Town and Country Planning Act 1990 (as amended)
Section 78

Appeal against the refusal of planning permission by Mid Devon District Council in respect of:

Outline application for the erection of 60 dwellings and construction of new vehicular access onto highway to the west of the site.

Land at NGR 302469 114078 Higher Town Sampford Peverell, Tiverton, Devon

LPA Reference: 17/01359/MOUT
PINS Reference: APP/Y1138/W/19/3238631

Written Statement on behalf of the Local Planning Authority compiled by
Mr. Alex Sebbinger BA(Hons), MSc(Geog), MSc(TP), MRTPI

January 2020
1.0 **Introduction and Identification of Proposal:**

1.1 My name is Alexander James Sebbinger. I have a bachelor’s degree in Geography, a master’s degree in Geography both from Queen Mary College, University of London and a master’s degree in Town Planning from University College London (UCL). I am a Chartered member of the RTPI. My experience of planning and the planning system includes working since 2002 in Development Management at all levels up to Principal Planner at Epping Forest District Council, as Team Leader at West Dorset District Council and as Development Manager at Sedgemoor District Council. I formed Westward Planning Ltd in 2010 and have been a self-employed planning consultant ever since. In addition I have also worked for other district councils in Hampshire, Dorset and most recently at South Hams District Council until 2016 primarily covering major applications and complex development management casework. I have been working in Westward Planning Ltd on behalf of private clients since September 2010 and have done this on a full time basis since February 2016.

1.2 My practice, Westward Planning Ltd has been commissioned by Mid Devon District Council to act on its behalf in respect of defending the appeal made by Place Land LLP against the refusal of the Council to grant outline planning permission for this application for sixty dwellings with access.

1.3 All matters are reserved for subsequent approval with the exception of access. Scale, siting and appearance are reserved for subsequent approval, however an indicative plan to identify how a development of this scale could take place was provided with the application documentation. The illustrative layout plan shows public open space, a LEAP, an area for SuDS as well as landscaping. The indicative layout shows a central spine road with two sub-roads off it, linking all the proposed dwellings.

1.4 Vehicular access is proposed to fall onto the highway to the west of site, and three pedestrian/cycle access points are also proposed. One of these pedestrian links is located at the north eastern corner of the site (onto Higher Town), while the two others are on the south of the site, onto Tunpike.

1.5 The application was revised during the determination period; it was originally submitted seeking consent for the erection of up to 84 dwellings. Following comments from Council Officers and statutory consultees the application was amended to sixty dwellings.
1.6 The application was refused planning permission at a meeting of the Planning Committee which took place on 31st July 2019. The application was presented to Committee by Council Officers with a recommendation of approval. This will be elaborated upon further in Section 3.0 below.

2.0 Site and Surrounding Area:

2.1 The appeal site comprises approximately 4.3 hectares of land to the west of Sampford Peverell. The site is currently agricultural (laid out as two fields) and is consequently undeveloped. It lies to the north of Turnpike and to the south of Higher Town. It is bounded to the west by an un-named lane which links between Turnpike and Higher Town. The site is primarily delineated with hedges between it and the public highway.

2.2 The site lies outside of the village development boundary, however it adjoins it. The site occupies an elevated position in relation to Sampford Peverell (as the site is approached from the east via Turnpike) where land levels rise towards it. In relation to the site, land levels fall to the south and east. The site occupies a predominantly rural location, however there exists a ribbon development of dwellings on the southern side of Turnpike (opposite the site) and a dwelling to the north of the site (on the southern side of Higher Town). Agricultural buildings are located to the north west of the site. Existing residential dwellings lie to the east of the site, and residential properties to the north east of the site (on the southern side of Higher Town) adjoin the site.

2.3 The site is neither within a Conservation Area nor is it within an AONB, however it must be noted that the north eastern part of the appeal site lies adjacent to the designated Sampford Peverell Conservation Area. Also of note is No. 42 Higher Town which itself is Grade II Listed. This building lies adjacent to the site to the north east of it.

2.4 Sampford Peverell itself has a population of 1,302 people and consists of around 2,000 acres of land. It is located approximately 5.5 miles from Tiverton; the principal town of Mid Devon District. The village itself lies on the upper slopes of the Culm Valley. The village has a small shop with post office, doctor’s surgery, a primary school, church, two pubs/ hotels, hairdresser, village hall and some other local
facilities including tennis courts and a substantive children’s play area. To the east of Sampford Peverell on the approach road to Tiverton Parkway Railway station, there is a farm shop and golf driving range/cafe.

2.5 Sampford Peverell has close access to the A361 North Devon Link Road as well as Junction 27 of the M5 Motorway. The main line national rail station of Tiverton Parkway is approximately 1.5 miles distant to the site.

2.6 The site itself falls within Flood Zone 1; land with the lowest probability of flooding and of the least risk of being susceptible to flooding.

3.0 Background and Planning History:

3.1 The appeal site was identified as having development potential in the 2013 Mid Devon District Council Strategic Housing Land Availability Assessment (SHLAA). A copy of the SHLAA main report is included at APPENDIX WPL1, and a copy of the extract from the SHLAA identifying this site (in the SHLAA described as “Site 1, Higher Town”) is included at APPENDIX WPL2. The SHLAA identified a maximum yield of 180 units, a minimum of 108 and a mid-point yield of 60 (APPENDIX WPL1, SHLAA, p16), however it is acknowledged in the document that any development would need to be low density due to the character and density of the nearest housing and the potential landscape impact (APPENDIX WPL2, SHLAA, p134).

