of additional housing within a sustainable location to help address the District Council's current under provision set against the Framework requirements.

As such, the proposal fails to accord with the saved Local Plan Policies C2 (Parts 1 and 2), C18 and LW1 and to guidance at paragraphs 7, 14, 17 and 109 of the Framework.

10. The second application was again recommended for approval by Officers, but refused by the Council on 16 September 2015 for the following reason:
 1. By virtue of its location, size and density the proposals would fail to preserve, enhance or integrate with, and instead would create a harmful urbanising and significant adverse visual impact upon the local landscape around the northern edge of Bassingham. It is considered that these significant adverse impacts would fail to be fully mitigated through the proposed retention of the majority of the hedgerow and trees around the site boundary, or through scope within the future design, layout and soft landscaping of the site, including the provision of enhanced landscaping around the site boundaries and a landscaped buffer along the northern boundary, shown indicatively on the illustrative Masterplan.

The proposals would, therefore, fail to fully satisfy the environmental element of sustainable development as required by the National Planning Policy Framework 2012 (the Framework). Instead, the development's significant adverse visual impacts within the local landscape would significantly and demonstrably outweigh the scheme's benefits, including the provision of additional housing within a sustainable location to help address the District Council's current under provision set against the Framework requirements.

As such, the proposal fails to accord with the saved Local Plan Policies C2 (Parts 1 and 2), C18 and LW1 and to guidance at paragraphs 7, 14, 17 and 109 of the Framework.

The Main Material Considerations

11. Having regard to the above, and from the evidence presented to the hearing, the written representations and visits to the appeal site and surroundings, it follows that the main material considerations to be decided in this appeal are:-
 - a) whether the Council has a 5-year supply of deliverable housing land;
 - b) whether the proposed development can be considered sustainable; and
 - c) in the event of the Council not being able to demonstrate a 5-year supply of deliverable housing land, whether there would be any harms, including landscape etc, which would significantly and demonstratively outweigh the benefits of the scheme.

12. In addition to these main issues, a number of other considerations generated by third parties or that remain relevant for other reasons were aired at the hearing. Many of these could be overcome, as far as the district planning authority (DPA) is concerned, by appropriately worded conditions (Document 13) or the signed s.106 Unilateral Undertaking (Document 14) between the main parties and Lincolnshire County Council (LCC) as Local Highway Authority (LHA) and Local Education Authority (LEA).
13. Following the appraisal of all these matters, the planning balance between the benefits of the scheme and the areas of identified harm is weighed.

The Appeal Site and Surroundings

14. Bassingham is a village lying some 13 km south-southwest of the City of Lincoln and boasts a population of some 1,475 (2011 census), living in some 600 dwellings. It is bounded to the west by the River Witham and to the north Thurlby Road, with predominantly open fields to the south and east. Lincoln Road runs north-south through the Village. The original centre of the Village was farther to the south around the Parish Church, which is designated as the Bassingham Conservation Area. Over time, development has expanded to the north and east. The Village has a primary school, the Parish Church of St Michael and All Angels, a GP surgery, a Community Hall, two pubs (one the Bugle Horn is designated as a potential community asset), two convenience stores – one with a Post Office and a small employment site comprising six or seven units.
15. Bassingham is located some 5 km to the south-east of the A46. This road links Lincoln with Newark and provides the best access route from all directions from north, through west around to the south. The roads between the A46 and the Village are generally narrow and tortuous, with no facilities for pedestrians or cyclists other than within the villages themselves. Bus services link Bassingham to Lincoln and Newark, with journey times being between 40 and 75 minutes. The services do not run in the evenings or on Sundays. The nearest rail station is Swinnderby some 8 km away.
16. The appeal site is located on the northern edge of Bassingham to the north of Thurlby Road and west of Lincoln Road. The site extends to some 6.3 ha and is currently in agricultural use (land classified Grade 3, but not assessed as either Grade 3a or 3b) and is bounded to the north and west by further agricultural land. This land is part of a much larger agricultural holding. The appeal site is bounded to the east, north and south by a largely unbroken hedge. This averages some 2 m in height, with some interspersed trees, in particular along the southern boundary and around the Thurlby Road/Lincoln Road junction. The site is currently open on the western boundary, though with a narrow connection to the River Witham, which runs a little further to the west.
17. The site falls naturally from east to west towards the River Witham, with the immediate area close to the River being shown within Flood Zone 3 'high risk'. None of the remainder of the site is shown to be in a flood risk zone. The site boasts no formal landscape, wildlife, heritage or ecological designation. The area of land closest to the River, but outside the appeal site, has recently been designated as part of the Aibourn to Beckingham (River Witham) Local Wildlife Site (LWS) Nature Reserve. Public rights of way exist close by, with one

running east-west just north of the appeal site linking Lincoln Road through Witham Farm to a further right of way running north-south. Views of the appeal site can also be gained from a further PRow that runs approximately north-south just to the west of the River Witham.

18. The closest existing residential properties lie along the southern side of Thurlby Road, due south of the site, at 'New Bridge Houses' to the west and 'Barfield' immediately beyond the north eastern corner of the site. The distance from the centre of the appeal site to the local amenities is some 450 m to the bus stop, 800 m to the primary school and Community Hall, 950 m to the Parish Church, 500 m to the nearer of the two pubs and convenience stores/Post Office, 1 km to the GP surgery and 700 m to the employment site.

Planning Policy

19. Relevant National Planning Policy is contained in the National Planning Policy Framework (the Framework) as fleshed out by the Planning Practice Guidance (PPG). The development plan (DP) currently comprises the saved policies of the North Kesteven Local Plan 2007 (LP). Several LP policies were saved, but after March 2013, in accordance with paragraph 215 of the Framework, these can only be given weight according to the degree of consistency with the Framework.
20. Since the hearing closed, the Joint Central Lincolnshire Local Plan (CLLP) – Proposed Submission was published in April 2016 and, having been approved by the Central Lincolnshire Joint Strategic Planning Committee, was issued for public consultation in June. This has now been submitted to the Planning Inspectorate for examination, which is programmed to take place in the autumn, with adoption anticipated early in 2017. It is, therefore, classed as a submitted Plan, attracting weight by virtue of the late stage on the route to adoption. However, there are a significant number of outstanding objections to several of the policies and to the housing site allocations.
21. In the 2007 LP, the appeal site is grade 3 agricultural land. It lies in open countryside, outside, but abutting the Bassingham Settlement Curtilage, which runs along Thurlby Road. Bassingham is identified in the LP as a Second Tier Service Village as a large village offering a number of services and facilities, though no specific housing sites were identified. The LP expects Bassingham to grow by way of small sites within or adjacent to the settlement curtilage.
22. In the Council's reason for refusal three saved LP policies are cited. These are Policies C2, C18 and LW1. In the countryside context Policy C2 is worded positively, seeking development that will maintain or enhance the environmental, economic and social value of the countryside; will protect and, where possible, enhance the character of the countryside; cannot be located within or adjacent to a settlement; and will not attract or generate a large number of journeys and is located to provide opportunities for access by public transport, walking or cycling. Policy C18 is more restrictive advising that planning permission will be granted for development, only if it will reinforce local identity and not adversely affect the character or appearance of its surroundings.
23. As noted above, the bulk of the site attracts no landscape designation. Saved Policy LW1 seeks to protect the distinctive landscape identified in the Landscape Character Areas (LCAs) and any special features which contribute to

that character. The 'adopted' North Kesteven Landscape Character Assessment 2007 (LCA), prepared by David Tyldesley and Associates, is also considered pertinent.

24. In the SoCG a number of other LP policies are cited as relevant. These mainly concern site specific factors such as drainage (Policies C14 and C16); infrastructure provision (Policy C4); in terms of layout, effect on amenities (Policy C5), density (Policy H3), public open space (Policy h4), highway safety (Policy T4) and affordable housing (Policy H5). In more general terms, Policy LW4 pertaining to trees, Policy LW8 covering protected species and Policy RST4 embracing public access to the countryside are also prayed in aid. Where appropriate these policies are referred to in the cases and Inspector's conclusions.
25. In the submitted CLLP, Bassingham is classed as a Limited Growth Village, which essentially downgrades it from its earlier designation as a Second Tier Service Village. With regard to housing growth during the Plan period, CLLP Policy LP4 sets out the proposed growth for each of the villages and this figure lies between 10% and 15%. The growth for Bassingham is expected to increase by some 15% of the 2012 figure i.e. 98 new dwellings in the Plan period, with the draft Neighbourhood Plan (NP) identifying some 85 built or with permission since 2012.
26. The Village has produced a Bassingham Community Led Plan, which is non-statutory, but identifies the need to protect the appearance and 'rural village nature' of Brassingham. The Village is also in the process of preparing a NP. The boundary for this is agreed, and some preliminary consultation has taken place to inform the emerging draft NP, which is yet to go out to consultation. This looks to mirror the CLLP housing policies, with the core aim of continuing to develop Bassingham *"..as a compact village, while maintaining its built heritage, and its existing setting and close relationship with the surrounding countryside and landscape within which it sits"*. Both Plans have been the subject of public participation and neither allocates land for or envisages a large extension to the Village in housing or other land use terms.
27. Incidentally, following the recent update to the Planning Practice Guidance (PPG), the main parties were consulted on the weight to be accorded the emerging draft Neighbourhood Plan. The consensus view is that it should carry very limited weight.
28. Returning to the Framework and the PPG, these clearly deliver the Government's position. Of relevance to the appeal scheme, there is the presumption in favour of sustainable development, the urgency to boost significantly the supply of housing and the consequences of not being able to demonstrate a 5-year supply of readily available housing land and a continuing failure to deliver at the planned annual rate. In addition, the policy guidance advises on the approach to establishing the sustainability of a proposal and the weight to be accorded landscape interests and the advice on settlements are also pertinent.

Planning History

29. The appeal site has not been the subject of any planning application prior to the submission of the appeal proposals. The site area was included in the Strategic Housing Land Availability Assessment as part of a much larger site

that was not carried forward into the emerging CLLP. As noted above, following the Council's refusal of this, the Appellants submitted a revised outline application (with details of the proposed access) for a residential development of up to 98 dwellings. This constitutes the 'alternative proposal' referred to by the Appellants.

30. On the other side of Lincoln Road a hybrid application for some 46 houses was refused permission on 17 March 2016 and an appeal against the refusal dismissed on 1 September 2016 ^(Document PH11, Appendix 8).

THE CASE FOR NORTH KESTEVEN DISTRICT COUNCIL

The material points are:

Introduction

31. The Officer's Report to the Council's Planning Sub-committee recommended approval of the appeal proposal on the basis that it satisfied a number of sustainable development principles as summarised in paragraph 7 of the Framework. While a significant number of objections were received from residents raising concerns regarding material planning considerations, there were no outstanding objections to the development from statutory consultees that could not be addressed by planning condition or a s.106 Agreement/ Undertaking. Importantly, the Report and subsequently the Council's decision were predicated against a background that the Council could not then demonstrate a deliverable 5-year supply of readily available housing land (HLS).
32. Nevertheless, faced with many letters of objections and a petition the Council Members determined that, even allowing for the lack of a 5-year HLS, the planning balance should give greater weight to the localised, significant, adverse landscape and visual effects of the development. On balance, the Council concluded that despite the requirements of paragraphs 14 and 49 of the Framework, the adverse effects would significantly and demonstrably outweigh the benefits. This decision generated the sole reason for refusal.
33. Since the date of the decision and drafting its Statement of Case, the Council now believes it can demonstrate a 5-year HLS. This means that the requirements of paragraphs 14 and 49 of the Framework are not invoked. As such, the appeal may be determined on the basis of the locational and site specific disadvantages of the scheme.
34. As to other matters raised in the Officer's report pertaining to highways, drainage and flood risk, ecology and residential amenity the Council does not wish to provide any further supporting information, but relies on the comments of the consultees on these matters.

Status of the development plan (DP) and other policies

35. The DP includes the saved policies of the North Kesteven Local Plan (LP) and the Council relies on LP Policies C2 (Parts 1 and 2): Development in the Countryside; Policy C18: Design and Policy LW1: Landscape Conservation.
36. In terms of LP Policy C2, the Council has consistently argued that this has not been outdated by the introduction of the Framework. To demonstrate this, the Council draws a comparison between the (landscape) 'character and appearance' components of Policy C2 and the corresponding paragraphs in the Framework to demonstrate an overarching compatibility. Clearly Policy C2 could be looked at as a policy restricting housing and so, in the event that the Council is unable to demonstrate a 5-year HLS this must be considered out-of-date. However, as noted above, since publication of the October 2015 Central Lincolnshire Five Year Land Supply Report this is not now the case. Moreover, although the October 2016 figures are not yet available, progress during the

year since October 2015 has reinforced this position. As such, the Appellants' suggestion that the Council's application and interpretation of Policy C2 has evolved to suit the Council's case is incorrect and unnecessary.

37. Instead, the Council contends that an adjusted weighting should be applied in the overall planning balance in favour of criteria 1 and 2 of Policy C2, which relate to the requirement for development to protect, and where possible enhance, the character of the countryside and *inter alia* to maintain or enhance its environmental value. The Council does not claim that, with the benefit of a 5-year HLS, the adverse landscape and visual impact of the development would be increased. The Council's point is that the weight afforded these 'environmental' components of Policy C2 should be adjusted in the light of it coming to the fore through engagement of the second sentence of paragraph 49 of the Framework.
38. Moving to the submitted CLLP in June 2016, this now attracts weight commensurate with its progress to adoption and the content of paragraph 216 of the Framework. Of particular relevance to Bassingham is its re-categorisation from a large to a medium village based on a reassessment of its sustainability accreditation. As such, this does not justify specific site allocations for housing within the emerging CLLP, but looks for a 15% increase in growth from 644 dwellings to 741 dwellings during the LP period. Of these, 59 have been completed or have planning permission, leaving a balance of 38 dwellings for the remainder of the Plan period.
39. On the supplemental planning front, Bassingham has a non-statutory Bassingham Community Led Plan, which identifies the need to protect the appearance and 'rural village nature' of Brassingham. The Village is also in the process of preparing a NP, which is in draft stage. This looks to mirror the Central Lincolnshire LP housing policies, while maintaining the Village's compact nature and village feel.

The 5-year housing land supply

Overview

40. From the position when the appeal application was refused planning permission of not being able to demonstrate a 5-year HLS, the Council is now able to rely on the May 2016 Central Lincolnshire Five Year Land Supply Report (Document PH11, Appendix 6) which identifies that the Central Lincolnshire Authorities can currently demonstrate a 5.33 year supply of readily available housing land. Moreover, in reaching this position the assessment has been robust and followed the policy guidance in the Framework and PPG. The following sections seek to address the criticisms lodged by the Appellants.

Applying the buffer

41. The Council accepts that as a consequence of failing to meet housing expectations in previous years, there should be a 20% buffer added to the 5-year HLS. Having said this, however, there is a disagreement between the Council and the Appellants about how this 20% should be calculated.
42. From the Appellants' perspective they contend that there has been a consistent approach adopted by the SoS and Inspectors in decision making. In this they argue that the 20% should be applied to both the backlog and the

next 5-year supply. The Council does not accept that this is a consistent approach, believing that the 20% should be applied to the 5-year supply and then the shortfall should be added. To do otherwise would be double counting. The Council draws support for this from several Inspectors' decisions and particularly the SoS's decision of 19 January 2015 in Crewe, Cheshire, which is cited in a later decision (Whitfield Homes Ltd/Hambleton District Council – May 2015). The SoS's decision is considered by the Council to be a higher order decision, thereby attracting greater weight.

Identifying the 5-year period

43. The October 2015 Central Lincolnshire Five Year Land Supply Report uses data that identifies sites under construction and sites with planning permission, which have been used to inform the LP Housing Trajectory and calculation of the 5-year HLS. The Report covers the period 1 April 2016 to 31 March 2021. The current year 2015/16 is not used in the 5-year HLS calculation, but an estimate of supply against requirement has been factored into the overall supply calculations. As the Report says, *"this is to ensure that at any point during the current year the 5-year HLS Report will include a full 5-year supply of land"*. To do otherwise would mean that at the date of publication, October 2015, the Council would only be reporting on a forward look of 4.5-year supply. This is common national practice and was supported by Gladman, the Appellants in this case, at an appeal in East Cambridgeshire in 2015.
44. There is no evidence provided by the Appellants to justify departing from this approach in this case, or to explain why they have changed their view on this matter. As such, the Council remains satisfied that its 5-year HLS calculation is based on the correct period.

Inclusion of proposed allocations in the 5-year HLS

45. The Further Draft CLLP was published for consultation between 15 October and 25 November 2015. This included preferred site allocations to deliver 36,960 new homes in Central Lincolnshire between 2012 and 2036 and the delivery rates for sites with permission and new allocations over the Plan period. As all sites in the Further Draft CLLP have been through a rigorous site selection process, which considers the availability and deliverability of the sites this constitutes a *"robust evidence base"* and these can, where appropriate, be included in the 5-year HLS. The sites so included have no significant technical or environmental constraints or infrastructure requirements to be overcome that would delay their delivery.
46. In taking this line, the Council finds this consistent with the PPG advice, which says that *"...planning permission or allocation in a development plan is not a prerequisite for a site being deliverable in terms of the 5-year supply. Local planning authorities will need to provide robust, up to date evidence to support the deliverability of sites, ensuring that their judgements on deliverability are clearly and transparently set out. If there are no significant constraints (e.g. infrastructure) to overcome, sites not allocated within a development plan or without planning permission can be considered capable of being delivered within a 5-year timeframe"*. This is precisely the approach adopted in the Further Draft CLLP.
47. Although the Appellants refer to examples of appeal decisions that have placed limited weight on sites identified in emerging LPs, these were all made prior to

the PPG publication in March 2014. The implications of the Saxilby decision are considered below. The Council maintains the view, therefore, that it is sound practice, and compliant with national policy, to include some proposed allocations in emerging LPs as being deliverable within the 5-year period, subject to the delivery of those proposed allocations being robustly evidenced; a requirement the Council is confident the Council's Residential Allocations Evidence Report (RAER) performs.

The Saxilby appeal decision

48. The Council is aware of this recent decision and that the Inspector had regard to the same Central Lincolnshire Housing Supply Report as part of his considerations. The Council is mindful, also, that the Inspector was critical of the heavy reliance placed on untested future allocations to identify a 5-year HLS going forward. Crucially, the Council in that case did not advance any detailed evidence in support of the delivery of sites. In this case, however, the Council is able to submit the RAER, which provides the necessary evidence on a site by site basis to transparently provide the necessary evidence to support the Council's position.

Small sites with planning permission

49. The Appellants challenge the assumption that all small sites benefiting from an extant planning permission will be built within the first 5-years and, instead, suggest a 20% reduction should be applied. The Council disagrees and relies on Footnote 11 of the Framework that states "*sites with permission should be considered deliverable until permission expires, unless there is clear evidence the scheme will not be implemented within 5-years*". The Council is unaware of any clear evidence that these sites will not be delivered. Neither have the Appellants provided any such evidence to support their assertions on this matter. Thus, the Council maintains its position that small sites with planning permission should be considered deliverable within the 5-year period.

Windfall allowance

50. Paragraph 48 of the Framework states that "*local planning authorities may make an allowance for windfall sites within the 5-year supply if they have compelling evidence that sites consistently become available*". The Councils in Central Lincolnshire has a significant number of applications on small sites submitted each year. However, the Further Draft CLLP uses a threshold of 25 dwellings for potential allocations as opposed to the recommended level of five dwellings in national guidance. As such, it is felt this is an important component of supply which should not be ignored.
51. The evidence to support the windfall assumptions is set out in the RAER and has two components. The first is an allowance for growth in smaller villages, where no new allocations are proposed. Growth in these is expected to fall between 10 and 15% (15% in Bassingham), dependant on a number of sustainability considerations. The second element pertains to windfall sites within the Lincoln Urban Area, which account currently for approximately 47% of total completions within the City of Lincoln administrative area.
52. Against this background, a windfall assumption of 863 dwellings over a 5-year period gives an extremely conservative estimate and could, in the Council's view, be increased with confidence.

Degree of shortfall

53. The Appellants suggest that the degree of shortfall in supply is a material consideration that should be given weight. They refer to an appeal decision at Broughton Road, Crewe. However, in the quoted paragraph of that appeal there is nothing to confirm that the degree of shortfall constitutes the 'very significant material consideration' referred to.
54. Neither is there anything in the Framework or PPG, which invites the decision maker to apply adjusted weight to the planning balance depending on the degree of housing undersupply. The Framework supports the Council's stance in being clear that the existence of a 5-year HLS is absolute: either there is or is not a 5-year HLS. There is no middle ground. Depending on this absolute approach, the second sentence of paragraph 49 of the Framework either becomes engaged or does not. Of course, in both outcomes the presumption in favour of sustainable development still applies.

Delivery of large sites

55. The predicted delivery rate for all large sites is based on the local knowledge of Council Officers and their discussions with site promoters and planning consents where relevant. This was not a standard formulaic approach, but one based on the available site-by-site information. This information was then checked for reasonableness by the CLLP's team, before being inserted into the relevant calculations.

Draft allocations without planning permissions and undetermined applications since March 2015

56. The Council submits that it would be inappropriate to discount all draft allocation sites that have not got the benefit of a planning permission. This would be unrealistic as some of these sites will come forward within the next 5-years and this is supported by the robust evidence base outlined above. Where no application or pre-application advice had been sought for these sites at the time the RAER was being prepared, the housing delivery trajectory was suitably modified. This was coupled with the application of a precautionary reduced rate of housing completions towards the end of the 5-year period, with the substantial delivery component falling within years 6-11.
57. For live planning applications that were still being considered when the RAER was published, the Council takes this as being clear evidence of the Applicant's commitment to bringing the site forward. This delivers sufficient confidence and an intention to deliver, either through a detailed application with an identified developer, or sale of the land with planning permission secured.

Summary

58. On this basis, the Council is satisfied that it has produced robust and transparent evidence to demonstrate that it can show a 5.33-year HLS that meets the requirements of the Framework and the PPG.

Affordable housing

59. The Appellants have agreed that 35% is the appropriate level of affordable housing that should be provided for the appeal site and confirmed to the hearing that all indications were that this would be achievable. The Council sees no reason to disagree and this is covered by a draft condition to meet saved LP Policy H5.

Impact of the appeal scheme on the character and appearance of the area

Overview

60. The landscape evidence addresses the key issues identified in the Council's reason for refusal as "*...harmful urbanising and significant adverse visual impact upon the local landscape around the northern edge of Basingham*". These issues include impacts on visual receptors and impacts on the local landscape predominantly by virtue of change in views and, therefore, perception of the local landscape character. This evidence responds to both the Appellants' submission with the planning application in November 2014 and the update of May 2015, following the Council's refusal of planning and in support of the revised application for 98 dwellings on the appeal site.
61. The primary aim of the assessment is to set out the Council's position regarding the landscape and visual impacts of the appeal proposal and concentrates on the main areas of disagreement and key issues. These are first, the underestimated effect on the local landscape character, within 300 m of the site and, secondly, the underestimated visual impacts upon the users of the local PROWs.

Landscape planning policy context

62. The binding European Landscape Convention (ELC) defines landscape as "*an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors*." This definition is adopted in the Guidelines for Landscape and Visual Impact Assessment (GLVIA3) guidelines and reflects the 'inclusive' thinking about landscape. The ELC also recognises landscape as a key element of individual and social well-being, and confirms the importance of landscape protection defined as "*actions to conserve and maintain the significant or characteristic features of a landscape, justified by its heritage value derived from its natural configuration and/or human activity*." This principle of protecting landscape is reflected in national policy and guidance.
63. In this context, the Framework in its Core Planning Principles (paragraph 17) looks for development to "*take account of the different roles and character of different areas, ... (and) ..., recognising the intrinsic character and beauty of the countryside*" and "*contribute to conserving and enhancing the natural environment ...*". The Framework (paragraph 109) says the planning system "*should contribute to and enhance the natural and local environment*" by, *inter alia* "*protecting and enhancing valued landscapes*". The PPG confirms in its section on Natural Environment that the recognition of the intrinsic character and beauty of the countryside is and should be one of the core principles in the Framework.

64. Within DP policy the saved LP Policies C2, C18 and LW1 are referred to in the Council's reason for refusal and relied on in this assessment.

Methodology

65. The Council's landscape arguments have been prepared in accordance with national guidelines contained within the Landscape Character Assessment Guidance and GLVIA3. It is based on a visit to the site to identify key sensitive areas and landscape and visual receptors, and assess the local landscape and key issues related to the appeal proposals. Views within the study area were considered and, in particular, those included in the Appellants' original LVIA.
66. The appeal proposal, like any other residential development of similar scale and on a green field, would inevitably cause some adverse landscape and visual effects during the construction phase. However, with the relatively short duration of construction, those effects are unlikely to be significant. As such, the assessment focusses on the impacts post completion in years 1 and 10 to reflect the time required for any planting proposed as landscape/ visual mitigation to mature.

Landscape effects

67. At the national level, the appeal site is located within the National Character Area (NCA) 48: Trent and Belvoir Vales. The key, relevant characteristics of NCA 48 are undulating, strongly rural and predominantly arable farmland, centred on the River Trent. A low-lying rural landscape with relatively little woodland cover, the NCA offers long, open views. The area's generally fertile soils and good quality agricultural land have supported a diversity of farming practices over a long period but, because of this, little semi-natural habitat remains. The predominantly rural area is sparsely settled, with small villages and dispersed farms linked by quiet country lanes. This is fitting when describing Bassingham and contrasts with the larger towns and settlements.
68. The key existing document on landscape character relevant to the appeal proposal is the North Kesteven Landscape Character Assessment (NKLCA) 2007, published initially as part of the evidence base for the existing LP. The study identifies the appeal site as falling within the Trent and Witham Vales Regional Landscape Character Type (LCT) and the Witham and Brant Vales Landscape Character Sub-area (LCSA). This LCSA displays a general uniformity in topographical and land use respects, but there is a notable transition across its extent in three subtle bands running north to south, generally dividing the area into thirds. These can be seen to be the areas east of the River Brant, between the River Brant and River Witham and then west of the River Witham to the fringe with the Terrace Sandlands LCSA.
69. The LCSA is largely defined by its distinct and extensive low lying and generally flat topography, enclosed by the Lincoln Cliff and the low ridge and sand and gravel ridged undulations aligned generally with the A46. It is a broad valley floor of two small rivers, the Witham and Brant, which both run from the southern edge of the sub-area (and district boundary) north-easterly to their confluence close to South Hykeham. From here the River Witham flows onwards beyond the LCSA boundary, arcing through the Lincoln Cliff gap and the heart of the City and then south easterly through the fens. There is a subtle banded variation in the elevation and undulation of the land, gradually increasing at the extreme east and west fringes of the LCSA. Elevation is

predominantly between 6 to 12 m across the central belt, with a gradual terracing up to 15-25 m to the eastern fringe.

70. The modest scale of the rivers, low elevation and relief and the extensive flood management infrastructure, such as the river embankments along much of the River Witham, result in the River's visual influence on the landscape being less pronounced than might be expected. Views of the water itself are mostly confined to river crossings across the road network. More often the influence of the twin rivers is through continuous ribbons of denser riverside vegetation, particularly willow and other broadleaved trees, which trace their course.
71. The scale of the landscape across the Vale is varied. Often broad vistas, particularly in the east, are afforded by the flat relief, large field size and absence of field boundary hedges. There is an increase in the network of field boundary hedges from east to west of the LCSA. However, right across the LCSA the influence of hedge and tree cover is important, despite its low density. Lack of elevation or relief means that even relatively distant hedges, hedgerow trees, coppice and plantations define the extent of views, backed only by the Lincoln Cliff in the east and north.
72. Hence there is often a sense of openness to the landscape, but rarely any feeling of exposure. It does offer a general level of tranquillity, afforded by the low settlement density, quiet network of rural lanes and protection from the influence of the busy A46 by plantation.
73. Outside the settlements of the central band, the LCSA is dominated by agricultural land use. This is predominantly arable in nature, but there are significant areas of rough pasture and grazing. The grazing areas tend to be associated with riverside meadows where fluvial flooding occurs or is managed. Here, field boundaries are of a mixture of low hedges and post and wire or post and rail fencing. Elsewhere across the area mixed hawthorn and blackthorn hedges, with frequent mature hedgerow trees of ash and oak, dominate.
74. There are no landscape designations within the appeal site or the immediate landscape character context. Neither are there any significant landscape features within the site, which is an arable field of some 6.3 ha. The topography is gently sloping from east to west towards the River Witham. The site is bounded by hedges with occasional trees on three sides, especially to the south along Thurlby Road, with the west boundary open. The site is not visually contained, with the boundary planting only offering limited screening, especially in winter. The site is not accessible to the public, though PRowS can be found to the north and west of the site, which together with Thurlby Road and Lincoln Road create a circular walk at the northern village edge.
75. The key landscape receptor that could be affected by the appeal scheme is the landscape character of the appeal site itself and the adjacent rural landscape for up to some 300 m from the site. The local landscape would experience the highest degree of harm to its character. The effect on the wider landscape would be more limited. Having regard to GLVIA3, in terms of the assessment value of the appeal site and its immediate surroundings, the agricultural land in this area is good to moderate quality (Grade 3). The land within the site is not poorly managed, there are no detracting features and the site boundaries

are typical of the wider countryside. The land also has some scenic quality, typical of open countryside.

76. Although the existing village edge has some negative influence on the rural character of the site, this influence is limited and the rurality of the wider area prevails. The surrounding land is valued as countryside by residents and the PRoWs and rural roads add to the local value of this area, which is used for informal recreation. In addition, the surrounding land has a degree of tranquillity, which is valued in perceptions of landscape character. As such, the Council assesses the landscape character to be medium.
77. In terms of susceptibility, it is also medium, due to the overall moderate quality of the appeal site and surrounding rural landscape to accommodate change as a result of the proposed development, without undue consequences for the maintenance of the baseline situation. The attributes of landscape indicating higher susceptibility include largely undeveloped skylines on three sides, a degree of rural tranquillity within the site and the scenic character of boundary features. When weighed against the attributes that indicate lower susceptibility – topography, scale of the landscape and lack of significant vegetation the overall assessment rating is medium.
78. Thus, based on the medium susceptibility and value, the overall sensitivity of the landscape of the appeal site and close surrounding landscape is assessed as medium.
79. In line with GLVIA3, the significance of effects is quantified by assessing the magnitude of proposed change in relation to the receptor's sensitivity. One year after completion, 120 dwellings would replace an open agricultural field, resulting in substantial, permanent and complete loss of countryside, thereby fundamentally changing the landscape character. This building would lead to both physical and perceptual changes within the appeal site, adversely affecting the character of the Witham and Brant Vales LCA in this location. The loss of openness and a green field within open countryside is the main source of adverse impact and could not be mitigated by primary (inherent to design) or secondary measures.
80. The development would be highly visible from the adjacent countryside for approximately 300 m. This would be predominantly from the north and west from the PRoWs, but also to the east and from the existing residential edge of Bassingham to the south. Retention of the boundary feature would not mitigate the perceptual change, with built development so close to the boundaries, especially to the north where the transition to the wider countryside would be poor. From the PRoW to the north, the rural character of the landscape would be lost due to the extension of the settlement boundary, increased local traffic and poor landscape buffer along the northern boundary. Planting within the site would have some benefits, but at year 1 would not mitigate the fundamental change to the landscape character at the site scale.
81. At year 10, the maturing landscape would partially screen the appeal site from the west, but the proposed landscape treatment would do little to soften the transition to the wider countryside. In the wider landscape, the effect on the character to the west, north and south would largely be the same as year 1.
82. Thus, the magnitude of landscape effect on the character of the appeal site and immediate landscape context at both years 1 and 10 is assessed by the

Council as high adverse and the resulting significance of effect is assessed as moderate/major adverse and significant at a local level.

Visual effects

83. As noted, it is the underestimated adverse visual effects upon users of the PRoWs, residents along the northern boundary of Bassingham, isolated properties to the east along Fen Lane and Witham Farm and motorists, cyclists and walkers using the surrounding roads that are key. It is acknowledged that visual effects on receptors beyond 500 m would be limited, although all effects would be adverse and not neutral from some viewpoints, as assessed in the Appellants' LVIA.
84. The majority of visual receptors would be highly sensitive to the proposed development, due to the locally valued views of the countryside to the north of Bassingham. This high sensitivity accords with the Appellants' assessment in the LVIA. Motorists are the least sensitive. They would have only glimpsed views of the development, with local amenity not their primary focus. The most significant effects would impinge on residents and users of the PRoWs.
85. For residents, the development would be a new, prominent feature in views along Thurlby Road and would affect skylines along the entire length of the southern boundary. This would lead to foreshortened views and the creation of a residential road, without relationship to the wider countryside. The majority of views would change completely, with the magnitude of adverse effect being high at year 1 and moderate at year 10. Having regard to the high sensitivity of the receptors, this would result in a major adverse significance of visual effect at year 1 and moderate/major significance at year 10, both considered significant.
86. Present views from Witham Farm are rural in nature, dominated by farmland and vegetation, with the northern residential edge of Bassingham only forming a minor element in the view, occasionally punctuating the skyline. Its visibility is similar in winter. The introduction of two and possibly three storey buildings much closer would lead to a significant visual change at this location and a change to the rural character of the view. The magnitude of adverse effect being high at year 1 and medium at year 10, delivering major adverse significance of visual effect at year 1 and moderate/major significance at year 10, both again considered significant.
87. For residents and users of Fen Lane, the LVIA does not show the increased visibility during the winter and concentrates on views to the west, whereas people would also look south, where the eastern boundary of the appeal site is well visible. With reduced foliage, the view is more open than the LVIA suggests and the new development would be a prominent feature extending the visibility of the existing Bassingham residential edge. Building would again be close to the eastern boundary, with improved hedgerows unable to deliver adequate mitigation. The magnitude of this effect being high at year 1 and medium at year 10, delivering major adverse significance of visual effect at year 1 and moderate/major significance at year 10, both again considered significant.
88. Turning to the PRoW users to the west of the appeal site, the present view is rural in nature, dominated by farmland and vegetation, with the northern residential edge of Bassingham only forming a minor element in the view,

visible among vegetation along Thurlby Road. Its visibility is similar in winter. The residential properties at the eastern edge of Thurlby Road are partially screened by landform. If permitted, there would be the introduction of a prominent, large scale development much closer, changing the rural character at year 1, albeit the maturing landscape screen at year 10 would slightly reduce the impact. The Council believes this would lead to a high magnitude of adverse effect at year 1 reducing to medium at year 10, which translate into a visual effect of major adverse significance at year 1 and moderate/major significance at year 10, both again considered significant for high sensitivity receptors such as users of the PRow.

89. For those walkers using the PRow some 70 m north of the appeal site, views are predominantly characterized by the presence of rural features, where development is apparent, but a small feature in the view. For much of the length, walkers enjoy a 360° viewing experience, with an open view of the surrounding farmland. For views to the south, the development would enclose the view, with development very close to the northern boundary, which is a managed hedgerow. The dwellings would be prominent and, owing to the close proximity of the built form, the proposed boundary treatment would not provide adequate mitigation. In this instance, this would lead to a high magnitude of adverse effect in both year 1 and year 10, which would lead to a visual effect of major adverse significance, which is considered significant for high sensitivity receptors, walking the PRow.

Conclusion on landscape

90. While the Council agrees that the landscape and visual effects of the appeal scheme would be limited in the wider landscape, it disagrees on the level of harm on landscape and visual receptors within the site and the immediate surrounding rural landscape and uses. The Council concludes, therefore, that the adverse effect on the landscape character and the adverse visual effects for some highly sensitive receptors, including residents and users of the PRow and local roads and footways, justify refusing this scheme.
91. As for the revised application for 98 dwellings, the Council recognizes that this is an attempt by the Appellants to address the objections to the appeal proposal. However, it has not entered the debate about the merits of the reduced proposal, considering it entirely appropriate to concentrate on the landscape and visual impact evidence that relates to the appeal scheme.

Other matters

92. There are several other points raised by those making representations and, where relevant, these are covered below. However, in most cases, such as highways, drainage and flood risk, ecology and residential amenity, the Council relies on the representations made by the responsible agencies and/or authorities and does not produce or add to this as evidence against the proposals.
93. Although not mentioned specifically in the reason for refusal, one matter that the Council raises is the ability of the appeal scheme to address fully the 'social' element of sustainability. Instead of creating a high quality built environment, which could support a strong and vibrant community, as referenced in Paragraph 7 of the Framework, in practice the proposals would create locally significant harm to the environment.

94. A key outstanding area of dispute stems from the content of the s.106 submitted by the Appellants. Whereas there is no dispute about on and off-site public open space (POS)/recreation/community facilities, education and supporting bus services, the Council supports the contribution towards healthcare facilities. The Appellants do not believe this would be CIL compliant.
95. The Council's position is that it is satisfied that the evidenced request provided by the NHS in this regard satisfies the tests and requirements of the CIL Regulations. The Council does not accept that elements of the request are disproportionate and 'aspirational'. On the contrary, the request is clear that the contribution would be pooled towards a broader plan to extend the Bassingham Surgery to accommodate a number of consented and planned development proposals. No independent detailed evidence to dispute the indicative costings has been produced and the NHS has confirmed that the estimates provided are based upon the HBN11-01 "Health Building Note" best practice document produced by the Department of Health.
96. While the health proposals do not benefit from an extant planning permission, this is not a pre-requisite for a financial contribution request towards such provision being made. Indeed the NHS has been clear that the pooling of contributions will be required to deliver a scheme, which comprehensively addresses development planned in the wider area, including the appeal site should this appeal be allowed. Finally, the NHS has confirmed that the GP contract requires Practices to be open from 0800 to 1830 Monday to Friday. There is no evidence of any great demand for services outside these hours and so, the likelihood is that the increased demand for medical services from the appeal project would fall on these contracted hours, which cannot be met with the current facilities.

Benefits associated with the appeal scheme

97. The Council acknowledges that there are a number of benefits associated with the scheme. The provision of market and affordable housing to further a balanced community would be the main benefit. The site would be within walking distance of local services and facilities and would help to support the local bus service. Furthermore, there would be some employment created during the construction phase, and new residents would spend their money in the local area, depending of course where they choose to work, shop, eat and so on. Some of that spend would be on local services helping to sustain and create employment opportunities.
98. However, these are essentially generic benefits that would attach to any new development and, in Bassingham, where virtually all employment would be external or of a lower order than might be expected. In any event, they would not necessarily be a benefit, because those already stretched service providers would have to increase their infrastructure to meet with the demands of the development. This is at odds with the Officer's conclusion that the development would create critical mass of additional population and customer base that would help preserve the long term viability of the existing community services and facilities within Bassingham. Thus, while there are economic benefits, the Council attributes only moderate weight to them.

99. The development would retain the significant majority of the existing hedgerow and trees along the perimeter and the significant adverse landscape and visual effects would be localized only. The loss of Grade 3 agricultural land would not be significant in the context of the proportion and quality of the District's overall provision.

Conditions

100. A set of draft conditions has been prepared and discussions held with the Appellants. Most of the conditions are agreed, but there are differences of opinion about the precise wording on a number. These are highlighted in the submitted draft ^(Document 13).

Council's conclusion and planning balance

101. The Council maintains that the appeal scheme is imbalanced and would not constitute sustainable development, given that the three limbs espoused in the Framework cannot be jointly and simultaneously delivered. Having regard to the Saxilby decision, the Council has sought to properly evidence the delivery of sites forming part of the 5-year HLS. Patently this was not undertaken by West Lindsey District Council in the case at Saxilby. The Council has undertaken a robust and transparent exercise through the RAER to demonstrate its position that a 5-year HLS exists.
102. Finally, following the publication of the Central Lincolnshire Housing Supply Report and the demonstration of a 5-year housing supply, the Council submits that the environmental (landscape and visual) impacts associated with the development should be afforded greater weight as contrary to policy, and not merely taken as the level of on-site harm that would occur. The Council accepts its primary housing supply policy (Policy H1 – Housing) was predicated on a much lower housing requirement and is out of date, with the Framework presumption in favour of sustainable development applying. Nevertheless, the Council considers that LP saved Policy C2 – Development in the Countryside should still be deemed relevant for the supply of housing. On balance, the Council contends that the appeal proposal does not constitute sustainable development, and requests that the appeal is dismissed.