3.2 The SHLAA summary table for this site (APPENDIX WPL1, SHLAA, p16) states that the site is considered suitable for development, it is available and achievable, however in the comments it stated the yield be reduced to 60 units on highway grounds and to reflect surrounding density.

3.3 Mid Devon District Council submitted the Local Plan Review 2013 - 2033 to the Planning Inspectorate on 31 March 2017, for examination into the legal compliance and soundness of the Plan. Within the Local Plan Review (LPR), this site was allocated for development under Policy SP2. Further discussion regarding the Policy itself will take place in Section 4.0 below.

3.4 Preliminary examinations into Policies SP2, as well as Policies J27 and TIV16 of the LPR took place on 20th and 21st September 2018. This followed a request by Mid Devon District Council to adjourn the hearings previously scheduled for 26th and 27th
September 2017. This adjournment provided the opportunity for the Council to commission an independent report by consultants LUC to review the Sustainability Appraisal of proposed modifications made to the LPR, specifically Policies J27, SP2 and TIV16. The examination hearings themselves into these policies took place in February 2019.

3.5 A pre-planning application enquiry (reference 17/00803/PREAPP) was made to the Council in 2017. This sought the Council’s opinion as to the likelihood of development of the site. In the Council’s reply (dated 27th July 2017), the Planning Officer advised that (at that time) limited weight could be given to the SP2 allocation. A copy of the pre-application response is included at APPENDIX WPL3.

3.6 Planning application 17/01359/MOUT, the application subject to this appeal was validated on 4th September 2017. In its original form the application sought consent for 84 dwellings, but post-submission this was revised to 60 dwellings.

3.7 The application was referred to the Council’s Planning Committee on 11th July 2018. It was recommended for approval by Council Officers subject to planning conditions and Section 106 obligations. Despite the positive recommendation, the Committee were minded to refuse the application on three grounds:

1) The proposed outline application for 60 dwellings on this prominent site will have a significant adverse visual impact on the surrounding landscape character and appearance.

2) The site is not considered to be a sustainable location for this scale of housing development due to poor pedestrian access. 60 dwellings would be a significant increase in the population of the village, which has little employment and which would result in an unsustainable pattern of car-based commuting.

3) The introduction of the substandard pedestrian footway at Sampford Peverell and the associated crossing points are considered to be unacceptable and unsafe. The introduction of 60 dwellings on this site will create a substantial increase in the numbers of cars which will need to access Sampford Peverell.

3.8 The Committee resolved to defer the application pending an implications report on the basis of that decision. Due to the evolving Local Plan Review process, determination of the application was held until the preliminary hearings had taken place in September 2018, followed by the Examination Hearings in February 2019.
3.9 The application was heard once again at the Council's Planning Committee on 31st July 2019. Notwithstanding the Planning Officer recommendation the Committee refused the application. The reasons for refusal as stated on the Decision Notice are as follows:

1. The proposed outline application for 60 dwellings on this prominent site will have a significant adverse visual impact on the surrounding landscape character and appearance and is not compliant with policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), DM2(a) of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

2. The site is not considered to be a sustainable location for this scale of housing development due to poor pedestrian access. 60 dwellings would be a significant increase in the population of the village, which has little employment and which would result in an unsustainable pattern of car-based commuting and is not in compliance with policies COR1, COR12 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and the National Planning Policy Framework.

3. The introduction of the substandard pedestrian footway at Sampford Peverell and the associated crossing points are considered to be unacceptable and unsafe. The introduction of 60 dwellings on this site will create a substantial increase in the numbers of cars which will need to access Sampford Peverell and is not in compliance with policy DM2(d) of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

3.10 Following the decision, legal advice was prepared to the Planning Committee on 23rd October 2019 in respect of a then potential forthcoming appeal. At the meeting, Members resolved that Reason for Refusal 2 (sustainability) would not seek to be defended on appeal. Consequently the Council’s defence focuses on Reasons for Refusal 1 (landscape and visual impact) and 3 (highway safety and vehicle numbers).
3.11 Another application identical to that refused was submitted to the Council and validated on 23rd October 2019. This application was given reference 19/01836/MOUT. It was however withdrawn by the applicant on 9th December 2019.

4.0 Relevant Planning Policies:

National Planning Policy Framework (NPPF):

4.1 The National Planning Policy Framework (NPPF) is the overarching document by which planning applications should be assessed. The Framework was most recently updated on 19th February 2019.

4.2 The Framework makes it clear (paragraph 8) that there are three dimensions to sustainable development, these being economic, social and environmental. In terms of an economic role this includes contributing to a strong and competitive economy by ensuring that sufficient land is available in the right places. In terms of the social role to provide a supply of housing to create a high quality built environment. Finally, in terms of the environmental role to protect and enhance natural, built and historic environment.

4.3 The NPPF sets out that at the heart of the Framework is a presumption in favour of sustainable development (paragraph 10). This is elaborated upon in Paragraph 11:

*Plans and decisions should apply a presumption in favour of sustainable development.*

*For plan-making this means that:*

a) plans should positively seek opportunities to meet the development needs of their area, and be sufficiently flexible to adapt to rapid change;

b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas, unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area; or
ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date(7), granting permission unless:

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

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Footnote 7 advises that for applications involving housing, this includes situations where the LPA cannot demonstrate a five year supply of deliverable housing sites.

4.4 Paragraph 16 makes it clear that plans should contribute to sustainable development, and above other criteria be prepared positively.

4.5 Paragraph 38 of the NPPF identifies that LPAs should approach decisions on proposed development in a positive and creative way, using the full range of planning tools available and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.

4.6 Paragraph 47 identifies that applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 48 sets out that LPAs may give weight to policies in emerging plans but dependent on the stage of preparation and the extent to which there are unresolved objections.

4.7 In respect of delivering a sufficient supply of homes, paragraph 59 sets out that it is important that a sufficient amount and variety of land can come forward to boost the government’s objective of boosting the supply of homes.
4.8 In terms of rural housing, paragraph 77 advises that planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Paragraph 78 identifies that housing should be located where it will enhance or maintain the vitality of rural communities.

4.9 Paragraph 91 requires that planning decisions should aim to achieve healthy, inclusive and safe places. Paragraph 108 requires development to promote sustainable transport modes, to achieve safe and suitable access and to mitigate any impacts on the transport network. Paragraph 109 makes it clear that development should only be prevented if there would be an unacceptable impact on highway safety or the cumulative impacts on the road network would be severe.

4.10 Paragraph 124 sets out that good design is a key aspect of sustainable development. In terms of creating planning policies and making decisions, paragraph 127 requires that developments, amongst other criteria are sympathetic to local character and history, including the surrounding built environment and landscape setting.

4.11 Paragraph 130 is explicitly clear that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

4.12 Paragraph 170 requires that planning policies and decisions should contribute to and enhance the natural and local environment.

Mid Devon Local Plan:

4.13 The Development Plan for Mid Devon District comprises the Mid Devon Core Strategy (adopted 2007), which sets out the strategic development objectives for the district. The detailed Development Management Policies are contained within the “Local Plan Part 3”, which identifies the specific criteria to which applications are assessed by. The policies cited by the Council in the reasons for refusal are listed below.

4.14 Policy COR2 sets out the requirement for local distinctiveness:

*Development will sustain the distinctive quality, character and diversity of Mid Devon’s environmental assets through:*
a) high quality sustainable design which reinforces the character and legibility of Mid Devon’s built environment and creates attractive places,
b) the efficient use and conservation of natural resources of land, water and energy,
c) the preservation and enhancement of the distinctive qualities of Mid Devon’s natural landscape, supporting opportunities identified within landscape character areas. Within the Blackdown Hills Area of Outstanding Natural Beauty or adjoining the Area of Outstanding Natural Beauty or Exmoor and Dartmoor National Parks, the primary objective will be to protect the special environmental qualities of that landscape and its setting,
d) the protection and enhancement of designated sites of national and local biodiversity and geodiversity importance. Development will support opportunities for protecting and enhancing species populations and the restoration, recreation, enhancement and linking of habitats to contribute toward the delivery of Biodiversity Action Plan targets, and
e) the preservation and enhancement of Mid Devon’s cultural and historic environment, and the protection of sites, buildings, areas and features of recognised national and local importance.

4.15 Policy COR12 identifies the development focus for Mid Devon (extract):

*Development will be concentrated at Tiverton, Cullompton and Crediton, with a limited role for Bampton, to a scale and mix appropriate to their individual employment opportunities, services, transport choices, infrastructure, strategic role and environmental capacity. Other settlements will have only very limited development that is required to meet local needs and promote rural regeneration. Development rates will be approximately as follows:*
4.16 Policy COR18 of the Core Strategy covers development in the countryside, outside of settlement boundaries. This states:

*Development outside the settlements defined by COR13 - COR17 will be strictly controlled, enhancing the character, appearance and biodiversity of the countryside while promoting sustainable diversification of the rural economy. Detailed development control policies will permit agricultural and other appropriate rural uses, subject to appropriate criteria, as follows:*

*a* affordable housing to meet local needs, gypsy accommodation, replacement dwellings, housing essential to accommodate an agricultural or forestry worker and accommodation ancillary to a dwelling;

*b* appropriately scaled retail, employment, farm diversification and tourism related development (including conversion of existing buildings);

*c* appropriately scaled and designed extensions and other physical alterations to existing buildings;

*d* agricultural buildings;

*e* community facilities, such as educational facilities, buildings associated with public open space, development required to support or enhance biodiversity or geodiversity.
interests, transportation and infrastructure proposals, horse riding establishments and golf facilities; and

f renewable energy and telecommunications.

4.17 The remaining policy is Policy DM2, from the Local Plan Part 3. This covers the requirement for high quality design.

Designs of new development must be of high quality, based upon and demonstrating the following principles:

a) Clear understanding of the characteristics of the site, its wider context and the surrounding area;

b) Efficient and effective use of the site, having regard to criterion (a);

c) Positive contribution to local character including any heritage or biodiversity assets and the setting of heritage assets;

d) Creation of safe and accessible places that also encourage sustainable modes of travel such as walking and cycling;

e) Visually attractive places that are well integrated with surrounding buildings, streets and landscapes, and do not have an unacceptably adverse effect on the privacy and amenity of the proposed or neighbouring properties and uses, taking account of:
   i) Architecture
   ii) Siting, layout, scale and massing
   iii) Orientation and fenestraton
   iv) Materials, landscaping and green infrastructure

f) Appropriate drainage including sustainable drainage systems (SUDS) and connection of foul drainage to a mains sewer where available.

Major residential development proposals will be required to achieve ‘green’ status under at least 8 of the 12 Building for Life criteria.
4.18 The application site lies within the area of land proposed for allocation in policy SP2 of the Local Plan Review Proposed Submission (incorporating proposed modifications) that was submitted for examination to the Secretary of State on 31 March 2017. As discussed in Section 3.0 above, the preliminary hearings into this Policy took place in September 2018 and the examination hearings took place in February 2019.