THIRD PARTY SUBMISSIONS

103. **Bassingham Parish Council (PC)** objects most strongly to the appeal scheme, saying that it shows no real consideration of the effects it would have on others, least of all on the current and future residents of the Village. Indeed, the application is only possible due to the unfortunate delay of the emerging CLLP, which would preclude such an extension to the Village. The scale of the development is too large for Bassingham, prejudicing its growth in a sensitive and controlled way. Bassingham is designated as a 'Limited Growth' Village, which recognises that significant, but smaller, developments can and should be integrated and sited appropriately. This site would extend the already elongated Village by adding 20% more dwellings in an unsuitable and unsustainable location.
104. The application is not a true reflection of the situation and only describes as sustainable those points that suit the Applicants' case, while ignoring those that are not. The Village is as sustainable a community as it can be as it stands and is forward looking, being well prepared for the limited growth envisaged by the adopted LP and emerging CLLP. This proposal completely ignores the present LP and the direction of travel of the emerging CLLP and NP and pre-empts the examination and adoptions that will take place shortly. Local people objected to this in large numbers, with minimal support.
105. Of particular concern is access. There is no main road leading into the Village, and the existing C-roads are arguably unsuitable for existing flows. The nearest main road is the A46 some 5 km away and the links to this and those further away are tortuous, narrow and in places hazardous. The added weight of traffic during construction would be detrimental, with funds unlikely to be available to maintain them properly. The traffic generation during the peak hours is grossly underestimated and the public transport option for employment trips impractical in the vast majority of cases. Buses do not run after 1800 hrs or on Sundays and the future of the services is uncertain, with the present contractor only continuing following a local petition. Even then, the licences are again up for review in spring 2016 and may not be extended.
106. The drainage of both foul and surface water from the development raises issues. The foul sewers are of elderly design and the treatment works at capacity. The surface water would flow to the River Witham, but in times of flood the outlet would be closed off, meaning that a significant volume of water would have to be stored on site until the flows in the River decrease. In winter, saturation of the ground already causes some flooding on the site. The air quality would also be worsened, with the increase in traffic travelling around and through the Village.
107. Moving to employment, the incentive to work from home is severely dented by poor Broadband speeds that are inconsistent and at times fall below 1 mbs. Jobs in the Village are few and taken up by existing residents. They would not be available for new people as the Appellants suggest. Bassingham is not and is not intended to be a centre for employment. Both the Primary School and the Doctor's Surgery are at or are approaching capacity, with scarcely enough potential to serve the already committed development in the Village. This proposal would necessitate substantial expansion that would otherwise not be necessary and could not be carried out on the existing site. This would change

the character of the Village fundamentally and be the catalyst for further unsustainable and unplanned expansions to the Village.

108. In summary, the Parish Council considers that the development proposed is grossly over-scaled for the rural location and the evidence supplied to support the claims of sustainability is highly selective and, at times, misrepresents the facts. In particular, the Council views the suggestion that Bassingham is unsustainable without the appeal proposal is a desperate argument by an Applicant that recognises their case is weak. Moreover, their response to self-imposed questions concerning such serious matters as roads, traffic, drainage and employment is that all existing services are adequate for purpose – when they are clearly not. The Parish Council believes, therefore, that it is its duty to the local community to object to this application and urge rejection of it at the appeal.
109. **Sustainable Bassingham** represents the Village in collating and supporting objections to the appeal proposals. With regard to the Appellants' housing arguments we disagree and support the Council's position. The HLS report produced by the Council has been undertaken on a rational and objective basis to demonstrate that there is a 5-year HLS. With LP policies, the CLLP, which is advanced, and the NP in draft all concluding that there should be no sites of the size of the appeal site, there is no justification or compelling arguments for a departure at this stage. The appropriate housing allocation for Bassingham should follow from the consultation and examination of the emerging but advanced CLLP sometime in 2016. It should not be determined on an *ad hoc* basis as the Appellants wish. At no place does the Framework say that, if there is a deficit in the HLS, any proposed housing development should be permitted and to allow 120 dwelling on the appeal site would render the NP worthless and make poor use of good agricultural land.
110. Crucially, the Appellants fail to set out a compelling case for why a development of this scale on the edge of Bassingham would be sustainable. Whether or not there is a 5-year HLS supply does not have a bearing on the sustainability of a proposal as the Appellants argue. The key determinants of sustainability are whether the scale and nature of the development are suitable for the location, taking into consideration the area's inherent characteristics. This is not the case for this scale of development in Bassingham.
111. In the first place, the limited local services are only suitable for meeting some local needs. Even then, the primary school and Health Centre are already approaching capacity. There are no higher order services such as larger retail outlets, secondary schools and further education establishments, hospital facilities, opportunities for leisure and sports and very limited employment potential. Bassingham lacks sustainable transport to the nearest towns of Lincoln and Newark, some 16+ km (10 miles) away that offer these facilities. Thus, most travel would not be by bus, but by private car traversing an inadequate minor road network.
112. The proposal would be poorly located in relation to the core of the Village making physical and social integration difficult. There would be pressure on local facilities and services with limited /no potential for expansion. The proposals for surface water drainage are dubious. The landscape impacts would be substantial and would serve to isolate and segregate the development from the Village and the surrounding open countryside to the

north. In addition, access to the open countryside and the ecology it hosts would be pushed further away from the village centre. These are the type of negative arguments the SoS has supported previously to resist disproportionate development.

113. **Mrs J Church** who is also a supporter of **Sustainable Bassingham** sees Bassingham as a close knit community that should evolve gradually as proposed by the NP rather than meet all planned growth by way of one large-scale *ad hoc* development. There are already newly built homes that have not been occupied and more to come to add to the existing properties for sale. Traffic is a major problem with everyone travelling to work by car. The Appellants have grossly underestimated the traffic using local roads, which are not suitable for current levels of traffic and are poorly maintained. The additional 450-500 vehicle trips a day could not be sustained on the overburdened system of C-roads or lower that serve the Village. Building on green land outside the Village is against Government policy and the vast majority of the villagers and the Parish Council oppose this project. Bassingham is defined by the Council as a 'Limited Growth Village' and the planned growth in the emerging CLLP is pitched at the correct level and is endorsed by local people through the emerging NP.
114. **Local Councillors Mrs P Woodman and Mrs S Howe** requested that the application be decided by Members, having regard to the predicted effects on the size and function of the local community in Bassingham. In general terms they support the objections and concerns expressed by the Parish Council and Sustainable Bassingham, especially with regard to the impacts on infrastructure.
115. **Mr P Walker**, is a local resident who objects on the grounds of highway safety citing the narrowness of Thurlby Road as a problem, with increased HGV movements and failure to observe the speed limit. It would not be possible to construct a footway on the northern side, and the junction of Thurlby Road with Lincoln Road is substandard for both drivers and pedestrians. Construction traffic over 2-3 years would add to the problems. The Appellants' application is full of inaccurate or irrelevant information, failing to recognise or having contempt for the existing local planning status and future proposals. The development would destroy the partly protected landscape of existing trees and hedging and the scheme does not show concern for the various forms of pollution that it would cause for local people.
116. **The Health Agencies (Bassingham Surgery Practice Manager, Lincoln West Clinical Commissioning Group and NHS England)** appeared under the Council's umbrella, but were only objecting to one aspect of the proposal, namely the Appellants' reluctance to contribute to the health offer in Bassingham. The Surgery Practice Manager submitted a letter of objection in October 2014, unless additional facilities were provided. This would involve both building extensions and the absolute necessity of increasing clinical capacity. An initial request for contribution of some £51,000 was made by the NHS in December 2014 and this was supported by a detailed assessment of the envisaged extra over costs arising from the proposed scheme. This was followed up with a letter from the Clinical Commissioning Group in September 2015 with further evidence of the position and the necessary improvements with a plan showing anticipated works.

WRITTEN REPRESENTATIONS

117. There are well over 300 written representations covering a myriad of objections and concerns and a petition signed by more than 200 people supporting the Parish Council's objections. There are also one or two letters of support. What follows is a digest of these made jointly and severally. However, before dealing with the matters on a topic based approach, there are several agencies and community bodies who have lodged relevant representations.
118. **The Environment Agency's (EA)** initial letter dated 30 May 2014 established that a Flood Risk Assessment (FRA) would be necessary and set out what it required to be contained within it. In the absence of a FRA that adequately addresses the Framework's requirement to give priority to the use of SuDS, on 28 November 2014 the Agency objected to the proposals, outlining what would be required to overcome the objection. In this letter the EA says that "*... ground investigations show that infiltration is slow and hence must be ruled out as the principal means of surface water disposal*". The EA goes on to say that "*...it may be possible to use infiltration as part of an integrated SuDS scheme for the site.*" In many ways this confirms the Drainage Board's view and the percolation tests carried out on site as part of the Flood Risk Assessment.
119. Following a resubmission of a revised FRA the Agency withdrew its objection on 9 February 2015, suggesting conditions to be imposed on any permission. However, in the same letter the EA concludes that while "*...satisfied at this stage that the development could be allowed in principle, the Applicant will need to provide further information to ensure that the proposed development can go ahead without posing an unacceptable flood risk to Bassingham, Lincolnshire and the proposed development itself.*"
120. **The Upper Witham Internal Drainage Board** responded on 8 September 2014 to say that, apart from the proposed surface water outfall from the appeal site to the River Witham, which is classed as a 'main river', the appeal site is not in the Board's District. The Board went on to support sustainable drainage systems and say that the expected surface water discharge from the site should not exceed that of a 'greenfield site'. The Board pointed out that in this location it acts as agents for the lead Local Flood Authority and would need to approve any works or structures, permanent or temporary, in any watercourse outside those designated rivers and Internal Drainage Districts.
121. **The Anglian Water Co UK** stated on 16 September 2014 that, since 2008, it had found no recorded flooding in this or the surrounding area. Following submission of the Appellants' expression to seek SuDS adoption, on 12 December 2014 the Company indicated that any proposed SuDS scheme would need to convey and treat flows throughout the site from source to outfall, with adequate source control/treatment stages provided in line with the SuDS management train and in compliance with CIRA requirements and the Company's own SuDS Adoption Manual. This would also include the avoidance of long lengths of conveyance pipework.
122. As for foul or waste water, there is a sewer in Thurlby Road and a manhole (Ref. No. 2402) at its junction with Croft Lane with a suitable invert for connection and capacity within the sewer. The foul drainage from this

development is in the catchment of the Bassingham Water Recycling Centre, which currently does not have capacity to treat the flows from the appeal site. However, the Water Company are obliged to accept foul sewage from development with planning permission and would, therefore, take steps to upgrade the treatment works should this prove necessary. Turning to the drinking water supply, it is confirmed that there would be no problems in supplying from the Saxilby Public Water Supply Zone.

123. **Lincolnshire County Council Education** raises no planning objection, but advises that, as the development would have a direct effect on local schools, a full education contribution associated with the development would be required. Even without the appeal scheme, both the primary school at Bassingham and the Secondary School at North Hykeham are forecast to be full. Bassingham Primary School will have no surplus places within four years and secondary schools will be full by 2017. Although there are no plans in place to address the extra capacity needed, a commuted sum would ensure the education authority has the resources to meet the demand.
124. The **Housing Strategy Manager** notes that Bassingham is an area of identified affordable housing need and the 42 affordable houses this site would generate would be a key element in delivering balanced communities, consistent with satisfying the social aims of sustainability advocated through the Framework.
125. **Lincolnshire County Council – Footpaths** raises no objection, but a linkage to Restricted Byway No.4 would be welcomed in principle, especially if it could be surfaced to form a route for non-motorised users (NMU) out of the site onto Thurlby Road. In addition, an opportunity could exist to create an off-road NMU route via Restricted Byways (Bassingham) No.21 and (Aubourn) No.8 and this should be given consideration in the Travel Plan.
126. Having looked at and assessed the Transport Assessment (TA) and associated Framework Travel Plan **Lincolnshire County Council – Highways** has no objections. It seeks conditions in respect of highway design and delivery and a residential Travel Plan, including a contribution of £146,000 to subsidise bus Service 47 for a two year period. As the 'rule of five' has been exceeded, no contribution can be required for the Lincoln Easterly By-pass.
127. **Lincolnshire Wildlife Trust** opines that should the Consultant's recommendations in the Ecology Report be followed, there should not be any significant negative impacts on protected species as a result of the proposed works. The Trust strongly supports the recommendations for biodiversity enhancements in the Report. Finally, the Trust notes that the Report was prepared in advance of the selection of the River Witham, Aubourn to Beckingham LWS and so no assessment of the impact on this is included.
128. Turning to the individual concerns, objections to the **location and nature of the development** identify the site as being outside the settlement boundary and that allowing this application would create a precedent and prejudice the preparation of the emerging CLLP. Objectors consider that the development is remote from the natural and historic centre of the Village and would be too big for the Village to assimilate, creating a large isolated and relatively remote unnatural add-on to the Village. The development would offer no benefits for existing residents and bring no services or attractions and make poor use of

the land. Finally, there would be the loss of high grade farmland for food production and a valuable leisure area for Village residents.

129. Moving onto **housing need and supply**, contributors argue that Bassingham has doubled within a generation, but this has still resulted in the loss of many of the local services on offer. This development would not help to achieve critical mass as suggested by the Appellants. It already has a sound balance and the contributions to services such as education, health and drainage would facilitate the increase of the Village to another level, not envisaged by any published or emerging planning document. Additional new houses are not needed, and certainly not on this scale, with many currently available for sale or rent in and around the Village. The new housing proposed does not even offer single storey bungalows for elderly people, which should be 25% to reflect the local demography. Social housing is unlikely to be for local people and would be used by other authorities to house problem families, thereby devaluing the Village ethos. The level of the development proposed would undermine the sustainability of the town and concentrating all the growth in one area would threaten smaller developments around the Village as envisaged by the emerging CLLP. The CLLP identifies Bassingham as a limited growth Village, with an increase in housing stock of 15% over the Plan period, some of which has already been granted planning permission.
130. Concerning the **landscape impact** of the proposals, it is argued that the scale of the development would harm the character of the northern side of Bassingham. Thurlby Road forms a defined boundary to the north of the Village, with the appeal site the entrance to the open countryside. The loss of this site for development would transform both the area's character and appearance, creating detrimental ambience for the PRow's to the north, west and east, as well as the views across the countryside for existing residents. The building would not constitute a transitional approach to the Village, but would introduce a buffer of modern residential properties, totally out of keeping. Lastly, it would light the night sky at the expense of the present rurality.
131. Worries about **flood risk and drainage** are numerous. These claim factual inaccuracies in the Flood Risk Assessment (FRA), not least by referring to Bassingham as a 'town'. On the technical side, the FRA does not engage with this as required by the Framework (paragraph 93). It has not taken on board the EA's requirement to assess the impact of failure of the raised embankment adjacent to the River Witham and the extent of flooding that could occur. In addition the FRA does not deal with climate change over the 100-year life of the development, including a 20% increase in river flows as set out in the EA Guidance. Neither does it reflect the road flooding that occurs within the Village during intense rainfall at present or the surface water flooding within the site due to low levels of permeability.
132. As for the accommodation of additional surface water flow to the River Witham, there is minimal information about how a greenfield run-off rate would be achieved; no assessment of the impact of the development on any potentially affected waterbodies, which should include the Upper Witham fluvial waterbody and Witham Lias U Groundwater body. The increased outfall from the expanded sewage treatment plant would also need to be taken into account and there would have to be an amended Environmental Permit for Anglian Water Services as well as a new Environmental Permit to cover the

discharge of surface water from the appeal site into the River Witham, along with consent under the Water Resources Act 1991 for the construction of the outfall.

133. Contrary to the Framework (paragraph 100) the FRA permission should not be given on this site until a detailed surface water drainage scheme for the site, based on SuDS principles, and an assessment of the hydrological and hydrogeological context of the site have been produced. The FRA acknowledges that the site, albeit not the properties themselves, would suffer from surface water flooding from rising groundwater. The FRA does not demonstrate that the envisaged attenuation pond has sufficient capacity for the 100-year life, plus climate change. There are also questions about the necessary depth of the attenuation pond and the engineering protocols to achieve this. The submission by some is that the responsible authorities have underestimated the impact of the development on the drainage regime. While it may be possible to impose conditions on a planning permission, if the objectives set could not be achieved, this would be too late as the principle of development would have been established.
134. Looking next at **highway safety and traffic capacity**, it is argued that the roads serving the site and Bassingham in general are inadequate today, without traffic generated from the appeal scheme. There are no connecting A or B class roads to the Village, with the nearest A-road, the A46, some 5 km distant and the nearest junction already showing signs of congestion. The Appellants' comparison with Witham St Hughes is not comparing like-with-like. Witham St Hughes is essentially a new build village, with direct access to the A46. The roads that do serve Bassingham are in poor condition and are narrow, in some cases operating with passing places. There are no dedicated facilities for either cyclists or pedestrians. The increase in traffic has been underestimated and the poor road system would lead to greater accident potential for all modes of travel.
135. Looking at the **public transport** options, buses – numbers 46, 47 and 49 - serve the Village and connect to Lincoln and Newark. However, these services do not run all day and are relatively infrequent, with no buses running during evenings or on Sundays. The 49 provides a two hourly service between 1000 and 1800 hours, with the 46 service offering two busses each day and the 47 four services. Travelling by bus to and from work in either Lincoln or Newark would prove extremely difficult and impossible for most. Crucially, the services are heavily subsidised and there is no guarantee this will continue, even with short term support from this development. The licences are due for review in spring 2016 and renewal is not guaranteed. The TA does not anticipate any appreciable increase in bus usage, with the appeal scheme completed. All this means that the proposals would place great reliance on the car, as demonstrated by the TA produced in support of the appeal scheme.
136. As for **employment prospects, services and infrastructure**, the development would not create many new long term jobs, and the existing employment opportunities in the Village are relatively few. The internet connection is poor, with speeds dropping below 1 mbs for periods. This means that the vast majority of the employed would travel outside Bassingham and usually by car, demonstrating the poor locational sustainability accreditation of the Village in the wider context. Both the school and the health centre at at or rapidly approaching capacity.

137. The threat to local and personal **amenities** raises a number of points. There would be loss of privacy and light impacts coupled with noise and dust during the lengthy construction period. The quality of life for people living next to the development would diminish, with the loss of open views resulting in a fall in property values. The enjoyment of walkers would also be lessened.
138. Some objectors raise the topic of **ecology**, arguing that the development would have adverse impacts on deer, badgers, birds, newts with the loss of wildlife habitat and flora. Finally, there are a number of **other matters** raised in the representations. These include the argument that Government has promised more say for local people, only then to ignore what local people want. Reference is made to the Human Rights Act in terms of the entitlement to peaceful enjoyment of possessions and the right to respect private and family life.

CASE FOR THE APPELLANTS - GLADMAN DEVELOPMENTS LTD.

The material points are:

Introduction and overview

139. The outline application, with all matters reserved apart from access to Thurlby Road, is not EIA development, but is supported by a number of technical documents including a Design and Access Statement; a Landscape and Visual Assessment; a Transport Assessment and Travel Plan; an Ecological – Biodiversity Report; an Arboricultural Report; a Flood Risk Assessment and Foul Drainage Analysis; Air Quality and Noise Screening Reports; an Archaeology Report; Sustainability Assessment; and Planning Statement. These are relied on where necessary in the Appellants' Statement of Case
140. Having absorbed the information submitted with the Applications, the Officer's Reports to the Council's Planning Sub-committee recommended approval of both the appeal proposal for 120 dwellings and the revised application for 98 dwellings. On both occasions, faced with a large number of local objections, the Members took the decision to refuse the applications for, essentially, the same reason. While respecting the Officer's obligation to seek to justify the decisions of Members, it cannot be forgotten that the professional view of the same Officers is that the planning balance in this case means that this appeal should be allowed.
141. The other key point is that the Officer's Report was predicated on the basis of the Council not being able to show a readily available and deliverable 5-year housing land supply (HLS). This triggers the Framework approach to sustainable housing development and, unless the harm would significantly and demonstrably outweigh the benefits taken as a whole, the presumption in favour of sustainable development should prevail. Gladman and the Officers agree that the site is sustainable in terms of the Framework 'definition'.
142. Although the Council's position on the HLS has changed since the decision, Gladman do not agree. As for the landscape objection, the appeal site land attracts no local, regional or national designation or protection, being simply agricultural land in the open countryside, importantly abutting the Bassingham Village envelope. As such, it should have the lowest level of protection and it is agreed that the negative impact would be limited to a few hundred metres. In a nutshell, the landscape impacts are overstated. However, should the landscape concerns be found compelling, the reduced number of dwellings to 98 allows a much greater area of the site to be landscaped, providing a screen between the site and the countryside and the PRoWs that cross it.
143. Under these circumstances, Gladman agree with the Officers that the adverse impacts of the scheme are insufficient to significantly and demonstrably outweigh the considerable benefits of the scheme. Thus, the appeal should be allowed, either in full, or with the reduction in numbers proposed as this would provide significant benefits in terms of general market and affordable housing. Moreover, the scale of the HLS deficit means that the level of significance of the benefits should be enhanced.

The alternative proposal

144. Whereas Gladman still consider the original application for up to 120 dwellings an acceptable, sustainable form of development, they request that, should the decision maker be minded to dismiss the appeal, s/he considers this reduced scale of development and the associated illustrative plan as an alternative scheme to the original proposal. This alternative scheme is an appropriate approach, falling within the description of the original application, up to 120 dwellings, and within the scope of the Wheatcroft Judgement. The scheme would address some landscape concerns raised by the Council and no prejudice would be caused to the interests of any parties by consideration of this revised scheme. All contributions within the s.106 are on a per dwelling basis ensuring that they remain fairly and reasonably relate in scale to the final number of dwellings.

Policy background

145. Given the narrow issues in this appeal, the Appellants rely upon the relevant parts of the Framework, the saved policies of the LP, the emerging CLLP and the identification of the site in the Central Lincolnshire Strategic Housing and Economic Land Availability Assessment (SHELAA). As for the LP policies, these can only attract weight in accordance with paragraph 215 of the Framework and the emerging CLLP should attract very limited weight, having regard to its current status prior to formal examination. This is right as the consultation exercise has revealed many outstanding objections, especially to the housing protocols. Moreover, as said above, in the absence of a 5-year HLS this triggers the Framework approach to sustainable housing development.

146. With the assertion that there is now a 5-year HLS, the Council has substantially amended its case and, on this basis, the planning balance would be significantly altered. It is necessary, therefore, to look in more detail at the weight to be afforded to the policies relied upon by the Council.

147. As for LP Policy H1, this is still out of date as the housing figure it delivers was much lower, being based on the previous Regional and Lincolnshire Structure Plan, both now revoked. Further, the Council accepts that the dwelling numbers in Policy H1 *"are now outdated by the proposed Central Lincolnshire Further Draft Local Plan"*. Whereas there are some differences in interpretation, the bottom line is that it is out of date for the purpose of the Framework (paragraph 14), engaging the presumption in favour, irrespective of the HLS position. Further, and in the alternative, Policy H1 is a pre Framework policy and Framework paragraph 215 dictates the significantly reduced weight it can attract.

148. Moving to LP Policy C2, the Council's position has been wholly inconsistent. At report stage, it accepted that Bassingham was a Second Tier Service Village, and when considering windfall applications preference would be given to sites within and adjacent to the Village boundary. Then, having changed its HLS position, it reverted to the position of saying that Policy C2 *"..is a policy which guides the supply of housing.."* and sets out its latest position on the basis that it is *"..a relevant policy for the supply of housing.."*

149. Gladman's approach has been consistent. Policy C2 is a relevant policy for the supply of housing and, in the absence of a 5-year supply, the test in paragraph

49 of the Framework engages the presumption in paragraph 14 of the same document. In any event, Policy C2 is not in conformity with the Framework and, accordingly, should be given little weight even if a 5-year supply can be demonstrated. In this case, of course, Gladman argue strongly that there is no 5-year HLS as will be demonstrated below.

Housing land supply position

150. Although the Council reached its decisions on the appeal scheme and the later alternative against the background of then being unable to demonstrate a 5-year HLS, the Council now considers this position has been rectified. This is crucial as the Council now argues that the Framework paragraph 49 presumption no longer applies. Gladman disagree for a number of reasons and submit that the Council's submission and reliance on the Central Lincolnshire Five Year Land Supply Report is not robust. When assessed as intended, the actual figure falls well short of the 5-year figure, being at best in the region of 3.3-years. The various elements of the Council's HLS case are considered below and this is against the background that the site was included in the SHLAA as part of a larger area of land available for housing.

Required buffer

151. The Council accepts that a 20% buffer should be applied to the requirement. However, the Council applies the 20% buffer to the requirement only and not to the shortfall. It is clearly established that the 20% must also be applied to the backlog. This approach was endorsed in July 2014 by the SoS in the Wychavon case (Appeal Ref: APP/H1840/A/13/2199085 and 2199426) and an appeal in Langford (Appeal Ref: APP/PO240/A/14/2228154), where the Inspector concluded in similar vein that *"..I share the Appellant's view that the 20% buffer, which the Council agrees should be applied to the 5-year housing requirement, should also be applied to the shortfall."* When recalculated to reflect the SoS's and Inspectors' approach, the Council's HLS figure drops to 5.19-years, a headroom of only some 437 dwellings.

The correct 5-year approach

152. Under this head, the base date for the assessment was 31 March 2015. However, the Council's assessment is for the 5-years from 1 April 2016 to 31 March 2021, which is effectively years 2-6. Year one, 2015/16, has been omitted. This is an incorrect approach. Moreover the data is available for the correct approach to be undertaken. The problem with the Council's approach is that the figure for the year 2015/6 (year 1) is some 1,616 and the figure for 2020/1 (year 6) is 2,835 dwellings. There is virtually no chance that the figure of 2,835 would be completed in 2015/6 and so this effectively increases the 5-year supply figure by some 1,219 dwellings, by using a more speculative future figure.

153. In the absence of any mid-year figure, the correct approach is to use the years 1 to 5, namely 2015/16 - 2019/20. When adjusted in this way, together with the correct application of the buffer, the supply figure reduces to 4.69 years. Thus the Council is not able to show a 5-year HLS and the Framework presumption is reinstated.

154. If the timescale is moved to 2016/17 – 2020/21 then the inevitable shortfall for the year 2015/16 would have to be added and this would offset the 2020/21 figure of 2,835 and probably make matters even worse.

Numerical supply

155. Notwithstanding the above, the true situation is far worse, when one looks at the types of site the Council has included within its numerical supply. These include both small and large sites with permission, draft allocations without planning permission and windfall sites. Gladman have taken the approach of considering each category to see what should be included in the supply figure. They have not, however, interrogated the deliverability of individual sites and/or the lead-in times/ delivery rates.

Sites with permission

156. The Council's assessment groups all these sites into a single category. However, this can be split into large sites – over five dwellings – and small sites, below the five dwelling threshold. The Council assumes that the small sites will all be built out within years 1 to 5. However, this is not necessarily so. Most assessments consider that delivery from small sites is less certain and unrealistic. Gladman submit that it is appropriate to adopt the usual approach of applying a discount rate and in this case that should be 20%. This reduces the supply figure by a further 98 dwellings.
157. As for the large sites, experience shows that the full yield from such sites is unlikely to be achieved, meaning that the supply figure should be further reduced. However, in this case, details of how the delivery trajectory has been reached are unclear and, therefore, the figures are difficult to interrogate. Under these circumstances, while harbouring strong doubts, Gladman have been 'generous' and left the large site figure unchanged.

Draft allocations without planning permission

158. This source of supply accounts for the majority of the Council's claimed figure of 59% and is seen as forming "...a central component of the evidenced 5-year supply." These are sites whose only credential is that they are proposed to be allocated. However, this wholly prejudices the consultation and examination process before adoption. Moreover, the Council includes delivery on all but seven of the 61 sites within this category. The Council justifies this on the coattails of selective quotes from the PPG, which say that such sites "*can be considered capable*" of being included and that this advice makes it appropriate to include "*an allowance*". This is unrealistic, especially if the 5-year HLS figure dates from April 2015 and is not an allowance, but wholesale reliance on the potential of draft sites without planning permission.
159. This approach fails to consider the totality of the PPG, which states that "*...planning permission or allocation within a development plan is not a prerequisite for a site being deliverable in the terms of a 5-year supply.*" LPAs will be required to provide robust, up-to-date, transparent and clear evidence of deliverability, which has not been done. The emerging CLLP has not yet been the subject of examination and can, therefore, only be given limited weight. This is the position supported by the HC Judgement on Wainhomes (South West) and several Inspectors' decisions such as those in respect of development at Ottery St Mary and Congleton Road, Sandbach.

160. Against this background, Gladman consider that, unless sites have planning permission for housing, the starting presumption should be that they should not be counted as deliverable. Draft sites are likely to be subject to objections/ representations that have not been examined and there is no certainty about which sites will emerge at the end of the process. This will be decided on the land use merits of each site.
161. It is, therefore, necessary to consider the scale of reduction for this category of site. What Gladman have included are sites that have been granted full planning permission since 31 March 2015, sites granted outline planning permission since 31 March 2015, those with a resolution to grant planning permission subject to the signing of a s.106 and those where Gladman's research failed to establish the status of the site. The inclusion of the last three heads is considered generous since no planning permission is actually in place. Those excluded are those sites where applications have been submitted since 31 March 2015, but remain undetermined, those refused or deferred since 31 March 2015 and those where there is no evidence of an application.
162. Following a recalculation on this basis, the supply figure for 2015/6 – 2019/20 reduces to 3.30 years. Incidentally, if the Councils preferred timescale of 2016/17-2020/21 is taken, this produces a figure of 3.12 years supply.

Windfall

163. Turning to the windfall allowance, Gladman have made no deduction, though they do consider the figure adopted by the Council to be unjustifiably high. The Council's justification is based largely on emerging CLLP policies that can carry little weight and the fact that beyond year two, many of the sites will have been identified in a supply that contains a significant number of small sites. On this basis, Gladman consider the windfall allowance falls well short of the "*compelling evidence*" the Council seeks to impose as a criterion.

Housing land supply conclusion

164. The Council has afforded its Housing Land Supply Report far too much weight for a document that has not been the subject of independent review or examination. As such, the Report is anything but robust, which even the Council accepts should be the case. At best, therefore, the HLS position for the period 2015/6 – 2019/20 is 3.30 years and if one is more stringent then this could reduce to 2.76 years. Gladman accept that where such HLS assessments are contested it is usual for the Appellants to analyse the deliverability of individual sites. However, the methodological errors alone render this approach unnecessary and the true position may even be worse.

Landscape impacts

165. The starting point is to say that the appeal site comprises 6.25 ha of Grade 3 agricultural land used recently for arable crops. No objections have been raised by the Council's Tree Officer, subject to some conditions requiring retention of hedgerows and some trees and landscape implementation measures. Subject to the implementation of these, the scheme accords with saved LP Policies LW4, LW6 and LW8 and the advice in Chapter 11 of the Framework. The land attracts no site specific landscape designation and is heavily influenced by the presence of the existing urban edge, providing the opportunity for a logical extension to the Village.

166. This position has been achieved on the back of the detailed Landscape and Visual Impact Assessments (LVIAs) undertaken prior to the application and preceding the appeal event, with greater reliance placed on the latter. This incorporates further comments received after the application was considered and the Council's response to the original LVIA. The Assessment has been undertaken using Ordnance Survey Data, historical map data, local policy and published character assessments. These have informed the on-site field analysis to identify key viewpoints, analyse the landscape character and visual environment of the local area and determine the extent and significance of any potential landscape and visual effects. The assessment of the effects has been derived from the guidance provided within GLVIA3 and should be read alongside other supporting material submitted with the application.
167. National landscape policy and guidance is given in the Framework and paragraph 17 sets out a series of core planning principles including the need for high quality design and a good standard of amenity and to take account of the different roles and character of areas and recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it. Further on, the Framework (paragraph 64) advises that permission should be refused for development of poor design that does not further these principles.
168. Local Policy is delivered by the saved policies of the LP and, in particular, Policy C2 that covers development within the countryside, Policy C18 pertaining to design and Policy C19 that embraces landscape aims. To address these policy objectives, the proposals have incorporated a landscape led approach that seeks to respond to and where possible enhance the existing features, which characterise the site and its immediate setting. In particular, the retention and strengthening of the existing boundary vegetation and new structure planting within the site, should allow the development to be accommodated within this setting, without detriment to the quality and character of the receiving environment.
169. The local Landscape Character Assessment (LCA) places the site within the Trent and Vales Regional character type and the Brant Vales sub-character area. Whereas the National and local LCAs are useful in providing an overview, it is considered they represent a broad-brush assessment, which does not necessarily represent the intricacies of the landscape character of the assessment and its immediate setting. When a more localised assessment is undertaken, it is found that a number of factors influence both the character and sensitivity of the site and its setting to the type of change now proposed.
170. First, as noted, there is the influence of the existing built areas of Bassingham, which promote an urban fringe sub-character area that relates more readily to the existing urban area. This built landscape features prominently in views from within the appeal site, and in the localised context, especially from the PRoWs running to the north and west of the site. Secondly, the site benefits from a degree of visual containment, afforded by the existing boundary vegetation. This combined with the broad, flat topography of the wider landscape restricts views to the immediate site context.
171. As such, the appeal site is considered to benefit from a degree of visual separation from the wider countryside setting. This means it has a higher capacity to accommodate a sensitively designed and well considered

residential development, making the application site of medium landscape sensitivity to change. With regard to the wider site context, there is very limited inter-visibility between the appeal site and the surrounding landscape setting. Thus, it is considered that the wider rural landscape of low landscape sensitivity to a change of the type now proposed.

172. It is, therefore, concluded that the sensitivity of the appeal site and its wider setting to development of this type is medium/low.
173. Within the design, the retention and enhancement of the existing boundaries, together with the creation of a robust landscape buffer to the west, would maintain the character of the site and its setting, and ensure that the degree of separation and visual containment currently afforded to the site would be maintained and enhanced. The focussing of public open space (POS) provision along the south-eastern and western boundaries would allow for the creation of a robust landscape buffer, ensuring that there would be an appropriate transition between the proposals and the wider countryside setting. A detailed landscape strategy for within the site, coupled with constructing predominantly 2-storey dwellings would also greatly assist in reducing the visual impact from beyond the site boundaries.
174. Overall, therefore, it is considered that the development would generally have a significance effect of moderate/minor upon the visual environment and that the effects would be limited to the localised setting of the site.
175. The visual impact of the proposals has been assessed from a number of key publically accessible viewpoints. From Thurlby Road, there would be a noticeable degree of change, and the sensitivity of this receptor is high. Nevertheless, it is change that could be accommodated. The existing housing to the south is already a prominent feature when travelling along the Road. Consequently, the change of view to the north would not introduce anything new or alien, and, thereby, would be in keeping with the existing visual character at this location. Furthermore the retention and enhancement of the hedgerow on the north side of the Road would ensure that the proposals would be seen within the context of a robust green infrastructure, benefitting from a degree of containment.
176. Similarly the degree of change for residents living to the south of Thurlby Road would be noticeable, but only from the upper storeys. GLVIA3 gives less weight to rooms not used during daylight/waking hours and, therefore, the effect on views from lower levels would be minimal. Overall, it is considered that the development would result in a change of medium magnitude upon a high sensitivity receptor, the significance of which is judged moderate. This is not thought significant in EIA terms.
177. When looking toward the appeal site from the PRow to the north of the site, there is a substantial degree of visual containment, with the existing development visible beyond. The principal receptors from this direction are users of the PRow/farm track and the sensitivity is considered to be high. With the development, there would be a notable degree of change, but this would be in keeping with the character of the existing views over the site to housing. The retention and enhancement of the northern hedgerow vegetation would provide a strong degree of visual containment. This would result in a change of medium magnitude upon a high sensitivity receptor, the significance

of which is judged moderate. Again, this is not considered significant in EIA terms.

178. The next key viewpoints are from the PRoW to the west and north-west of the appeal site. They illustrate the relationship between the site and the wider countryside, but always with glimpsed views of the existing urban edge and the existing built form a prominent feature within the visual environment and the effects would be limited to the localised setting of the site. The scale and extent of the boundary vegetation is also apparent within the view. The principal receptors from this direction are users of the PRoW and their sensitivity is high.
179. The change in views with the development would be notable or significant. However, with the existing urban fringe and the reinforced boundaries the proposal would be in keeping with the existing character. Moreover, the location of the POS and the incorporation of a robust landscape buffer would filter views into the site and as landscape matures, the transition between the urban edge and the wider countryside setting would be enhanced. The proposed permissive footpath link between the POS and the PRoW would constitute a minor change, but one considered positive.
180. This would result in changes in view of medium/low magnitude upon a high sensitivity receptor, the significance of which is judged moderate or moderate/minor. Once again, these would not be significant in EIA terms.
181. The next viewpoint of significance is that from the PRoW just to the south of Thurlby Road to the north-western edge of the Village. As users of the PRoW, the principal receptors from this direction are of high sensitivity. With the development there would only be a minor change as it would only comprise a small element in the view and be screened by the boundary vegetation. This would result in changes in view of low magnitude upon a high sensitivity receptor, the significance of which is judged moderate or moderate/minor.
182. Moving on to views from Fen Lane to the east of Lincoln Road, views are to the west across the intervening vegetation lining Lincoln Road to the eastern hedge line of the appeal site that provides a degree of visual containment. The existing residential development on Fen Lane is also prominent in views, characterising the immediate site context. The principal receptors from this direction are users of the road corridor, from where the sensitivity is considered low. This view is also representative of the oblique views from neighbouring properties.
183. Glimpsed views would be available from these vantage points, albeit in the context of what is there already. There would be a noticeable change, but in keeping with the existing character of the visual environment. It is considered, therefore, that the changes in view would be of medium/low magnitude upon a high sensitivity receptor, with the significance minor.
184. Further north along Lincoln Road, to the north-east of the site, when looking south the view illustrates the visual containment afforded by the intervening vegetation structure, and the visibility of the urban edge beyond. Together with the buildings at Witham Farm the urban edge form a prominent feature in views. The principal receptors from this direction are users of the road corridor, from where the sensitivity is considered low.

185. With the development there would be a noticeable degree of change to views, but one that could be accommodated. This would be assisted by the existing prominent urban feel in views to the south and the retention of the enhanced hedgerows and landscape. The vegetation would filter views and afford a strong degree of containment, thereby helping to integrate the proposals into the visual environment at this point. It is considered, therefore, that the changes in view would be of low magnitude upon a low sensitivity receptor, the significance of which would be minor/negligible.
186. In more long distance views of the site from Lincoln Road, it is considered that users would be low sensitivity receptors, with a change in view would be negligible and the significance of which would also be negligible.
187. Moving round to views from Clay Lane to the north-west of the appeal site, these are representative of views from this direction and illustrate the relationship between the existing urban edge and the northern site context. The housing and buildings at Witham Farm are prominent features, seen within the context of the robust vegetation structure. Although users of the road would usually be of low sensitivity, in this case this is recorded as high to allow for the effect on the residential amenity of properties lining Clay Lane.
188. Views of the new development would be apparent, representing a noticeable degree of change. However, with the existing urban fringe and buildings at Witham Farm already characterising the view, the proposals would not change, but be in keeping with this. Alongside this, the POS and the incorporation of a robust landscape buffer to the west would ensure that the development would be visually recessive. It is considered, therefore, that the changes in view would be of low magnitude upon a high sensitivity receptor, the significance of which would be moderate/minor, which is not considered significant in EIA terms.
189. Finally, in representative views from Clay Lane to the south-west of the site, these illustrate the degree of visual containment afforded by the established intervening landscape structure and which lines the existing urban edge at this point. Glimpsed views of the appeal site and Witham Farm are seen only as a minor component of the broader visual environment. The principal receptors from this direction are users of the road corridor, from where the sensitivity is considered low.
190. When viewed within the existing context, the appeal development would result in a negligible degree of change. Only the taller elements of the new houses would be glimpsed and then in the context of the built form of Witham Farm to the north. As such, it is considered that the proposals could be accommodated within this setting without detriment to the quality and character of the view.
191. To summarise on the visual effects, the appeal site is well contained within views from the north, east and west, due to the intervening vegetation structure and the existing houses in the Village, which substantially limit the visibility of the site to views from the immediate locality of Thurlby Road, Lincoln Road and the PRoWs to the north and west. There is a strong relationship with the existing built edge, such that the appeal scheme would appear as a logical extension. The location of the POS and the retained and reinforced boundary vegetation would integrate with the wider countryside beyond and ensure that the degree of separation and containment afforded to

the site would be maintained and enhanced where necessary. Overall it is considered that the development would generally have a significance effect of moderate/minor upon the visual environment and that the effects would be limited to the localised setting of the site.