4.19 The emerging Local Plan Review seeks to allocate the site for 60 dwellings and associated green infrastructure under Policy SP2.

**Higher Town, Sampford Peverell**

A site of 6 hectares at Higher Town, Sampford Peverell is allocated for a low density residential development, to come forward following the commencement of development of the M5 Junction 27 allocation, subject to the following:

a) No more than 60 dwellings with 30% affordable housing;
b) No development until the completion of improved access works to the A361;
c) Landscaping and design which respect the setting and character of the area, conservation area and listed building;
d) Provision of a drainage strategy and Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance;
e) Mitigation of any wildlife impact including protection of hedgerows;
f) Archaeological investigation and appropriate mitigation; and
g) 2 hectares of Green Infrastructure laid out and managed with landscaping and open space.

4.20 Two proposed amendments to Policy SP2 were also submitted to the Secretary of State following the public consultation in January / February 2017 which are as follows:

*Include new criterion “Improved access to the village for pedestrians and cyclists”*
Amend criterion g) as follows “2.5 hectares of Green Infrastructure laid out and managed with landscaping and open space.”

4.21 Following the September preliminary examination hearings, the Inspector provided an advisory note to the Council dated 29th October 2018. A copy of this is provided at APPENDIX WPL4 and in this document the Inspector opined that he had no concerns over the selection of the site for allocation but that he had reservations over the detailed and specific nature of the policy as drafted. He stated that it was his intention to address this in the main hearings.

4.22 Following the February 2019 hearings, the Inspector issued a post-hearings advice note on 21st May 2019 (a copy is provided at APPENDIX WPL5) in which he stated that the SP2 site is included to ensure that the overall housing requirement could be addressed. The Inspector also stated that the tie to the nearby Junction 27 mixed use development served no purpose and that it should be removed. In addition it was further stated that the limitation on the development until the completion of northbound slip roads onto the A361 is unnecessary.

4.23 The revised wording of emerging Policy SP2 following the Inspector’s findings is as below:

**Policy SP2**

**Higher Town, Sampford Peverell**

A site of 6 hectares at Higher Town, Sampford Peverell is allocated for a low density residential development, to come forward following the commencement of development of the M5 Junction 27 allocation, subject to the following:

(a) No more than 60 dwellings with 30% affordable housing;
(b) No development until the completion of improved access works to the A361;
(c) Landscaping and design which respect the setting and character of the area, conservation area and listed building;
(d) Provision of a drainage strategy and Sustainable Urban Drainage Scheme to deal with all surface water from the development and arrangements for future maintenance;
(e) Mitigation of any wildlife impact including protection of hedgerows;
(f) Archaeological investigation and appropriate mitigation; and
(g) 2.5 hectares of Green Infrastructure laid out and managed with landscaping and open space; and
improved access to the village for pedestrians and cyclists.
On 21st November 2019 the Council’s Cabinet met to debate the Main Modifications to the Local Plan Review. These were then referred to a meeting of the Council on 4th December 2019. The Main Modifications were subject to an amendment to Policy SP2 having been called, which was agreed unanimously. A copy of the minutes of the Council meeting is provided at APPENDIX WPL6. The amendment states:

In the event that (a) the Inspector recommends the adoption of the Local Plan Review including policy SP2 (with or without main modifications) and it is so adopted and (b) planning permission is refused by an Inspector for reasons which go to the principle of development of the site on the scale envisaged by policy SP2, that an early review of policy SP2 takes place in line with the Council’s own Local Development Scheme.

The Council meeting agreed that the Main Modifications to the Local Plan Review, to include the above amendment to Policy SP2 set out in paragraph 4.23 above, be subject to a period of six weeks public consultation. This consultation has yet to occur at the time of writing this Statement (December 2019), but it is anticipated that it will take place in early 2020.

At the time the application the subject of this appeal was submitted to the LPA (in September 2017) and indeed at the time of the first time this proposal was heard at Planning Committee it was the case that the Council was not able to demonstrate a deliverable five year land supply of housing. This can be confirmed by the Officer’s Report (Section 1.1) in the Committee Report. A copy of this has already been provided by the Council so to avoid unnecessary repetition I am not providing a further copy here.

It is however the case that as of April 2019, the Council is now able to demonstrate a five year land supply. Enclosed at APPENDIX WPL7 is a copy of a document from the Council’s Planning Policy team which sets out that the housing land supply position is 7.43 years for the period 1 April 2018 to 31 March 2023. This document also sets out the tests and background by which the Council’s Planning Policy team have come to their view.

In a further advice note provided by the Planning Policy Team (dated October 2019), a copy of which is provided at APPENDIX WPL8, it is stated:
A 7.43 year housing land supply can be demonstrated against an annual housing need of 364 for the period 1 April 2018 to 31 March 2023. This takes account of the identified supply of deliverable sites and a 5% buffer based on the most recent results of the Housing Delivery Test.

Notwithstanding that a 5 year supply requirement has been met, adopted Mid Devon Core Strategy Policies COR3, COR17 and COR18 are not consistent with relevant policies in the 2019 NPPF and therefore should be accorded limited weight in planning decisions until they are replaced. The tilted balance will continue to apply to the determination of planning applications concerning proposed housing development in Mid Devon.