Transport

192. The appeal scheme would help to increase sustainability in the existing public transport links to and from Bassingham, by increasing patronage and providing financial support. The Transport Assessment (TA) submitted demonstrates that there is ample capacity available on the existing highway network to accommodate the predicted increase in traffic from the development. Despite significant levels of objection from local people, no concerns have been raised by the Local Highway Authority (LHA).
193. The Officer's view is that the appeal site is sustainably located and is well placed to promote access to local services by walking and cycling. As such, the proposal accords with saved LP Policies C2, T2 and T4 and Chapter 4 of the Framework. The Lincolnshire Transportation Plan 2013 (LTP) sets out eight objectives covering the need for sustainable development through positive improvements and measures to improve the natural, built and personal qualities of life.
194. The Framework ^(paragraph 9) confirms the LTP approach by pursuing sustainable development through positive improvements to the natural, built and personal qualities of life. Paragraph 17 of the Framework looks to "*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus on development in locations which are or can be made sustainable*". Paragraph 32 advises that decision makers should establish whether the opportunities for sustainable transport modes have been taken up, for a safe and suitable access to be achieved and says that development should only be prevented or refused on transport grounds where the residual cumulative impacts would be severe. The residual cumulative impacts would not be severe in this case.
195. To demonstrate this status, the TA finds that Bassingham is served by local distributor roads that have a 30 mph speed limit within the Village. The appeal site would take access from Thurlby Road of some 5.5 m width boasting a 1 m wide grassy verge along the appeal site frontage. The existing traffic conditions have been assessed locally at Lincoln Road/Thurlby Road and at the nearest connection to the classified road network at the A46/Half Way House Lane/Moor Lane.
196. The travel census for the area for travel to work trips finds that currently, 10% work from home, 5% walk to work, 2% cycle, with some 80% travelling by car and 1% using the bus. Accessibility by walking to shops, schools and services within the Village is considered important with the distance from the centre of the appeal site to the local amenities being some 800 m to the primary school and Community Hall, 950m to the Parish Church of St Michael and All Angels, 500 m to the nearer of the two pubs and convenience stores/Post Office, 1 km to the GP surgery and 700 m to the employment site. All these are located within the 2 km walking catchment. The 5 km cycle isochrones includes all of Bassingham and the villages of Aubourn, Witham St Hughs, Norton Disney and Carlton-le-Moorland.

197. A Travel Plan is offered that seeks to improve the use of buses to 3%, walking to 7% and cycling to 4%, with car passengers increasing from 4% to 8%. This is also seen as a living document which would hope to achieve better outcomes in the future. There is no accident record within the vicinity of the site access and only a low level elsewhere, with the majority down to driver error.
198. The closest bus stop is currently some 450 m walk from the centre of the site and the buses 46, 47 and 49 stop here. The first two provide links with Lincoln and Newark, with the first bus at 0640 to Lincoln and 0826 to Newark and the latest return buses at 1640 and 1832 respectively. The 49 service runs between Bassingham and Lincoln and starts at 0900 and ends at 1700 hours. The journey times between Bassingham and Lincoln are between 40 and 75 minutes and to Newark about the same. There are no buses in the evening or at weekends and Bank/Public Holidays. The nearest rail station is some 8 km distant at Swinderby.
199. The estimated trip generation figures are derived from the TRICS database, with the mean flows taken. At the Inspector's request the figures were produced for the 85%tile figure. In the case of the former, and basing distribution on existing proportions, there were no anticipated difficulties for the junctions at Lincoln Road/Thurlby Road and at the nearest connection to the classified road network at the A46/Half Way House Lane/Moor Lane. Taking the 85%tile figures, the degree of saturation on some arms of the A46/Half Way House Lane/Moor Lane Junction may be above 85%, but this is considered acceptable and even with the higher figure would not be crucial (Document 15). No allowance for committed growth has been used as it is considered the TEMPRO growth factors of Circa 1.15 to 2023 would more than account for such background growth.
200. To summarise, the sustainability assessment shows that the site is accessible by non-car modes and that, when imposed on the existing predicted levels for 2023, the traffic generated by the appeal development would not cause problems at any junction nearby or further afield on the A46. Thus, it can be concluded that the development would not conflict with the paragraph 32 Framework policy and, accordingly, there are no highways or transportation related reasons why the appeal proposal should be resisted. Insofar as the alternative proposal for up to 98 dwellings is concerned, the impacts on the highway networks would be correspondingly less.

Ecology

201. The area is dominated by arable farmland, with hedgerows forming the boundaries. There is no evidence from the surveys that voles or otters are present in the River Witham near to the appeal site. Similarly, there is no evidence of badgers nearby. The area does provide potential dispersal and feeding habitat for local bat populations. As for birds, those typical of arable farmland and residential fringe locations were observed and some may well nest within the site or surrounding hedgerows. Precautions would need to be taken during the breeding season. Hedgerows and most trees would be retained and reinforced, with other options for habitat enhancement. No evidence of reptile species was found within the study area. Thus, with appropriate conditions attached to a permission, this development would not infringe either LP Policies LW1, LW4 and LW8 or the relevant Framework directives.

Economic benefits and New Homes Bonus

202. The scheme would provide significant economic benefits as set out in the submitted Socio-economic Sustainability Statement. The development of the site and local infrastructure could generate an associated spend in the region of £11.7m, with construction supporting approximately 104 FTE jobs annually, for the 4-year build-out period. The development would deliver an additional £3.9m of direct Gross Value Added (GVA) over the build period. The new residents would reinforce shops and services across North Kesteven, bringing increased retail spend and general household expenditure to support the local economy. Importantly, given the range of facilities in the Village much of this would be retained locally.
203. Given that 35% of the dwellings would be affordable, with the remainder market housing, this would support a significant level of annual spending following completion. In addition to these benefits, the development would be eligible for a new homes bonus in the region of £1.1m. There would be social benefits, with the delivery of new homes of the right type, at the right place and at the right time to meet housing needs, thereby supporting the District's growth aspirations. Moreover, this would be in an accessible and sustainable location close to key services and facilities that would help support the health, social and cultural wellbeing of Bassingham and the wider area. Contributions would be made for education and health facilities, along with support for public transport. All these benefits are recognised by the Council in the Officer's Report.
204. The green and open spaces, including the envisaged attenuation pond, would enhance biodiversity and landscape character, while offering public accessibility and play facilities over a wider area and for the Village as a whole. Hedgerows and trees would be retained and strengthened wherever possible. Without any evidence to suggest the land is Grade 3a, the loss of Grade 3 agricultural land should not attract any weight, as the area boasts extensive land of similar or higher grade. Moreover, the appeal site is but a small part of a much larger agricultural holding and so the viability of this would not be threatened.

Flood risk and managing drainage and sewage

205. Other than fluvial and surface water flood risk adjacent to the River Witham and a medium probability of groundwater flooding towards the eastern end of the site, the risk of flooding on the site is low. The groundwater flooding, where groundwater levels in aquifers rise up to or above ground levels, means that basements would not be an option and damp proof membranes would have to be raised above possible flood levels. The percolation tests rule out the prospect of natural soakaways and so the proposed detention basin may need to be lined, to mitigate against the potential for rising groundwater levels.
206. The surface water drainage strategy would seek to replicate greenfield runoff rates mimicked up to the 1 in 100 year return period. As the surface water from the site would have to be piped to the River Witham the detention basin would have to be large enough to hold a sufficient volume of surface water until it could be received by the River, without compromising the downstream regime. SuDS Management should be able to assist in this regard by slowing

down the flow and, consequently, the time of concentration. This could be accommodated by storage in such as water butts and balancing ponds. The required depth of the detention basin to prevent heave by rising groundwater is not known at this stage, though it is assumed it would have to be lined.

207. As for foul sewage, the drainage search of 10 March 2014 showed that at the junction of Thurlby Road and Croft Lane there is a manhole, which the Water Company accept would have capacity as a receiving point for the development's sewage. At present there is a problem at the Treatment Works, but Anglian Water acknowledge that the developer has a right to connect to the public sewerage network and they would, therefore, be obliged to upgrade the Works to treat the additional sewage. There is, however, no programme for these works.
208. Turning to the drinking water supply, this would come from a groundwater source within the Saxilby Supply Zone.

Air quality

209. There are no local, background air quality monitoring locations. Even so, having regard to the existing and proposed land uses, there is no indication that existing values for Nitrogen Dioxide or particulates are approaching the threshold concentrations. As such, it is not considered that the proposed development would materially affect this position, with only a slight increase in pollutant concentrations expected.

Conditions and s.106

210. The Appellants acknowledge that a planning permission would be accompanied by a number of conditions that meet the tests in the PPG. Discussions took place at the hearing and a final draft set of conditions, containing the views of both main parties, was submitted to the Inspectorate ^(Document 13).
211. A s.106 Agreement was submitted prior to the hearing and this contains provisions for contribution to POS and recreation, education, health care facilities and transport. The only contentious element is that pertaining to health, where Gladman do not believe this would be appropriate and invite the decision maker to remove this part of the obligation. This was again discussed in some detail at the hearing.

Planning Balance

212. The two main parties present contrasting evidence about the degree of landscape harm, with the Council seeking a higher level of harm as a consequence of its belief it has an adequate HLS. Gladman disagree that such an approach is appropriate. The level of landscape impact is in no way increased by the mathematics of HLS. The Council also argues, in effect, that the weight to the delivery of housing should be "*suppressed*" or "*diluted*". This cannot be correct as a 5-year HLS is not a maximum and the delivery of the market and affordable housing remains a significant benefit of the appeal scheme. In similar vein, the Council unjustifiably looks for the economic benefit of the construction phase to be "*adjusted downwards*". Once again the HLS calculation does not affect this factor.
213. In conclusion, and despite having made much of its position that the three strands of sustainability should be considered as a whole, the Council now

argues that the environmental role should be assigned determinative weight in the appeal. While not accepting such an approach is correct, this relies on the decision maker concluding that the Council's assessment of the 5-year HLS is correct and the landscape impact is appropriate. As Gladman have demonstrated neither position is defensible.

Overall conclusion

214. The determining factor in this appeal remains what the true scale of adverse impact would be. If the Appellants' evidence is accepted, namely that any harm, including that to the landscape, is slight and there are considerable benefits, it is clear that the development is sustainable and the appeal should be allowed. While publication of the recent housing assessment is material, it is not a robust document that attracts the weight of an adopted or advanced local plan. When analysed correctly, the data it contains actually demonstrates the Council's supply position has deteriorated further. The Framework presumption in favour of sustainable development and the benefits of this scheme are clearly material considerations that outweigh the limited departure from the out of date DP. As such, the appeal should be allowed.

CONDITIONS

215. In the event planning permission is granted, the Council and the Appellants submitted draft conditions. These were discussed at the inquiry and a final version with the differing views of the main parties agreed (Document 13). The conditions are drafted to accord with the six tests in the PPG in being necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. However, there is a dispute about the wording and content of some and I have a few comments on these and others. This is discussed below.
216. **Condition 1:** is necessary to comply with the provisions of s.92 of the Act 1990 as amended by s.51 of the Planning and Compulsory Purchase Act 2004. However, the timescale for submission is in dispute, with the Council seeking application for approval of reserved matters to be made not later than the expiration of 2-years beginning with the date of this permission and the development being begun not later than the expiration of 2-years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last matter to be approved. The Appellants look for application for approval of reserved matters to be made not later than the expiration of 3-years from the date of this permission.
217. For my part, I am more inclined to the Council's position. If this development is to make any contribution to the 5-year HLS then it must be started within the 5-year period from the date of any permission. As it is usual for the lead time to be 1-year from commencement to first occupation, development would have to be started 4-years from the date of any permission. It seems to me this is the Council's position and, as such, attracts my support.
218. There is no dispute about Conditions 2 and 3 and I have no comment. **Condition 2** is necessary because this is an outline application only and such details must be approved before development commences. **Condition 3** would ensure that satisfactory landscape works are carried out and are, thereafter, subsequently properly maintained to accord with saved Policies C18 and C19 of the Local Plan.
219. **Condition 4** again attracts a differing view on timescales. The Council advocates that, if within a period of 7-years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size as the original shall be planted in the same place during the next planting season. The Appellants consider that the more usual 5-year replacement regime would be appropriate. In this case, and in the absence of any strong reason to depart from the 5-year standard, I support the Appellants' stance. The reason for the condition is again to ensure that satisfactory landscape works are carried out and are subsequently properly maintained to accord with saved Policy C18 and C19 of the Local Plan.
220. **Condition 5** is one suggested by the Council, but considered by the Appellants to be overly burdensome, as it would effectively require approval to maintain the existing hedges in perpetuity. It is seeking to place a TPO level of protection where it is not warranted. The draft condition says that: *With the exception of those required to accommodate visibility splays associated*

with the implementation of the site access, no trees or hedgerows that are being shown as being retained on the approved plan referenced 6167-A-03 Revision D dated September 2014 shall be pruned, felled, uprooted, wilfully damaged, destroyed or removed without the prior written consent of the District Planning Authority. The reason for the condition is to ensure the retention of features which are important to the character and amenity of the surrounding area to accord with saved Policy LW4 of the Local Plan.

221. To my mind this seeks a perfectly reasonable planning outcome as far as the Council and public are concerned. However, I agree that the requirement to secure permission in writing every time the hedge needs to be pruned does seem onerous. I have, therefore, amended the condition slightly to reflect this point.

222. Conditions 6 through 12 attracted no adverse comment following the discussions and I agree that they are necessary for the following reasons:

Condition 6: To preserve the character and amenity of the surrounding area to accord with saved Policies C1, C18 and LW4 of the Local Plan.

Condition 7: To ensure the retention of trees which are important to the character and amenity of the surrounding area to accord with saved Policy LW4 of the Local Plan.

Condition 8: To ensure the retention of features which are important to the character and amenity of the surrounding area to accord with saved Policy LW4 of the Local Plan.

Condition 9: In the interest of wildlife to accord with saved Policy LW8 of the Local Plan.

Condition 10: To protect the residential and general amenity of the area from any harmfully polluting effects during construction works to accord with saved Policies C5, C11 and T4 of the Local Plan.

Condition 11: In the interest of highway safety; to ensure a satisfactory appearance to the highways infrastructure serving the approved development, and to safeguard the visual amenities of the locality and users of the highway in accordance with saved Local Plan Policies T4 and C2.

Condition 12: To ensure safe access to the site and each dwelling/building in the interests of residential amenity, convenience and safety.

223. Insofar as **Condition 13** is concerned, this was agreed between the main parties. However, I requested that monitoring and review was included. There was no concern raised about this and the Condition is required in order that the district planning authority conforms to the requirements of Chapter 4 of the Framework, a Travel Plan has been conditioned to ensure that access to the site is sustainable and reduces dependency on the car.

224. Draft Conditions 14 and 15 raise no concerns and I agree that **Condition 14**

is required in the interests of safety of the users of the public highway and the safety of the users of the site to accord with saved Policy T4 of the Local Plan. **Condition 15** is to ensure control over the site and floor levels in the interests of residential and visual amenity, to ensure that drainage problems for adjacent and/or nearby land does not occur to accord with saved Policies C5, C14 and C18 of the Local Plan.

225. Draft **Condition 16** attracts differing views about the inclusion of foul water drainage. Both main parties accept that the condition should require details of surface water drainage to be submitted and approved. However, the Appellants argue that Anglian Water has confirmed that there is capacity in the sewer network to receive the foul flows from the development. In addition, although the sewage treatment works does not currently have capacity to treat the flows from the development site, Anglian Water has confirmed that they are obligated to accept the foul flows from development with the benefit of planning consent and would, therefore, take the necessary steps to ensure that there is sufficient treatment capacity should the planning authority grant planning permission. As such, the Appellants believe a foul drainage condition is unnecessary as there is a statutory duty to provide connections under the requirements of the Water Industry Act 1991. Hence, there would be no need for planning conditions to duplicate powers available under other legislation.
226. In my opinion this is a non-argument. The connection to the existing foul sewers beyond the site is something that is outwith the application. Similarly, the treatment of sewage at the sewage works is down to the Water Company. The Water Company have accepted that capacity in the sewers is adequate and that they will upgrade the sewage works to ensure treatment. So far so good.
227. However, what the Appellants seem to have forgotten is that the construction and layout of sewers within the site to connect to the existing sewers off-site are works within the meaning of the Act. The application is in outline with all matters, except access, reserved for subsequent approval and so the Council is correct to include a conditional requirement for the submission of both foul and surface water sewers. With the levels on site falling from east to west, drainage of some properties might prove problematic and this could affect layout, landscape and open space objectives. Accordingly, I support the Council's version of draft Condition 16 to ensure adequate drainage provision and associated future maintenance to accord with saved Policies C14 and C16 of the Local Plan.
228. Draft Conditions 17 through 19 are agreed and I see no reason to disagree. **Condition 17** pertaining to a possible footpath link is required to facilitate access to the local public right of way network to accord with paragraph 17 and Chapter 8 of the NPPF and to accord with saved Local Plan Policy RST4. **Condition 18** deals with the footway along Thurlby Road and is necessary in the interests of safety of the users of the public highway and the safety of users of the site to accord with saved Local Plan Policy T4. **Condition 19** covers the affordable housing contribution and would ensure an adequate provision of affordable housing in accordance with saved Policy H5 of the adopted Local Plan.

229. As far as **Condition 20** this is again agreed by the main parties. However, this is concerned with the provision, implementation and maintenance of on-site public open space, and maintenance of the footpath link to the existing Restricted Byway no. 4. There seems to be some overlap between this draft condition and the s.106 Agreement in respect of on-site public open space. If the two can run in tandem then the Condition is necessary to ensure a satisfactory appearance of the site and in the interests of providing suitable public open space to support the needs of the development to accord with saved Local Plan Policies C2 and H4. I have included it in the draft conditions in Annex A, with the stated caveat.
230. **Condition 21** again attracts some controversy. The Council's intention would be to restrict the height of the buildings on the site and to safeguard the position through a restriction of permitted development rights to avoid compromising this aim. The Appellants do not consider that to limit the dwellings to 2-storey in height is necessary to make the development acceptable. The Appellants highlight that in both Officers' reports (for the 120 and 98 dwelling schemes), there was no suggestion that a condition of this nature needed to be applied to make the development acceptable in planning terms, despite the two positive recommendations. The Appellants also consider that removing permitted development rights without sufficient justification is not appropriate.
231. Having looked at the site and surroundings in detail, especially from public vantage points, I agree with the Council that restricting the height of buildings and resisting any accoutrements at roof level that would increase the height and/or bulk should be supported as a sound reason to protect the visual amenity of the area to accord with saved Policies C2 and C18 of the Local Plan. Moreover, it would have the added advantages of bringing the screening benefits of landscape into play earlier than would otherwise be the case and lessen the visual impact in later years. As such I support the Council's position for the reason cited.
232. **Condition 22** requires that an element of the dwellings built on the appeal site should be single storey to ensure the delivery of a mix of dwelling types including bungalows to accord with saved Local Plan Policy H2 and the advice at paragraph 50 (bullet point 1) of the Framework. The Appellants are unsure whether this condition is 'necessary to make the development acceptable in planning terms'. In my view, the Framework and the PPG both express concern about the delivery of suitable properties for the more mature members of society. As I pointed out at the hearing, the PPG states that there is a need to provide housing for older people and this is critical given the projected increase in the number of households aged 65 and over. As such, I agree with the Council that this would serve an important planning objective and should be supported for the reason given.
233. Finally, it is necessary for the development, if permitted, to be carried out in complete accordance with the details shown on the approved plans, listed below on the decision notice. Consequently, **Condition 23** is required to ensure that the development takes place in accordance with the approved details.

234. The conditions, comments and reasons are set out in Annex A to this Report and are recommended in the event that the SoS allows the appeal. Additional minor grammatical amendments have been suggested by me in the interests of clarity.

S.106 AGREEMENT

235. A signed Agreement ^(Document 14) dated 13 October 2015 was presented and it provides for the following:

- A scheme for the provision, implementation and maintenance of on-site public open space and, if necessary, additional off-site recreation, public open space or community facilities in accordance with LP Policy H4.
- A commuted sum towards provision of additional education capacity at Bassingham Primary School and North Kestevan and/or Robert Pattinson secondary schools.
- A commuted sum towards provision of additional or improved health care facilities at the Bassingham Surgery.
- A commuted sum towards the subsidising of bus services serving Bassingham.

236. With the exception of healthcare, the parties are content that all aspects of the Agreement and its compliance or otherwise would accord with the principles of the CIL Regulations. The Council assured the hearing that the obligations meet the tests set out in the current CIL Regulation 122 and are otherwise CIL compliant and that the '5-rule' since 2010, implemented by way of Regulation 123 in April 2015, had not been exceeded.

237. Albeit there is no reason to dispute the Council's aspirations, to meet demand caused by this development there is nothing approved for schools or Doctor's Surgery in terms of project design or programme. Even then, any works subsequently approved would require pooling the contributions from several development schemes before the necessary levels of infrastructure could or would be provided. In terms of the appeal scheme, this uncertainty is a negative factor.

238. Looking specifically at the health contribution included within the s.106 Agreement, the Appellants consider that this would not be CIL compliant and should be excluded. This is on the basis that a GP practice is under a contractual obligation to provide health cover and accept patients who wish to register. In any event, they contend that surgery facilities are capable of being managed to deliver a better and more efficient outcome. To achieve this, even if no physical extension was provided, surgery opening hours could be extended to meet the increased demand. Precedents are cited where there are similarities to this case and it is submitted that there must be a consistent approach. Key difficulties highlighted by the Appellants include the fact the stated requirements are aspirational and no scheme has been finalised that would target a possible problem directly imposed by the appeal scheme.

239. On the other hand, the Council draws attention to cases where the opposing approach is taken. It points out that an extension of hours would require not only medical staff, but all the support staff that goes with this.

240. For my part, I can accept the Appellants' argument that an oversubscribed medical practice could be viewed differently from an oversubscribed school. In the case of the latter, the opening hours could not be extended: additional physical works would always be necessary. On the other hand, in running a medical centre adopting flexible and extended hours could go a long way to addressing the problems. Although this would require more staff, which, of course, is a scarce resource, it would not necessarily require new buildings. If this was possible then the need for extended hours/ medical facilities would be directly related to the appeal scheme and a s.106 contribution would seem justified.
241. Whereas it may, therefore, be argued that the Health Authority should meet the demand, there is no timescale for this or confirmation that funds would be available at the appropriate time. Even then, it is not clear that merely extending 'opening hours' would necessarily resolve the problem. With many overlapping specialisms necessary for a surgery to function fully, the Appellants' approach appears far too simplistic. Certainly there was no agreement by the responsible authority that this would prove a viable solution. Once again, therefore, this uncertainty is a negative factor.
242. Turning to transport, the first point to make is that the contribution proposed in the s.106 Agreement would only be meaningful if the bus services continue to run. The service contracts cited in the evidence ended in late 2015 or March 2016 and neither at the hearing nor in the further submissions, did anyone confirm that these had been renegotiated for a period that would allow use by new residents on the appeal site. The present position, therefore, is one lacking clarity about the future running of these services or if the scale of contribution would make the difference between the services running or not.
243. I also had some difficulty in getting unequivocal answers about the proposed education contributions. That for primary education is site specific for the Primary School in Bassingham. Even so, despite questions from me, once again it is not clear how or when the extra capacity would be achieved. The secondary school contribution is even less specific and as each of the two schools serves a large catchment and there is no objective evidence about how the monies would be spent to meet the additional demand from the residents of the appeal site.
244. I also asked at the hearing why no contribution was to be made to the Lincoln Eastern By-pass approved the previous year and a necessary infrastructure project to release extensive land for housing in areas around Lincoln as well as other benefits for the City. I was told that, although this development would normally have been required to contribute, in this case the 'rule of five' had been breached and this was not now possible.
245. Overall, therefore, and having looked at the Obligations in relation to the criteria in Regulation 122 of the CIL Regulations and paragraph 204 of the Framework, the form of the s.106 seems unclear whether the level of contribution and the delivery of the necessary services are proportionate to the demands of the appeal scheme and, most particularly, the timescale for delivery in relation to the completion of the proposed housing. Without more certainty, I judge this to be a significant negative component.

CONCLUSIONS

246. Having regard to the main and other material considerations identified, the conclusions are as follows. Numbers in square brackets at the end of paragraphs [] refer to preceding paragraph numbers in this Report.

Preliminary matters

247. The appeal application was made in outline, with all matters other than access reserved for subsequent consideration. There was an Officer recommendation for approval. A Statement of Common Ground was agreed by the main parties and a s.106 Planning Agreement was signed before the hearing. Following discussions at the hearing an updated set of draft conditions containing the suggested variations of the main parties was forwarded to PINS. [3, 6-7, 31-32, 140 and 235]

248. From this point, I consider first how the alternative application submitted by the Appellants, for development on the appeal site, with a reduced number of dwellings to a maximum of 98, should be treated. This was refused for a similar reason to that pertaining to the substantive appeal. The Council refused to engage with this and I did not make a decision at the hearing, bearing in mind that many of the arguments/discussions that would take place could relate to both proposals. Having now heard all the representations and having looked carefully at the likely effects of these changes to the proposal, I conclude that it would not be appropriate to condition an appeal decision such as to limit the proposals on the appeal site to 98 dwellings. [8, 10, 91 and 140-144]

249. In support of this stance, the density of development would be reduced substantially, thereby making much poorer use of a scarce resource and place other undeveloped land at risk. Next, it is difficult to ascertain if the greater undeveloped area could be put to sensible use, beyond creating a deeper landscape barrier to the northern boundary. Even then, it would take many years to deliver meaningful effect. Importantly, it may be judged that this greater depth of landscape would further isolate the development from the existing Village and the countryside beyond, thereby reducing the opportunity for social integration and visual transition. As such, it would not represent a benefit, but merely be an attempt to mitigate visual harm. Finally, there would be less affordable housing. All these matters could be the subject of objection and concern, and, thereby, would not meet the tests implicit in the Wheatcroft Judgement. Accordingly, I recommend that the SoS does not consider this further in reaching his decision. [8, 10, 91 and 140-144]

The relevant policies

250. This appeal must be determined in accordance with the prevailing development plan (DP) policies unless material considerations indicate otherwise. In this case, the DP comprises the saved policies from the adopted North Kesteven Local Plan 2007 (LP). In this LP, the appeal site is shown as Grade 3 agricultural land, which lies in open countryside, outside, but abutting the Bassingham Settlement Curtilage. Although not identified specifically as Grade 3a or 3b, it is usable farming land not allocated for housing. As such, it attracts the usual restrictions on housing development in such locations. Bassingham is identified in the LP as a Second Tier Service Village, at that juncture being judged to be a large village offering a number of services and

facilities, though no specific housing sites are identified. The LP expects Bassingham to grow by way of small sites within or adjacent to the settlement curtilage. [19-28, 35-39, 104, 109, 128-129 and 145-149]

251. In the Council's reason for refusal three saved policies are cited. These are Policies C2, C18 and LW1. In the countryside context Policy C2 is worded positively, allowing development that will maintain or enhance the environmental, economic and social value of the countryside, will protect and, where possible, enhance the character of the countryside, cannot be located within or adjacent to a settlement and will not attract or generate a large number of journeys and is located to provide opportunities for access by public transport, walking or cycling. Policy C18 is more restrictive, advising that planning permission will be granted for development, only if it reinforces local identity and does not adversely affect the character or appearance of its surroundings. [19-28, 35-39, 104, 109, 128-129 and 145-149]
252. Although the extreme western end now falls within the recently designated Aubourn to Beckingham (River Witham) Local Wildlife Site, in landscape terms, the site attracts no landscape designation. Saved Policy LW1 seeks to protect the distinctive landscape identified in the Landscape Character Areas and any special features contributing to that character. [19-28, 35-39, 104, 109, 128-129 and 145-149]
253. With regard to the weight to be afforded the above mentioned policies, there is a difference of view. The Appellants say that, as these policies, including Policy C2, were saved prior to publication of the National Planning Policy Framework (the Framework), they can only be afforded weight relative to their consistency with the Framework. The Council disagrees insofar as LP Policy C2 is concerned, arguing that, owing to significant levels of compatibility, it is not outdated by the Framework. Its corollary is that, even if Policy C2 could be considered as a relevant policy for the supply of housing in the countryside, if a 5-year supply of housing land can be demonstrated the weight and balance applied to the scheme's harmful landscape visual impacts should be increased to reflect the breach in policy. [19-28, 35-39, 104, 109, 128-129 and 145-149]
254. As I see the position in this regard, publication before the Framework does not necessarily mean that the LP policies do not reflect the Framework substance. However, LP Policy C2 controls development in the countryside, including housing. Thus, even though there may be significant compatibility between the Policy C2 aims and those in the Framework, the weight that should be afforded a breach would depend on the 5-year housing land supply. The starting position is that the appeal scheme would not accord with a strict application of the Policy, but the Policy could be considered out of date in the event of a housing land shortfall. Incidentally, the caveat in Policy C2 pertaining to development located adjacent to a settlement does not carry weight in this case as the LP never considered that developments of the size of the appeal scheme would be added to the Village. [19-28, 35-39, 104, 109, 128-129 and 145-149]
255. The emerging Joint LP for Central Lincolnshire (CLLP) covers the council areas of North Kesteven, Lincoln City and West Lindsey and has progressed since the hearing event in January 2016. A final draft of the CLLP was subject to consultation in June 2016 and has been submitted to the Planning Inspectorate for examination in the autumn, with adoption anticipated early in 2017. As

there are a significant number of outstanding objections, especially to housing policies and site allocations, in accordance with the Framework (paragraph 216) this can attract only limited weight. In the latest draft CLLP, Bassingham is classed as a Limited Growth Village, which, after reviewing its sustainability accreditation, essentially downgrades it from its earlier designation as a Second Tier Service Village. With regard to housing growth during the Plan period, this is expected to be 15% of the 2012 figure, but again with no specific site allocations. [19-28, 35-39, 104, 109, 128-129 and 145-149]

256. The Village has produced a Bassingham Community Led Plan, which is none statutory, but identifies the need to protect the appearance and 'rural village nature' of Brassingham. The Village is also in the process of preparing a Neighbourhood Plan (NP), which is in draft stage. This looks to mirror the CLLP housing policies, with the core aim of continuing to develop Bassingham *"..as a compact village, while maintaining its built heritage, and its existing setting and close relationship with the surrounding countryside and landscape within which it sits"*. Both Plans have been the subject of some public participation and neither allocates land for or envisages a large extension to the Village in housing or other land use terms. [19-28, 35-39, 104, 109, 128-129 and 145-149]
257. Following the recent update to the Planning Practice Guidance (PPG), the main parties were consulted on the weight to be accorded the emerging draft NP. The consensus view is that, even allowing for the revisions implicit in the revised PPG concerning the approach to NPs, this can still only attract little weight. I see no reason to question this, despite the emerging document being consistent with the direction of travel evinced by the CLLP strategy. [19-28, 35-39, 104, 109, 128-129 and 145-149]
258. Returning to the Framework and the PPG, these clearly deliver the Government's aspiration. Of relevance to the appeal scheme, there is the presumption in favour of sustainable development and the consequences of not being able to demonstrate a 5-year supply of readily available housing land and a continuing failure to deliver at the planned annual rate. In addition, the Framework policy guidance on the approach to assessing and the weight to be accorded landscape interests and the advice on settlements is also pertinent. [19-28, 35-39, 104, 109, 128-129 and 145-149]
259. In conclusion, the appeal scheme is in open countryside and not allocated for housing. As such, for the purposes of s.38(6) of the Act it would run counter to a strict application of the statutory development plan policies.

Reasons

Housing land supply

260. At the time the Council refused the application it accepted that it could not identify a 5-year supply of readily available housing land (the housing land supply or HLS). The Officer's recommendation was predicated on this basis. However, following publication of its review of sites in October 2015, it now claims to have a HLS in excess of 5-years. In the way this is calculated there is disagreement on virtually every point, with the Appellants contending that the real HLS figure is well below 4-years. Despite requests from me to look at the supply on a site by site basis, I could not secure this at the hearing, with the Appellants contending that it would not make good use of time.

Consequently, it is necessary to look closely at the criteria involved and the method of calculation to see if it is possible to reach a reasoned position on the housing land situation. [40, 113, 104, 129, 141-143 and 150]

261. The exchange of correspondence that has taken place since the hearing event earlier this year has actually changed very little. The Council maintains its position regarding a 5-year HLS, with the Appellants continuing to challenge this on most if not all components. However, as far as I can ascertain the Council has not changed its methodology during the intervening period. I move, therefore, to look at the main individual points at issue. [2, 40, 113, 104, 129, 141-143 and 150]

How to apply the buffer?

262. As a starting point, there is no dispute about the overall requirement figure and both main parties agree that a 20% buffer should be applied. Based on past performance, I agree. On the one hand, however, the Council argues that the 20% should not be applied to the backlog as this would be double counting. On the other hand, the Appellants submit that it has now been established in decision precedent that the correct way is to apply the 20% to the backlog also. Examples of both Inspectors' and the Secretary of State's (SoS) decisions following this were submitted. [41-42 and 151]
263. It is true that the approach to applying the buffer to the backlog has not been consistent and has varied in the cases referred to by the parties. Crucially, even among the examples, no legal precedent has emerged to direct the decision maker. As such, it falls to the decision maker to reach a conclusion based on the overarching policies in the Framework and the information and evidence submitted on a case by case basis. [41-42 and 151]
264. In this case, the Appellants approach attracts more weight. The very fact that the 20% buffer is accepted is a comment on the failure to deliver the required levels of housing over many years and the need to free up sufficient land to meet the urgent need for housing, including a social element. The Council was unable to explain what the SoS's once reference to double-counting meant and why it should be taken as the precedent. It seems far more logical to me to adopt the SoS's subsequent approach, whereby the entire requirement (including any backlog) is included in the buffer. In this instance I see no reason to depart from this principle. [41-42 and 151]

Identifying the appropriate 5-year period

265. The Council undertook its last comprehensive HLS assessment in October 2015 to provide figures from April 2015 to March 2021. Based on this, at the hearing the Council wished to commence its relevant 5-year supply from 1 April 2016 and carry the 5-years to 31 March 2021. It contends that to start the figure at 1 April 2015 would mean that at the date of the hearing there would be some 4.25-years supply until the end of the 5-year period on 31 March 2020. It submits that this is inappropriate. [43-44 and 152-154]
266. Contrary to this, the Appellants argue that the correct approach is to commence the 5-years on 1 April 2015, submitting that there can only be guestimates of the actual position at the end of March 2016. Moreover, the delivery levels in 2020/21 are such as to be overly optimistic and would not take into account the almost inevitable circumstance that the delivery in

2015/16 will, once again, fall below the annual average annual delivery target, meaning that a further addition would be necessary along with the appropriate buffer adjustment. [43-44 and 152-154]

267. The PPG directs local planning authorities to undertake an assessment at least once a year. It does not preclude an update at any time to bring forward the relevant 5-year HLS position. However, any update must be robust and embrace completions and permissions during the period since the last comprehensive assessment was undertaken. This is an action most frequently undertaken by the authority, but in some cases driven by developers. In this case, it was not an approach adopted by either main party. Nonetheless, there was no wording drawn to the hearing's attention that suggests that the Guidance indicates that the year can be advanced, such that the HLS figure for the following 5-years contains guesstimates of completions etc during the period between the date of an appraisal and the start of the 5-year HLS figure. [43-44 and 152-154]
268. It is appreciated that the Central Lincolnshire Housing 5-Year Land Supply Report covers the period 1 April 2016 to 31 March 2021. There may be some justification for this, bearing in mind the anticipated date of the final draft CLLP in spring of 2016. Nonetheless, this does not justify a less than robust approach to the HLS calculation in the period prior to its publication. As such, and unless there is an update to enable a start to be made in April 2016, I support the Appellants' approach to the 5-year period and an April 2015 start date, based on the last comprehensive assessment. [43-44 and 152-154]

Inclusions of proposed allocations in the 5-year HLS

269. The Council claims that it is able to include in the 5-year HLS sites that may not have planning permission or have yet to be identified in an adopted LP. It draws support for this approach from the PPG, arguing that the sites in question have been through a rigorous site selection process and the delivery of houses on the larger sites have been reduced to reflect the expected trajectory of completions. [45-47, 55-57 and 155-163]
270. The Appellants disagree, arguing that the only sites that should be included in the 5-year HLS figure are those with a planning permission, those allocated in an adopted LP and those sites where there is a Council resolution to grant, subject to signing a s.106 Undertaking. When the delivery trajectory of these is looked at, several large sites included in the Council's figure are unlikely to deliver the full total within the 5-year period, reducing the HLS accordingly. Those where the application is undetermined, refused since the previous assessment and where there is no evidence of an application having been submitted should be excluded. Moreover, there is no justification advanced by the Council that an allowance should be made for large windfall sites on the basis of historic levels. Where a concession is made is on those sites where the Appellants' investigations have proved inconclusive. These are included. [45-47, 55-57 and 155-163]
271. Once again, I am more inclined to the Appellants' approach on most points. There is no dispute about those sites with full and outline planning permission. These can count towards the HLS so long as the permission remains extant, though there may need to be a downward adjustment to reflect realistic delivery rates on large sites. As for those with a minded to approve resolution,

I think the Appellants are being generous in including these. Experience has shown that these can be retained with this status unchanged for a considerable time and not counted in the HLS. This position has then been used to advance further unallocated sites on the back of a shortfall in the 5-year HLS. [45-47, 55-57 and 155-163]

272. I agree, also, that, unless identified in any previously adopted LP, those unallocated sites, where there is an application yet to be decided or where no application has been submitted, should not count towards the 5-year HLS. Similarly, those identified as preferred sites in an emerging plan should not automatically be included. They should certainly not if there are outstanding objections or if the plan has not reached the stage where formal consultation on sites has taken place. As the emerging CLLP has now been advertised prior to examination, and there is no dispute that there are objections to many if not all the larger housing sites, I firmly believe all these should be discounted. In the absence of a site by site assessment, it is not possible to identify those proposed allocation where there are no objections. [45-47, 55-57 and 155-163]
273. Finally, those where it has not been possible to establish their status should be excluded. It is up to the Council to proffer objective reasoning for their inclusion and this did not happen at the hearing or in the subsequent correspondence. Thus, the situation is not transparent and, therefore, not robust in this regard. [45-47, 55-57 and 155-163]
274. The key point is whether sites are readily available and deliverable. If a site has planning permission this must be assumed to be the case. If not, and especially if not identified as proposals in the emerging CLLP or sites that have been identified, but where there are outstanding objections, they cannot be judged readily available and deliverable. Under these circumstances, I consider that the Appellants approach is to be supported and they have possibly been generous on some counts. [45-47, 55-57 and 155-163]

Windfall allowance

275. Whether or not it is appropriate to include a windfall allowance for small sites is more debatable. In the first place, on the basis that any coming forward in the short term will already have the benefit of a consent, none have been included by the Council in the figure until post March 2017. Next, the City of Lincoln has relied on an appreciable number of housing sites and their subsequent delivery being windfall. Importantly, the threshold figure of 25 dwellings has been used in the emerging Plan, which is much higher than the figure of five or 10 more usually adopted. As such, I think a figure for this should be included. [50-52 and 163]
276. Looking at the windfall figure for the Districts, here an allowance has been made on the assumption that there will be some growth in the smaller villages, such as Bassingham, where no specific site allocations have been identified or are proposed in the emerging CLLP. Emerging CLLP Policy LP4 sets out the proposed growth for each of the villages and the figure for Bassingham is 15% or 98 in the draft CLLP. On the basis of this, once again I accept the Council's position that this element of the windfall figure is justified. [50-52 and 163]
277. It is invariably the case that some sites with permission may not come forward and in certain circumstances it may be appropriate to apply a discount. For one key reason, I do not think this is appropriate in this case. The CLLP has

adopted a higher threshold for small sites than usual and there was no site by site assessment of circumstances. As such, there is no objective evidence to justify the Appellants' submission. In any event, the bottom line is that these sites are readily available and deliverable in the terms of the Framework definition. These are not large sites where delivery may be phased. Consequently, I support their inclusion in the 5-year HLS figure. [50-52 and 163]