Draft policies in the Mid Devon Local Plan Review, where relevant, will be material to the determination of planning proposals and weight given in accordance with paragraph 48 of the 2019 NPPF. Main examination hearings for the Local Plan Review took place in February 2019 and subsequent work was carried out by the Council to address concerns raised by the Inspector in relation to the proposed housing trajectory. This work has been considered by the Inspector and he confirmed in September 2019 that he is content for the Council to progress to consultation on draft Main Modifications.

The adoption of the Mid Devon Local Plan Review will establish a new housing land supply position and policies that will carry full legal weight for the determination of planning applications concerning proposed housing development in Mid Devon. However until this time, the Council’s Housing Land Supply position will remain as set out above. This position is unaffected by the additional work carried out by the Council in relation to the proposed Local Plan Review housing trajectory.

4.29 The above policies, weight to be afforded to them and accompanying issues will be elaborated upon further in the following section.

5.0 Planning Considerations:

5.1 At the outset, it is acknowledged that this application was recommended for approval by Council Planning Officers, and the rationale behind those recommendations is shown in the Report to Committee (July 2018) and the subsequent Implications Report to Committee (July 2019).
Paragraph 016 of the National Planning Practice Guidance for Determining a Planning Application (6th March 2014) states:

Local authority members are involved in planning matters to represent the interests of the whole community and must maintain an open mind when considering planning applications. Where members take decisions on planning applications they must do so in accordance with the development plan unless material considerations indicate otherwise. Members must only take into account material planning considerations, which can include public views where they relate to relevant planning matters. Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless it is founded upon valid material planning reasons.

It must be made emphatically clear at this juncture that the decision to refuse this development was taken not only on the basis of the strong local opposition to it (of which the levels of objection were significant). Most, if not all of the representations made views containing valid material planning reasons. It is the purpose of this section of the Statement to demonstrate how members of the Committee took into account material planning considerations, many of which included public views relevant to planning matters, notwithstanding the opinion of Council Officers to the contrary. Appropriate evidence is provided from technical experts in their field to justify the decision of the Planning Committee.

The Reasons for Refusal cited on the Decision Notice are as follows:

1. The proposed outline application for 60 dwellings on this prominent site will have a significant adverse visual impact on the surrounding landscape character and appearance and is not compliant with policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), DM2(a) of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

2. The site is not considered to be a sustainable location for this scale of housing development due to poor pedestrian access. 60 dwellings would be a significant increase in the population of the village, which has little employment and which would result in an unsustainable pattern of car-based commuting and is not in compliance with policies COR1, COR12 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1) and the National Planning Policy Framework.
3. The introduction of the substandard pedestrian footway at Sampford Peverell and the associated crossing points are considered to be unacceptable and unsafe. The introduction of 60 dwellings on this site will create a substantial increase in the numbers of cars which will need to access Sampford Peverell and is not in compliance with policy DM2(d) of the Mid Devon Local Plan Part 3 (Development Management Policies) and the National Planning Policy Framework.

5.5 In light of the decision of the Planning Committee not to seek to defend Reason for Refusal number two in this appeal, there are the following issues which are raised:

1. The prominence of the site and a significant adverse impact on surrounding landscape character.

2. Highway safety issues due to the introduction of what is considered a substandard pedestrian footway and unsafe and unacceptable crossing points and a substantial increase in the number of cars accessing Sampford Peverell.

5.6 These technical issues are addressed in detail in the reports which accompany the Council’s evidence; landscape and visual impact within the report of the David Wilson Partnership and highway safety and traffic generation within the report of Paul Basham Associates. It is the purpose of this section to highlight the conclusions of these reports with reference to the cited planning policies in the reasons for refusal. It is important however to beforehand explore the weight to be given to the cited policies on the Decision Notice.

Weight to be given to Policies:

5.7 As stated above in Section 4.0, the advice given by Mid Devon’s Planning Policy team is that despite fact that the Council can now demonstrate a five year housing land supply, a number of Core Strategy Policies (which date from 2007, pre-dating the first iteration of the NPPF by approximately five years) are not consistent with the policies in the 2019 NPPF. The policies themselves are COR3, COR17 (neither of which are cited in the Reasons for Refusal), and COR18.
5.8 The advice is given that they should ‘therefore be afforded limited weight in planning decisions until they are replaced’ and that ‘the tilted balance will continue to apply to the determination of planning applications concerning housing development in Mid Devon.

5.9 Whilst Reason for Refusal number two is not being defended by the Council, it is important to note that Policy COR18 was cited in Reason for Refusal number one – that concerning prominence and visual impact. Policy COR18 essentially sets out the generally acknowledged planning status quo that development outside of settlements will be strictly controlled, enhancing the character and appearance of the countryside while promoting sustainable rural diversification. With regard to Reason for Refusal number one, the element of the Policy concerning enhancing the character and appearance of the countryside is what is key. It should also be noted that Reason for Refusal one also refers to other policies, which will be discussed later in this section.

5.10 The appellant at their Appendix 7 has cited an appeal decision (APP/Y1138/W/18/3214685 – Land off Meadow Park, Willand) where it was agreed between the LPA and that appellant that Policy COR18 (and others) be out of date and it further agreed that the tilted balance set out within Paragraph 11(d)(ii) of the NPPF be engaged (paragraph 10, p2). The Inspector held (paragraph 29, p5) that Policy COR18 is out of date and attracts limited weight.

5.11 It is however emphasised that in respect of that appeal decision, the application of COR18 relates to a matter of principle of development, whereas in this appeal the LPA is not seeking to defend this issue of sustainability and location of development, so application of COR18 in respect of Reason for Refusal one is focussed on the character and appearance of the countryside.

5.12 Notwithstanding the above, the Council has successfully defended an appeal using Policy COR18 against a refusal of planning permission for five dwellings at land adjacent to Hill View, Cheriton Bishop (reference APP/Y1138/W/19/3234899). A copy of this is included at APPENDIX WPL9.

5.13 Make no mistake, the reference to this Cheriton Bishop appeal is not seeking to use that decision in any way to defend the Council’s position on Reason for Refusal 2. Nor is this reference made to defend the matter regarding the location of or the level of sustainability or otherwise of the development the subject of this appeal. The
appeal decision is however provided purely as a point to note that an Inspector has applied Policy COR18 in their decision making process (Paragraph 18, page 3), as recently as 27th November 2019.

5.14 Policy COR2 requires development sustaining the distinctive quality, character and diversity of Mid Devon’s environmental assets. It seeks this through high quality design, efficient use and conservation of natural resources of land, water and energy, through the preservation of the landscape, protection of biodiversity and preservation and enhancement of the district’s cultural and historic environment.

5.15 Policy DM2 is the other policy cited in both Reasons for Refusal one and three. This policy is found within the Mid Devon Local Plan Part 3 (Development Management Policies), which was adopted October 2013, after the introduction of the original iteration of the NPPF in 2012. DM2 sets out the requirements for high quality design that new development must adhere to. The criteria include clear understanding of the characteristics of the site (a) and creation of safe and accessible places that also encourage sustainable modes of travel such as walking and cycling (d).

5.16 Although there has not been any cause to say that neither COR2 nor DM2 are out of date, their status as being compliant with the NPPF has been confirmed in a recent appeal decision. The Council has successfully defended an appeal against the non-determination of an outline planning permission for up to 37 dwellings at Frog Street, Bampton (reference APP/Y1138/W/19/3232381), of which a copy is provided at APPENDIX WPL10. What is relevant from this appeal decision is Paragraph 8 (page 2) where the Inspector held that Policy COR2 (and indeed DM2) were not out of date and are consistent with the NPPF. The decision was made in December 2019.

5.17 As identified in Section 4.0 above, under the Mid Devon Local Plan Review, Emerging Policy SP2 is also of importance to this appeal since it concerns the allocation of the site itself. In light of the Council not seeking to defend Reason for Refusal two (that of the sustainability of the site), the matter concerning principle of development is not an aspect which will be explored by this section as this is not in dispute.

5.18 Emerging Policy SP2 allocates the site for up to sixty dwellings, with 30% affordable housing. The emerging policy requires, amongst other criteria that landscaping and
design respect the setting and character of the area and Listed Building, as well as providing improved access to the village for pedestrians and cycling.

5.19 As stated in Section 4.0 above, the Local Plan Inspector has made it clear that weight should be given to emerging Policy SP2, as in accordance with Paragraph 48 of the NPPF. This is not in dispute. The fact remains however (at the time of writing) that the Main Modifications to emerging Policy SP2 that were agreed by Full Council on 4th December 2019 have yet to be subject to public consultation.

5.20 To summarise, although there is agreement that the weight which can be applied to Policy COR18 is limited there are elements of that policy with regard to the visual impact of the development which remain relevant. Policy COR2 of the Core Strategy and DM2 of the Local Plan Part 3 (Development Management Policies) remain in accordance with the principles of the NPPF and are not out of date. Emerging Policy SP2 although not yet formally adopted carries weight due to the position of the emerging Local Plan Review Process.

**Issue 1: Prominence and Impact on Landscape:**

5.21 Reference is directed to the specialist evidence in this respect undertaken by the David Wilson Partnership (DWP). In order to avoid excessive repetition, it is not the intention of this statement to recite large sections of that document but to highlight key findings from it and cross-refer to policy as required.

5.22 The DWP Statement sets out the chronology of ‘landscape-based’ events during the time the application was determined, citing revisions made to the as submitted Landscape and Visual Impact Assessment (LVIA) and the assessment undertaken at the time by Cornwall Environmental Consultants (CEC) on behalf of the LPA. It is noted that in the DWP statement that CEC did highlight concerns at the time (point 12 of DWP statement), and similarly that since that CEC review took place the industry best practice guidance on photographs and visualisation has changed. DWP state (point 13) that the photographs and photomontages in the LVIA do not necessarily comply with the latest guidance.

5.23 The DWP report identifies that the appeal site contributes to the sense of separation (point 21) and that the development would dilute the sense of entrance to the village and the importance of buildings on the edge of the Conservation Area as markers to
the entrance to the village (point 22). It is further pointed out that in the author’s professional judgement the site contributes to the setting of the village and is in a prominent high position (point 23), and that the proposed development would appear on the skyline in views from the south (point 24).

5.24 The point is made (point 24) that the characteristic form of a nucleated settlement surrounded by hills would be diluted by this development and there would be a notable change to existing views and the introduction of prominent new features. It is also stated (point 25) that there is intervisibility between the site and the Canal for a distance of around 1.3km, and that the site is a notable element in the setting and an element in dynamic views for receptors walking through the Country Park/Conservation Area or users of the National Cycle Network.

5.25 The DWP report identifies that the value of the landscape in this area is judged to be medium to high (point 28) – citing the Conservation Area and country park with a high recreational value. The susceptibility of the changes to the countryside and setting of the village are cited as medium to high (point 29), and as such the prominent change to the landscape character is considered to be of a medium to high magnitude (point 30).