Summary on housing land supply

278. The first point to conclude on is that, without a site by site assessment of housing land, it is not possible to reach a firm position on housing land supply. Even so, taking all the factors and arguments submitted, I am convinced that the Council is overly optimistic to rely on a 5-year supply of readily available and deliverable housing land. As such, I am in no doubt that the figure would be well below 5-years. Against this background, the building of 120 new dwellings, including some 42 affordable properties, attracts significant weight in the overall planning balance. [164]
279. Incidentally, although the magnitude of the shortfall might be considerable, at the date of the hearing neither the Framework nor the PPG suggested that the weight should be qualified in any way, such that it is described as 'very' or 'greatly' significant. Since the hearing in January 2016, case law has concluded that a large shortfall in the 5-year housing land supply position can legitimately attract more weight than a smaller one. However, failure to engage in a detailed site by site assessment leaves the scale of the deficit undetermined. [53-54 and 143]

Consequences

280. Where local planning authorities cannot demonstrate a 5-year supply of deliverable housing land, DP policies controlling the supply of housing cannot be considered up-to-date and that housing developments should be determined in accordance with the presumption in favour of sustainable development. In turn, this triggers paragraph 14 of the Framework, which explains that, under such circumstances, planning permission should be granted unless the adverse impacts of a particular scheme would significantly and demonstrably outweigh the benefits, when assessed against the policies evinced by the Framework, taken as a whole. [28 and 32-33]
281. In this case, the appeal site is in the open countryside and comprises agricultural Land Classification Grade 3. Where a 5-year housing land supply cannot be demonstrated, such agricultural land on the edge of a village, with no higher level of protection, as here, would become vulnerable, where no lower quality land can be found. This would be particularly so if it turned out to be Grade 3b. Although identified as part of a larger site within the Strategic Housing Economic Land Availability Assessment (SHELAA), this is not a guarantee that it would be carried forward to the preferred or allocated site stage. It is merely a recognition that it is a tranche of land readily available for development if found to be a suitable site in an accessible location. With regard to this site, the Council has not found this to be the case and, consequently, it has not been taken forward into the emerging CLLP. [16, 21-22, 28-29 and 150]

Effect on landscape

282. As noted above, the site attracts no special designation. Even so, the difference in the conclusions on the effects on the landscape character and visual impact is marked. The Council claims that the effects would be significant. The Appellants argue that, as the site is not a designated or valued landscape in the terms expressed in the Framework, it attracts the lowest level of protection. Thus, the harm to the landscape character and value should not be judged significant, and at worst the visual effects are moderate adverse and in the wider context minor adverse. [60-91, 130, 137, 142 and 165-191]
283. For my part, I agree that the landscape impacts would be limited in extent and no distant views would be affected to any moderate or major extent. I accept, also, that in terms of landscape or scenic quality, rarity and conservation interest, the landscape has nothing of outstanding merit to offer. Put briefly, beyond being open and typical of this area, it offers no distinguishing features. However, if the appeal scheme proceeded then, clearly, the character of the landscape would change fundamentally from one of an agrarian hue to one largely suburban in nature. Even so, this should not be seen as determinative as any extension to the Village that abuts the Village boundary would likely result in a similar presentation. [60-91, 130, 137, 142 and 165-191]
284. Where I find the weakness in the Appellants' case is when the recreational value and perceptual aspects and associations are added to the mix. Although not of itself used as a recreational asset, the contribution the undeveloped nature of the site makes to the rural feel when walking the nearby restricted byway and footpaths is hugely significant. This includes the PRoW running to the west of the River Witham, from where there would also be views. I am in no doubt that the loss of this perceived openness from these public vantage points would change the appreciation from a predominantly rural to a much more suburban experience. This would be significant. In saying this, I agree with the Council that the Appellants' conclusions on the low levels of effect the existing development has on the character of the appeal site from these vantage points are exaggerated. [17, 60-91, 130, 137, 142 and 165-191]
285. The same could equally be said when viewing the appeal site though the gappy hedgerows, when walking or driving along Thurlby Road and Lincoln Road. Local residents also express concern about the loss of views from the existing development south of Thurlby Road, but being private locations, and mainly views from upper rooms not used during daylight hours, this attracts far less weight. Although the boundaries could be reinforced with additional planting this would tend to obfuscation in time and lessen the open aspect and foreshorten the more distant views of the Village from the public vantage points, thereby devaluing the contribution the undeveloped appeal site makes currently to its setting. [60-91, 130, 137, 142 and 165-191]
286. As far as the visual quality of the appeal site being devalued, because of its relationship to the built area of the Village, once again I do not agree with the Appellants that this materially affects the views and character appreciation from the public vantage points. From the PRoWs the existing development is sufficiently distant for it not to detract materially and from the roads it is the aspects out from the Village and/or across the open countryside that are most

important. The existing development plays only a very minor role in these views. As such, I do not consider the appeal site would be able to assimilate the proposed development, without a significant and harmful change in character. [60-91, 130, 137, 142 and 165-191]

287. Turning to the perceptual impact, the present developed northern boundary of the Village is defined by Thurlby Road, a visual, physical and defensible boundary and demarcation between the built fabric of the village and the open countryside that has stood for several decades. As such, land to the north of Thurlby Road, including the appeal site, is associated with the rural area and seen and appreciated as such. With the development, this section of Thurlby Road would lose all association with the open countryside beyond and essentially become a suburban street. The new settlement boundary would be of a lower order of definition and, consequently, far less defensible. In addition, the relatively dense development proposed with the 120 would not be transitional between the open countryside and the lower density of the existing development to the south of Thurlby Road. [60-91, 130, 137, 142 and 165-191]
288. In my opinion, when looked at this way, the appeal site would be highly susceptible to change and the resulting level of harm occasioned by the appeal scheme would not accord with the saved LP Policies C2 and C18. In respect of Policy C2, the scheme would not enhance the environmental character of the countryside or protect its character. Neither would it sit comfortably alongside the criteria espoused by Policy C18 that look to reinforce local identity, not adversely affect the character and appearance of the surroundings, reflect local context in terms of layout, scale and density and present a cohesive character and add interest and vitality to its surroundings. [60-91, 130, 137, 142 and 165-191]
289. In the wider context, the landform is relatively flat, with large arable fields in a relatively open landscape with field boundaries frequently clearly defined by trimmed hedges. Whereas the hedges do limit the extent of views, the appeal site is typical of the distinctive landscape of the Trent and Witham Vales LCA. Where I become even more concerned with the Appellants' proposal is in their belief that 3-storey buildings could be acceptable in this landscape. Although such could be prevented by way of condition, this approach shows a certain disregard for the existing character and appearance by supporting a scheme that would extend the negative zone of visual influence and render the landscape proposed far less effective. [7, 60-91, 130, 137, 142, 165-191 and 230]
290. In summary, there are positives in the arguments advanced by both the Appellants' and the Council's landscape experts. However, when looked at in the context of what the Village is and how it is defined, coupled with the significant adverse effect for those walking the public footpath and restricted byway, I accept the Council's evidence as the more accurate. Overall, the site would not readily accept change with the proposals having a significant adverse effect on several of the criteria in the saved policies. Importantly, the new tranches of landscape planting would not be a benefit, but an attempt to mitigate harm to the character and appearance of the countryside. As such, this counts as a substantial negative in the planning balance. [60-91, 130, 137, 142 and 165-191]

Physical and social character of the village

291. This is primarily an objection advanced by the elected Members and the third parties, who argue that the Village is at a size where it is as self-sustaining as it can possibly get. Although not advanced by Officers as a key reason for resisting the appeal scheme, I am mindful that their report was written on the premise that there was not a 5-year HLS. [22, 31, 103, 107-110, 128 and 141]
292. The current housing stock of some 600 dwellings supports a population of approximately 1,475 (2011 census). The proposed development would, therefore, represent an increase in housing of 20%, to be added to the already approved 82 new dwellings since 2012, delivering an increase in properties of one third over a relatively short timeframe. As for population, this development alone would show a slightly larger percentage increase, owing mainly to almost one third of the present population being over 60-years of age (2011 census) (Document 8). [22, 25, 31, 103, 107-110, 128-129 and 141]
293. In the opinion of local Councillors and residents the appeal scheme represents too large an increase in the population in too short a time, compared with the 15% growth expected over the entire CLLP period to 2036. Although carrying little weight in policy terms, neither would it reflect the core aim of the emerging Neighbourhood Plan of continuing to develop Bassingham as a compact and sustainable village. [22, 31, 103, 107-110, 126, 128 and 141]
294. As for the site's location, the historic core of the Village is around the Church and is recognised by the Bassingham Conservation Area. The Village is viewed as compact, though it has expanded over the years and mainly to the north, with development at an ever increasing distance from the original core. Development of the appeal site would not represent growth in a sympathetic way and would constitute a further move away from the historic centre and in residents' opinion add to the imbalance around the core. In addition, this would make it more difficult for the Council to resist future development to the east of Lincoln Road, though any proposal here would have to be judged on its merits. One application has already been submitted and refused. [14, 26, 30, 112 and 128]
295. It is pointed out that the services within the Village are well supported and two key benefits that are used to measure the status of the village in the emerging CLLP are fully subscribed, namely the school and the Health Centre. The Bugle Horn public house has been identified as a potential community asset. In terms of accessibility, Bassingham is seen as peripheral to the main highway network with a journey time of 10-minutes to the A46 along narrow unclassified country lanes. It does not have the infrastructure capacity to make it suitable for significant growth above that assumed in the CLLP. With journey times of between 40 and 75 mins to Newark or Lincoln, the bus option does not make it easy to commute by sustainable means. [14-15, 107, 116 and 123]
296. Many of the objections raised by local residents and groups are consistent with the policies in the draft CLLP and the draft NP. As agreed by the main parties these documents are at a relatively early stage on their way to formal adoption and, consequently, can only attract limited and little weight respectively. Having said this, they both give a clear indication of the direction of travel, namely that expansion of Bassingham within the CLLP period to 2036 should

be modest. Moreover, this accords with the protocol adopted by the earlier LP, where again no site specific housing sites were identified. [129 and 163]

297. It is appreciated that the LP housing policies and site allocations were made against a much lower requirement figure. Even so, the emerging CLLP, with a higher housing requirement figure, does not look for Bassingham to accommodate a correspondingly higher figure. If anything it downgrades the contribution, emphasising its reduced level of sustainability and, consequently, its limited capacity to accept growth. Put bluntly, whichever way this is looked at, the development of 120 houses outside the existing village settlement curtilage would be out of place and prejudice its compact, rural character. [25, 38, 102, 129 and 147]
298. In addition, the road and bus connectivity are not resonant of a village capable of accommodating significant growth. The position in relation to the school and Doctor's surgery would both require expansion simply to meet the needs of the appeal scheme and not to address an existing shortfall. Thus, the contributions are by way of mitigation and not to deliver benefits to existing residents in the Village. The present Village seems to be of a size that matches the existing infrastructure, and does not require the appeal scheme and its s.106 offer to achieve critical mass, as urged by the Appellants. [15, 38, 104-105, 109 and 129]
299. All these points indicate to me that allowing this scheme would not be sensible planning in the context of the character of the Village as it stands today and the direction of travel contained in the existing and emerging policy documents. Importantly, such a fundamental change to the scale and character would fly in the face of all previous and proposed growth targets for the Village. This does not rest comfortably with the Framework (paragraphs 17, 54, 55 and 58) or LP Policy C18 and thus, constitutes a major negative factor, even allowing for the message in paragraphs 49 and 14 of the Framework. [15, 38, 104-105, 109 and 129]

Sustainability

300. The Framework defines sustainability as the golden thread running through both plan-making and decision-taking, and looks for proposals to be assessed against the three dimensions, economic, social and environmental. The Framework also sets out the 12 core planning principles underpinning planning decision taking and these provide useful guidance on how the sustainability accreditation of individual applications should be assessed. These principles have been factored in when weighing the benefits and disbenefits of the appeal scheme. [28, 38 and 40]

Economic benefits

301. As for the economic dimension, this particular proposal would generate most of the benefits of any housing development and Government recognises the importance of these. There would be the short term construction jobs and purchase of building materials and, in the future the generation of service jobs such as cleaning, child care, decorating and household repairs. A proportion of the income of new residents would be disposable and this could be used to support the Village facilities, local buses and other activities in the Village, whether through the Parish Council precept or other less formal organisations and events. [97-98, 107, 136 and 202-203]

302. It is fair to say, however, that there is no claim that the construction workers would be drawn from village residents or that unfilled local jobs exist in the village. There is a small employment site within the Village comprising six or seven modest units. Anecdotally, it is said there are frequently vacancies. Having regard to the highway accessibility constraints for larger service vehicles it is easy to see why these units would not prove attractive to many types of business. Put briefly, the Village is accessed by country lanes, often of single lane width for appreciable lengths, and the nearest Class A or B route, the A46, is some 3.5 km away. Neither is it demonstrated that there exists a pool of labour to take on the service jobs once the new houses are occupied. As such, it seems likely that many, if not most, of these service jobs would be filled by people commuting into the Village. [14-15 and 136]
303. There are two Village shops offering a top-up shopping facility and including a Post Office. This means that large convenience shopping and virtually all comparative retail activity would be undertaken elsewhere or require delivery. The two village pubs would gain support from new residents, but there is no suggestion from anyone that either is under pressure currently. On balance, these factors might just be judged marginally positive overall. [14 and 18]

Social benefits

304. Turning to the social benefits, the scheme would be policy compliant in respect of delivering 35% affordable housing provision. Although the Appellants have not produced an Economic Viability Assessment for the scheme, the provision is covered by a condition and confidence of delivery is accepted by all sides. As there appears to be few unknowns in the construction and related costs, I see no reason to question this. Then there would be the provision of general market housing, in a situation where the supply and delivery falls short of the planned figure. [18, 59, 97-98, 107, 124 and 203]
305. The Appellants submit that there is an infant and primary school, which is true. However, this is almost full and would not be capable of taking children from the appeal site without expansion. Although a contribution to the cost of the expansion would be forthcoming from the development, this should not be judged a benefit, but something to mitigate harm occasioned by the appeal scheme. All secondary and further education would be remote and in both cases there is no approved or programmed proposal. [18, 111, 123, 136, 196 and 211]
306. The same line of argument follows the health provision. Yes there is a Doctor's surgery in the Village, but this is also fully subscribed and would not be in a position to cater for the new residents without extension. In this case there is a dispute about how this should be funded. Nonetheless, once again I believe this would not represent a benefit, but mitigation of increased demand for medical services purely to accommodate the development. Moreover, there is no approved scheme to provide the necessary additional services. Visits to Dentists and hospital would not be in the Village. [18, 111, 116, 136, 196 and 211]
307. Next, there would be the support for the Church along with other organisations, including the village sports-clubs, and these would benefit from the input of newcomers. On the downside, the remoteness of many social and other support services would not make it easy for those living in the affordable housing, who could be expected to have a lower car ownership, with many

reliant on a modest bus service to access a much wider range of services. This is not the same as being able to walk or cycle. [18]

308. However, a key point is that, when completed, this would be a very large increase in the village population, approaching 25%, it would not be within the current village envelope and, if the Design and Access Statement ^(Document CD1) is anything to go by, would offer no permeability of layout to assist integration with existing residents. It would essentially be an isolated 'bolt-on' and this would make social integration difficult. [14 and 103]
309. With limited employment opportunities in the Village, there would be wholesale migration out of the Village for employment, most shopping and some health, education and leisure pursuits. The Transport Assessment indicates that 90% of journeys rely on the car, with only 1% by bus, 2% cycling and 5% walking. The proposed Travel Plan shows little material improvement. This exodus each day would do little to add to the social fabric of the Village and counts as significant negative. There can be little doubt that the preferred option of small scale development over the CLLP period would be much easier to assimilate and integrate into village life. [5, 97, 111 and 196-198]
310. Against this background, I again find it hard to reconcile this proposal with the Framework ^(paragraphs 54 and 55) that looks for new development to reflect local needs and be located where it would enhance or maintain the vitality of the rural settlement. As such, other than the provision of housing, which would flow from any scheme, I find the social benefits of the proposed development to the existing village negative.

Environmental benefits

311. Finally, when considering the environmental dimension, benefits are very definitely hard to find. As for the effects on landscape character and visual impact, these would be negative for the reasons given previously.
312. Turning to the accessibility of the Village, the appeal site allows most of the existing facilities to be reached by walking. There is an existing public right of way located to the west and north and the development would tie into this, which would be a benefit. However, it is clear from the TA that while walking would be an option to access the village facilities, most of the trips would be to destinations outside the Village, and the vast majority of these would not be made by sustainable means. Put briefly, whereas the Village may be sustainable internally for a small number of trips, when looked at in the wider context, this is not a sustainable village in overall accessibility terms. This is, also, a key reason why the Village is proposed for downgrading in the CLLP. [5, 7, 17, 105, 111, 113, 126, 134-135 and 195-198]
313. On the basis of the identified modal split, the TA has not adopted the most robust approach to the traffic analysis. It has taken the mean generation figure from the TRICS database. In my professional judgement, this location, where almost 90% of actual home to work trips are reliant on cars or vans, suggests that the 85%tile figure, or even higher, from the TRICS database would be more appropriate. [5, 105, 111, 113, 115 and 199-200]
314. When these were produced, the results show a peak hour increase in trips of a third during the AM peak and over a quarter during the PM peak. Assigning these higher figures to the external network, there is a 90% to 10% right and

left out of the site respectively, meaning that the local junction of Thurlby Road and Lincoln Road would still have spare capacity.

315. However, 90% would travel toward the key junction with the classified road network, identified in the TA as the A46 Half Way House/ Moor Lane. Bearing in mind that, using the Appellants mean figures, in the design year of 2023 the two A46 arms of this junction are running at above 0.85 RFC (ratio of flow to capacity) on the ARCADY assessments, the additional traffic from the 85%tile TRICS database would only exacerbate what is essentially already predicted to be an unstable position. No improvements to the relevant parts of the network were drawn to the attention of the hearing or in subsequent correspondence. [5, 105, 111, 113, 115 and 199-200]
316. There is also some question of the efficacy of using only TEMPRO growth rates rather than in combination with an allowance for committed development. This approach is not robust and, while it may be acceptable for planned development within Bassingham, there is much larger growth planned for other areas, including many from where traffic could use the A46 between Lincoln and Newark. [5, 105, 111, 113, 115 and 199-200]
317. Examining the bus service options, these are infrequent and would place stress on anyone starting a job in Lincoln at 0900 hrs and finishing a 1700 hrs (the 9-5 job). The services allow little leeway and would preclude anything further than a 15 minute walk from the bus station, or commuters being faced with an outward journey commencing at 0640 hrs and a return bus journey at 1800 hrs. With both taking between 40 and 75 minutes and the latter arriving back at 1919 hrs in the evening, this makes for a very long day. Trips to and from Newark are of the same order of magnitude. It is hardly surprising, therefore, that the TA shows only 1% of journeys being made by bus. [111, 126, 135 and 196-198]
318. The bus service was variously reported as under pressure for lack of funding and the appeal scheme would provide a contribution to support its retention, at least for a time. Subsequently, there can be no guarantees, especially having regard to the current low useage of the bus services and the Travel Plan target of 3% of journeys from and to the appeal site being made by bus. This is not encouraging for the longer term, when the proposed contribution ceases. Busses, of course, do not run in the evenings or on Sundays, which limits the benefits for leisure and some other pursuits. [18, 111, 126, 135 and 196-198]
319. Rail travel is not an option other than in combination with car or bus travel, as the nearest stations are well beyond reasonable walking and cycling distances. Looking at cycling in more detail, there are no dedicated facilities within the Village and most of the lanes leading to external destinations are narrow, unlit and offer no protection/ segregation. This means that this is unlikely to be adopted as a significant mode of travel. As noted earlier, the Village has no close connection to the classified road system and taking into account the evidence of low levels of walking, cycling and bus use, this cannot be seen as a sustainable village in terms of external connectivity. [15 and 198]
320. Turning now to other possible environmental effects, flood risk and drainage are raised. The Environment Agency's (EA's) Flood Map shows the developed area of the site in Zone 1, with the outfall for surface water to the River Witham in Zone 3. The audit trail of consultation responses is difficult to follow

and changes from a position of initial objection by the EA to one, following a revised Flood Risk Assessment, of no objection subject to a planning condition and a further calculation of water storage volumes and use of a sustainable drainage system. The Upper Witham Drainage Board indicates some high existing greenfield run-off rates from the site. [7, 106, 112, 118-122, 131-133 and 205-208]

321. The EA's submission dated 28 November 2014 deals with slow infiltration, which, in many ways confirms the Drainage Board's position and the percolation tests carried out on site as part of the Flood Risk Assessment (Document CD1). The latest submission by the EA dated 9 February 2015, however, delivers anything but a ringing endorsement. [7, 106, 112, 118-122, 131-133 and 205-208]
322. As I understand the proposal, it is for surface water from the soft and landscape areas to infiltrate and the surface water run-off from hard surfaces to be collected and stored in an attenuation pond, with the run-off from the site in its entirety controlled to mirror a greenfield run-off rate. The size of the attenuation pond and, perhaps more importantly, its depth has still to be designed. However, there is a tension between the existing groundwater levels around the indicative site for the pond and the potential for this to lift a liner if the depth is too shallow or, conversely, displace groundwater if the pond has sufficient depth for the liner to be retained in position. Either way there could be a problem, and the actions could prove to be mutually exclusive. Despite there being no in principle objection by the EA, until this is resolved I see this as a negative factor. [7, 106, 112, 118-122, 131-133 and 205-208]
323. Moving on to consider the foul sewerage system, there has been similar uncertainty. After initially saying that the existing sewers did not have the capacity to accommodate the foul sewage from the appeal site, Anglian Water Services (AWS) now says that the sewers do have sufficient capacity, but that the treatment works do not. Notwithstanding, AWS says that it is committed to upgrade if the appeal scheme goes ahead. No timescale for expansion is available and this may affect the number of dwellings that could be delivered in the next 5-years. [7, 106, 112, 118-122, 131-133 and 205-208]
324. On the topic of ecology, the appeal site does not host any particular asset of merit, with most inhabitants being of low interest value. There may be rarer visitors, but the redevelopment of the site would provide some opportunity to enhance the habitat, though in an overwhelmingly rural location this seems largely superfluous. Next, there would be the loss of Grade 3 agricultural land. If this proved to be Grade 3a, this would be a negative component. However, this is tempered by the fact that a large proportion of the surrounding land is of similar quality and this parcel forms only a very small part of a large land holding and, as such, its loss would not prejudice the viability of the holding. [16-17, 112, 127, 138 and 204]
325. Finally, while appreciating there are no density targets in the Framework, the density of this proposed development at some 19 dwellings per hectare for the 120 house scheme, does not make the best use of a scarce resource. I did raise this as an agenda item at the hearing and, whereas it is appreciated that the lower densities have been chosen to allow for sufficient land to mitigate harm, improve habitat and better reflect the density to the south of Thurlby

Road, this merely indicates to me that this is not an ideal choice of site for development. [3, 109, 128 and 165]

326. A number of the third party representations raise objections to the loss of view and the consequent fall in house values that would follow building on the open land. I have attributed only very little weight to these lines of argument. The resulting view might be foreshortened, but it would not be untenable and no-one has the right to an uninterrupted view. As for house prices, this is not a planning matter. [137]
327. Overall the environmental dimension falls well short of a positive outcome for a number of reasons, but primarily the harm to the landscape and the extremely limited external transport connectivity. Although surface water drainage concerns are currently held at bay, they could also prove decisive.