5.26 The DWP report opines (point 31) that the proposal is detrimental to the settlement pattern of the local landscape and to the characteristics of the landscape setting of the canal and of Sampford Peverell. The effects are cited as extending to the immediate area surrounding the site, and they are considered to be moderate averse and are regarded as important.

5.27 The author of the DWP report states (point 33) that in their professional judgement, CEC were accurate in their assessment of the extent and landscape and visual effects of the proposal. However where the author differs from their conclusions the finding by CEC in their assessment that the level of harm is acceptable in landscape terms.

5.28 At point 34, the DWP report identifies that lesser effects are predicted in the LVIA for the landscape setting of the Sampford Peverell Conservation Area as well as the Grand Western Canal Conservation Area and Country Park, and that the CEC feedback does not pass comment on that assessment. The DWP judgement is stated as being that important adverse effects are predicted for receptors using the Canal
towpath and on the landscape setting of the Canal. Point 35 cites important visual effects as predicted for receptors in the area immediately around the site, including views from the National Cycle Network route in the Grand Western Canal and for walkers on the footpath network.

5.29 The DWP report concludes (point 42) by setting out that ‘significant landscape impact’ is predicted and that in their professional opinion the proposal does not comply with national or local policy in that the ‘intrinsic character of the countryside or local landscape character is not recognised or enhanced’.

5.30 It is clear therefore that in the professional opinion of the appointed Landscape Consultant that the development of this site would give rise to sufficiently important adverse landscape impacts to which decision makers should give due regard and as referenced in their report these would, in their opinion be contrary to the NPPF, and Local Policies COR18 and COR2 of the Core Strategy and DM2 of the Local Plan Part 3 (Development Management Policies).

5.31 Although it is agreed that this site’s allocation under Emerging Policy SP2 is not in question, further landscape-based evidence was considered at the time of the Local Plan Review Options Consultation, January 2014. A copy of the extract of that document pertaining to this site is provided at APPENDIX WPL11. Page 218 - Sustainability objective A) Protection of natural environment states:

*The site falls within ‘Lowland plains’ landscape character and is typified as being an open, low lying flat landscape which is agricultural prosperous. The overall rise above Turnpike is significant and there are far-reaching views to and from the site. If suitable access could be achieved, given the steep gradients, it is likely that a substantial length of hedgerow would need to be removed. Visually the character of the area is agricultural and divorced from the village, with only a few low density detached dwellings on the opposite side of Turnpike. Development would have a significant landscape impact, a significant negative effect…*

The Review provided an impact score of minus 3 – the lowest score.

5.32 Further on in the Local Plan Review Process, the site featured once again in Local Plan Review Proposed Submission Consultation – Sustainability Appraisal Update –
January 2017. A copy of the relevant extracts of that document is provided at APPENDIX WPL12, and it states on Page 309:

A) Protection of the natural environment – The overall rise above Turnpike is significant and there are far-reaching views to and from the site. Visually the character of the area is agricultural and divorced from the village, with only a few low density detached dwellings on the opposite side of Turnpike. Given the impact on the landscape but limited mitigation provided by existing development and potential loss of a substantial length of hedgerow a negative effect is considered.

Under ‘Mitigation’ it states: Furthermore the policy requires landscaping and design which respects the setting and character of the area.

5.33 Once again, it is stressed that the weight given the emerging allocation of the site is not questioned, however it was evident even at the various stages of considering whether or not to allocate the site that the visual impact was a key consideration. In light of the report by DWP, it is submitted to the Inspector that the proposal has not adequately catered for landscape and is therefore unacceptable in terms of the visual impact from sensitive locations. It is the case therefore that there is evidence on sound planning grounds to justify that Reason for Refusal one.

5.34 Policy COR2 requires that development sustain the distinctive quality of the district’s environmental assets through (amongst other criteria) the preservation and enhancement of the distinctive qualities of Mid Devon’s natural landscape. Similarly, Policy COR18 requires that development outside of settlements should enhance the character, appearance and biodiversity of the countryside. Policy DM2 requires (amongst other criteria) that development must demonstrate a clear understanding of the characteristics of the site, its wider context and the surrounding area. For reasons shown above and in the DWP report, it is submitted to the Inspector that with the evidence provided that this development fails to comply with these local policies, as well as the NPPF, particularly Paragraph 170.

Issue 2: Highway Safety and Traffic Generation:

5.35 Reference is directed to the specialist evidence in this respect undertaken by Paul Basham Associates (PBA). In order to avoid excessive repetition, it is not the
intention of this statement to recite large sections of that document but to highlight key findings from it and cross-refer to policy as required.

5.36 The PBA report reviews the Traffic Assessment (TA) as submitted with the application, citing (paragraph 3.1) that it would generate 34 vehicular trips in the AM peak hour and 38 vehicular trips in the PM peak hour, and (paragraph 3.2) citing the TA’s findings that 83% of the trips generated by the development would be by car or van whilst 6% would be by walking. It is stated that the TA calculates that the proposal would generate 30 pedestrian trips during a 12 hour period.

5.37 PBA query the application of the modal split’s reliance on 2011 Census Travel to Work data for the Canonsleigh ward (paragraph 3.3), citing that the modal split cannot be considered accurate as the modal split for commuting journeys cannot be expected to match that of all journeys which can be expected to be proportionately more local. PBA state (paragraph 3.7) that it is unrepresentative of the ward and that in their opinion the assertions made by the applicant are not sound.

5.38 PBA (paragraph 3.8) set out their methodology to determine the true trip generation and modal split of the development – the use of a multi-modal TRICS search using a defined criteria.