Sustainability summary

328. Summarising on the appeal scheme's sustainability accreditation, despite the marginal economic benefits, the social benefits claimed are not made out and, anyway, the environmental harm found outweighs both the social and economic matters, thus rendering it not sustainable in the terms espoused by the Framework (paragraph 7).

Other matters

329. Two further points are raised by third parties. The first of these is the view that local views are being ignored and that this flies in the face of Government policy. Localism arguments are often misunderstood and it needs to be remembered that the intention of Government's legislation in this regard is not that local views can veto development proposals. The intention is that locally generated views should influence how Government policy can best be implemented in the local context, through the development plan process and the preparation of NPs. In this case, having regard to the lack of progress on an up-to-date plan, where the local people have yet to have the opportunity to be heard, one can understand them feeling excluded or disengaged. [19-20, 32, 113 and 138]
330. The other matter topic pertains to human rights and, in particular, the right for respect for private and family life. In this, the planning system looks to impose criteria to protect and safeguard the reasonable expectations of the public. However, where there is no compelling amenity or similar reasons for resisting development, it is the wider public interest that holds sway. In this case the living conditions and wider environment have been examined and conclusions reached that inform the planning balance. [138]

Overall planning balance

331. The starting point must be to consider the appeal scheme's conformity with the DP. In a strict application of the LP, the appeal site is not allocated for housing and, as such, would not comply. Moreover, if adopted in its present format, the emerging CLLP would do little to change this situation, with no housing sites identified and a clear steer to small-scale development within the Plan period to the tune of 15% or 98 new dwellings.
332. As for the current housing position, despite the reluctance of parties to engage in a site by site exercise, I have concluded that the Council cannot identify a 5-

year supply of readily available housing land. Accordingly, the provision of 120 new dwellings, of which 42 would be affordable/ social, would be a substantial benefit that attracts significant weight in favour of the appeal proposals. Even so, taking all the other sustainable parameters into account, the development cannot be judged sustainable and the harm caused would significantly and demonstrably outweigh the benefits, when looked at against the Framework as a whole, including paragraphs 49 and 15.

Recommendation

333. Having regard to the evidence presented to the hearing, the written representations and visits to the appeal site and surroundings, I have found that the project would not be sustainable in the terms evinced by the Framework and the adverse impacts of the appeal scheme would significantly and demonstrably outweigh the benefits, when looked at against the Framework as a whole. Accordingly, and having taken into account all other matters raised, I conclude, on balance, that the appeal should fail and recommend accordingly.
334. In the event the SoS disagrees with my conclusions and recommendation and allows the appeal, the conditions appended below are commended to him. With regard to the position relating to CIL and the s.106 Agreement, I have identified a number of shortcomings in terms of a lack of objective outcomes, and, in many cases, identified schemes that would be delivered within a defined timeframe. Accordingly, I consider that little weight can be attached to the signed s.106 Agreement.

JS Nixon

Inspector

APPEARANCES

FOR NORTH KESTEVEN DISTRICT COUNCIL:

| | |
|--------------|---|
| Mr N Feltham | Principal Planning Officer, North Kesteven District Council |
| Ms G Waldman | Central Lincolnshire Joint Plan Team |
| Mr M Nowak | Influence Environment Ltd |
| Ms J Brewer | Surgery Practice Manager |
| Ms A Lumb | Lincoln West Clinical Commissioning Group |
| Ms J Patrick | NHS England |

FOR THE APPELLANTS – GLADMAN DEVELOPMENTS LTD:

| | |
|---------------|--------------------------|
| Mr R Gaskell | Gladman Developments Ltd |
| Mr C Still | Gladman Developments Ltd |
| Ms K Scofield | FPCR Landscape |
| Mr S Gladman | Gladman Developments Ltd |

INTERESTED PERSONS

| | |
|----------------------|--------------------------|
| Mr M Brown | Vice Chair Bassingham PC |
| Ms G Pessol | Sustainable Bassingham |
| Ms J Church | Sustainable Bassingham |
| Councillor P Woodman | Local Councillor |
| Councillor Ms S Howe | Local Councillor |
| Mr P Walker | Resident |

CORE DOCUMENTS

Document CD1 Disk containing Core Documents

DOCUMENTS HANDED IN AT THE HEARING

| | | |
|----------|----|--|
| Document | 1 | Attendance sheets (not included) |
| Document | 2 | Notification letters and circulation lists |
| Document | 3 | Hearing agenda |
| Document | 4 | Statement of Common Ground |
| Document | 5 | Bus Timetables |
| Document | 6 | Highway Technical Note |
| Document | 7 | Letter re Amber valley Local Plan Examination |
| Document | 8 | Population details 2011 Census |
| Document | 9 | High Court Judgement |
| Document | 10 | Live Tables on House Building |
| Document | 11 | Bassingham Community Led Plan |
| Document | 12 | SoS decision Re appeals Ref: APP/H1840/A/13/2199085 and APP/H1840/A/13/2199426 |
| Document | 13 | Final Draft Conditions |
| Document | 14 | Signed s.106 undertaking |
| Document | 15 | Trip rates and traffic generation details requested by Inspector |

DOCUMENTS SUBMITTED POST HEARING

| | | |
|----------|-----|--|
| Document | PH1 | Letter to SoS from Stephen Phillips QC MP |
| Document | PH2 | Letter to Stephen Phillips QC MP from Brandon Lewis MP |
| Document | PH3 | Central Lincolnshire Local Plan Proposed submission |
| Document | PH4 | Letter to Stephen Phillips QC MP from Baroness Williams of Trafford agreeing to call-in. |
| Document | PH5 | Call in letter to Appellants |
| Document | PH6 | Call in letter to Council |

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|----------|------|---|
| Document | PH7 | E-mail from Council dated 26 July 2016 |
| Document | PH8 | Decision Letter Ref: APP/N2535/W/14/3001767 |
| Document | PH9 | Decision Letter Ref: APP/N2520/W/16/3150595 |
| Document | PH10 | Decision Letter Ref: APP/N2535/W/15/3138200 |
| Document | PH11 | Submission by Council 7 September 2016 |

Appendix 1 – Central Lincolnshire Local Plan Proposed submission extract

Appendix 2 – Central Lincolnshire Settlement Hierarchy and Growth Distribution Study

Appendix 3 – Central Lincolnshire Local Plan Proposed submission further extract

Appendix 4 – Updated housing position

Appendix 5 – Refusal notice for 40 dwellings on land to the east of Lincoln Road, Bassingham

Appendix 6 – Central Lincolnshire Five Year Land Supply Report 1 April 2016 to 31 March 2017

Appendix 7 – Central Lincolnshire Local Plan initial questions from Inspectors (26 July 2016) and Committee's response

Appendix 3 – Decision Letter Ref:
APP/N2520/W/16/3148722

Appendix 6 – Central Lincolnshire Five Year Land Supply Report 1 April 2017 to 31 March 2022

| | | |
|----------|------|--|
| Document | PH12 | Submissions by the Appellants |
| Document | PH13 | Council's Addendum Statement dated 16 September 2016 |
| Document | PH14 | Five Year Land Supply Appellants' Response to Council's submission |
| Document | PH15 | Appellants response dated 16 September 2016 |
| Document | PH16 | Appellants' final, final comments |

ANNEX A

Draft Planning Conditions

1. Application for approval of reserved matters shall be made to the District Planning Authority not later than the expiration of 2-years beginning with the date of this permission and the development shall be begun not later than the expiration of 2-years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last matter to be approved.

2. Details of the appearance, landscape, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the District Planning Authority before any development begins and the development shall be carried out as approved.

3. Prior to the commencement of development a Habitat and Landscape Enhancement and Management Plan (HLMP), including the long-term design objectives, management responsibilities and maintenance schedules for all areas of habitat and landscaping other than those within the curtilages of individual dwellings, shall be submitted to and approved in writing by the District Planning Authority. The HLMP shall include the existing boundary hedgerow and trees to be retained on drawing 6176-A-03 Revision D, with the exception of those required to accommodate visibility splays associated with the implementation of the site access shown on drawing SK02 P1 'Hedgerow to be Cut Back/Removed' (notwithstanding the additional hedgerow removal shown within drawing 6176-A-03 Revision D), and details to compensate for any impacts on the Aubourn to Beckingham (River Witham) Local Wildlife Site associated with drainage works. The design, management objectives and maintenance of the landscaping and ecological enhancement areas shall, thereafter, be in accordance with the approved HLMP.

4. No development shall take place until a detailed scheme of phasing for the construction of the dwellings and associated highways and public areas has been submitted to and approved in writing by the District Planning Authority. The details of the phasing shall include a site layout plan identifying the proposed number of dwellings in each phase, the provision and management/maintenance of internal roads, footpaths, public open space and landscaping for each phase, details of the installation of play equipment within a LEAP (Local Equipped Area of Play), boundary treatment details, and temporary highway and pedestrian routes. The scheme shall include a schedule identifying the order of commencement and completion of these key elements within each phase of construction, and for the avoidance of doubt no dwelling/s shall be occupied until the estate street(s) affording access to those dwelling(s) have been completed in accordance with the approved details. Development shall be carried out in accordance with the approved phasing details. If within a period of 5-years from the date of planting any tree, shrub, hedgerow or replacement is removed, uprooted, destroyed or dies then another of the same species and size as the original shall be planted in the same place during its next planting season. Variations may only be planted on written consent of the District Planning Authority.

5. With the exception of those required to accommodate visibility splays associated with the implementation of the site access, no trees or hedgerows that are being shown as being retained on the approved plan referenced 6167-A-03 Revision D dated September 2014 shall be felled, uprooted, wilfully damaged, destroyed or removed without the prior

written consent of the District Planning Authority.

6. If any retained tree is damaged, mitigation/remedial works shall be carried out as may be specified in writing by the District Planning Authority. If any retained tree dies within a period of 12-months of completion of works, another tree shall be planted in the same place. Replacement/s shall be of a size and species and be planted at such a time, as may be specified in writing by the District Planning Authority.

7. The following work shall not be carried out under any circumstances:

- No fires to be lit on site within 10 metres of the nearest point of the canopy of any retained tree on or adjacent to the proposal site.
- No equipment, signage, fencing etc shall be attached to or be supported by any retained tree on or adjacent to the application site.
- No temporary access to be routed within designated Root Protection Areas without the prior written approval of the LPA.
- No mixing of cement, dispensing of fuels or chemicals within 10 metres of the tree stem of any retained tree on or adjacent to the application site.
- No soakaways to be routed within the Root Protections Areas or any retained tree on or adjacent to the application site.
- No stripping of topsoils, excavations or changing of levels to occur within the Root Protection Areas of any retained tree on or adjacent to the application site, unless previously agreed in writing with the District Planning Authority.
- No topsoil, building materials or other to be stored within the Root Protections Areas of any retained tree on or adjacent to the application site.
- No alterations or variations of the approved works or tree protection schemes shall be carried out without the prior written approval of the District Planning Authority.

8. No works or development shall take place until a scheme for the protection of the retained trees (section 5.5 BS5837-2012) and hedgerows illustrated on the approved plan referenced 6167-A-03 Revision D dated July 2015, and any areas designated for new soft landscaping, has been submitted to and agreed in writing with the District Planning Authority. This scheme shall include:

- a. A plan showing areas designated for structural or other landscaping that needs to be protected from construction operations.
- b. A plan showing details and positions of the Ground Protection Areas.
- c. Details and position of Tree Protection Barriers.
- d. Details and position of underground service runs and working methods employed should these runs be within the designated Root Protection Area of any retained tree on or adjacent to the application site.
- e. Details of any special engineering required to accommodate the protection of retained trees e.g. in connection with foundations, bridging, water features, surfacing.
- f. Details of working methods to be employed for the installation of drives and paths within the Root Protection Areas of any retained tree on or adjacent to the application site.
- g. Details of working methods to be employed when surfacing within or adjacent to the Root Protection Areas of any retained tree on or adjacent to the application site.
- h. Details of any scaffolding erection within the Root Protection Areas.
- i. Details of timing for the various phases of works or development in the context of

the tree protection measures.

Thereafter the development shall proceed fully in accordance with the approved tree protection plan and the measures stipulated therein.

9. Prior to any commencement of works between 1 March and 31 August in any year, a detailed survey shall be carried out by a suitably qualified person to check for nesting birds and the results submitted to the District Planning Authority. Where nests are found in any hedgerow, tree or scrub to be removed, a 4 m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting shall be confirmed by a suitably qualified person and a further report submitted to District Planning Authority before any further works within the exclusion zone take place.

10. No development shall take place until an Environmental Management Plan has been submitted to and approved in writing by the District Planning Authority, which shall indicate measures to mitigate against adverse effects of noise, dust and traffic generation during the construction stage of the proposed development. The Code of Practice shall include:

- a. the parking of vehicles of site operatives and visitors;
- b. loading and unloading of plant and materials;
- c. storage of plant and materials used in constructing the development;
- d. wheel washing facilities;
- e. proposed hours of operation of construction activities;
- f. the frequency, duration and means of operations involving demolitions, excavations, drilling, piling, concrete production and dredging operations;
- g. sound attenuation measures to be incorporated to reduce noise at source;
- h. measures to control the emission of dust and dirt during construction;
- i. the routes of construction traffic to and from the site, including any prohibited routes, and off-site routes for the disposal of excavated material.

The approved Environmental Management Plan shall be strictly adhered to throughout the construction period.

11. No development shall be commenced until full engineering, drainage, street lighting and constructional details of the streets proposed for adoption have been submitted to and approved in writing by the District Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the District Planning Authority.

12. Notwithstanding drawing C14248 Revision P2 dated 8/8/14, no development shall take place before a scheme has been agreed in writing by the District Planning Authority for the construction of a 1.8 m wide footway (together with arrangements for the disposal of surface water run-off from the highway), along the southern boundary of the site (Thurlby Road), has been submitted to and agreed in writing with the District Planning Authority. The agreed works shall thereafter be fully implemented before any of the dwellings are first occupied, or in accordance with an alternative phasing arrangement to be agreed in writing with the District Planning Authority.

13. No development shall take place until a Travel Plan has been submitted to and approved in writing by the District Planning Authority. The Travel Plan shall include, *inter alia*, a timetable for implementation and provision for monitoring and review. No

part of the development hereby permitted shall be occupied until those parts of the approved Travel Plan that are identified as being capable of implementation after occupation have been carried out. All other measures contained within the approved Travel Plan shall be implemented in accordance with the timetable contained therein and shall continue to be implemented, in accordance with the approved scheme of monitoring and review, as long as any part of the development is occupied.

14.No vehicular access, the subject of this permission, shall be brought into use until all obstructions exceeding 0.6 m high have been cleared from the land between the highway boundary and the visibility splays indicated on drawing number SK001 Rev P2 dated 8/8/14, and thereafter the visibility splay shall be kept free of obstacles exceeding 0.6 m in height.

15.No development shall take place on any part of the site to which any part of this permission relates until details of the existing site levels and details of the proposed site levels and finished floor levels of all buildings and structures (including roadways and footways) on the site have been submitted to and agreed in writing by the District Planning Authority. Thereafter the development shall be constructed to the approved levels.

16.No development shall take place on any part of the site to which any part of this permission relates until a detailed scheme for the provision and future maintenance of foul and surface water drainage provision in perpetuity (to include the drainage connections to the River Witham) has been submitted to and agreed in writing by the District Planning Authority. The development shall, thereafter, proceed fully in accordance with the approved scheme, including the schedule of management and maintenance, and no dwelling shall be first occupied until the foul and surface water drainage to serve it as detailed within the approved drainage strategy, has been provided.

17.When an application/s for the approval of reserved matters is submitted, it shall illustrate details of the provision of a footpath link between the site and the existing Restricted Byway no. 4 to the west of the site.

18.Unless an alternative phasing scheme is agreed with the District Planning Authority, before any dwelling is commenced, all that part of the Estate Road and associated footways that form part of the junction with Thurlby Road and which will be constructed in the limits of the existing highway, shall be laid out and constructed to finished surface levels in accordance with details to be submitted to and approved in writing by the District Planning Authority.

19.The development shall not begin until a scheme for the provision of 35% affordable housing as part of the development has been submitted to and approved in writing by the District Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 42 of the housing units;
- ii) the timing of the construction of the affordable housing and its phasing in relation to

the occupancy of the market housing;

- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved) ;
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

20. Prior to the commencement of development a detailed scheme relating to the provision, implementation and maintenance of on-site public open space, and maintenance of the footpath link to the existing Restricted Byway no. 4, shall be submitted to and agreed in writing by the District Planning Authority. The scheme shall outline the timing of provision of all elements of public open space in relation to the overall development of the site, and will set out the means of future maintenance of these areas. Thereafter, the scheme shall be implemented in its entirety in accordance with the approved details unless agreed in writing with the District Planning Authority.

21. The development shall be restricted to one or two storey dwellings only, with no rooms within the roof space of the two storey dwellings. Notwithstanding the provisions of Schedule 2, Part 1, Classes B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification):

- (i) no alterations shall be carried out comprising the enlargement of any dwelling(s) consisting of an addition or alteration to its roof, or any other alteration to the roof of any dwelling;
- (ii) no dormer windows shall be added to the dwelling(s); and
- (iii) no solar or micro-generation equipment shall be added at roof level to any of the dwellings unless planning permission for such development has been granted by the District Planning Authority.

22. No fewer than 10% (12no.) of the dwellings hereby permitted shall be constructed as single storey properties.

23. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the approved plans, listed below on this decision notice:

- i) Site Location Plan – 5461/RL.001
- ii) Access Plan – SK001 Revision P2
- iii) Hedgerow Removal Plan – SK02 Revision P1



RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.