5.39 The results show that for vehicular trips, 33 are generated in the AM peak hour, 32 in the PM peak hour and 285 across a 12 hour period. PBA state that this is broadly consistent with the submitted TA (paragraph 3.10).

5.40 For pedestrian trips, the proposal is shown to generate 9 trips in the AM peak hour, 5 in the PM peak hour and 59 in a 12 hour period. This is stated as being significantly greater than suggested by the applicant’s TA and a more accurate representation of trip generation (paragraph 3.11).

5.41 PBA identify that the development is anticipated to result in an increase of 163 vehicular trips along Turnpike per day, amounting to an increase of 7% (paragraph 3.18). For pedestrian movements it is anticipated to result in an increase of 30 trips along Turnpike per day, in addition to the existing demand of 25 pedestrian trips per day. PBA state this represents an increase of 120% along and across Turnpike and across Higher Town (paragraph 3.19).
In terms of the existing arrangement, it is stated that the Turnpike provides a footway on its southern side only and this terminates approximately 35m short of the canal bridge, with the pedestrian route continued by a demarked footway. This terminates as it meets Higher Town, where pedestrian route is continued by a footbridge over the canal heading east, and by a footway on the east side of Higher Town for routes heading north. PBA identify that no formal crossing is provided across Turnpike where the footway terminates. Similarly, no formal crossing point is provided across Higher Town (paragraph 4.4) but there are natural 'informal' crossing points.

It is identified that none of the informal crossing points on Turnpike or Higher Town provide the adequate visibility splays for the 30mph speed limit (paragraph 4.6), and that in PBA’s opinion (paragraph 4.13) the crossing points feel unsafe and uncomfortable.

In light of what PBA describe as the ‘significant intensification of use as a result of the proposed development’ to both crossings, failure to provide any safe and suitable access or improvements to these crossings would be unacceptable (paragraph 4.15).

PBA assess the proposed arrangement and conclude that the programme of works to improve visibility splays are ‘marginal and insubstantial’ and that the visibility splays therefore remain ‘sub-standard and unsafe’ (paragraph 5.3).

In their assessment of visibility, PBA identify at paragraph 5.7 that the conclusion reached that both Turnpike and Higher Town visibility splays are done so on essentially observational evidence using road conditions to make assumptions. They continue (paragraph 5.8) by stating that visibility splays along these routes must be informed by the 85th percentile recorded speeds on traffic, otherwise they cannot be said to meet standards. They point out that no speed surveys were provided by the applicant, and in the absence of those the visibility splays fall “woefully short” of the 43m requirement for a 30mph speed limits.

PBA continue at paragraph 5.9 by stating that it cannot be acceptable for design speeds to be assumed, this being contrary to the Manual for Streets standards and based on very little evidence.

PBA identify at paragraph 5.13 that the only conclusion that can be reached based on the evidence available is that the existing issue of poor visibility is not addressed
by the improvement scheme and as such remains sub-standard. They make the point emphatically that “the crossing points still provide woefully inadequate visibility splays and the crossing points therefore remain unsafe…”

5.49 At paragraph 5.23, PBA state that the proposed development is anticipated to lead to an increase of 7% in vehicular trips along Turnpike and an increase of 120% in pedestrian crossing movements at the crossing point. PBA state that it can therefore be estimated that the risk of conflict increases by 128% as a consequence of the development and thus a 128% increase in the risk of collision.

5.50 Existing footway widths along Turnpike are identified as varying from 0.9m -1.8m. The proposal will provide a 1.2m footway for a length of approximately 30m on the northern side of Turnpike. The PBA report identifies that (paragraph 6.3) according to guidance contained in Inclusive Mobility a clear width of 2.0m allows two wheelchairs to pass one another comfortably and that this should be the minimum width under normal circumstances. The guidance also states that where this is not possible due to physical constraints, 1.5m could be regarded as the absolute minimum acceptable under most circumstances. At paragraph 6.4, Inclusive Mobility is again referred to and it states that the figures given for width, with a 95 percentile of slightly over 700mm at a maximum do not make allowance for wheelchair users hands and elbows so a clearance of no less than 50mm is required on both sides.

5.51 PBA cite two appeal decisions; the first in Hampshire – Land East of Downend Road, Portchester (APP/A1720/W/19/3230015), a copy of which is provided at APPENDIX WPL13; the second in Cornwall – Land between Armada Way and Pensilva Industrial Estate, St Ives Road, Pensilva (APP/D0840/W/17/3171249), a copy of which is provide at APPENDIX WPL14.

5.52 PBA (paras 6.6 and 6.7) refer to the Portchester appeal decision (itself paras 31 and 32) stating that similar circumstances were demonstrated – the footpath proposed failed to comply with the relevant standards and notwithstanding existing sub-standard situations, the intensification of the route by increased pedestrian trips made the application unacceptable in access and safety terms, with footway widths at 1.2m being the key issue.

5.53 At paragraph 6.8, PBA cite the Cornwall decision, within which the Inspector held (itself at Paras 8 and 9) that a 1.2m footway would be significantly below the
minimum recorded width for lightly used residential streets and well below the 2.0m requirement for a well-used road. It is clear therefore that there are distinct similarities with this appeal and those two (dismissed on highway grounds) appeals.

5.54 Over and above this position, PBA advise (paragraph 6.14) that in order to achieve visibility splays a pedestrian must check that the westbound lane is clear, step into the carriageway to check to see if the eastbound lane is clear before committing to cross. PBA advise that this is unsafe.

5.55 Turning towards Higher Town, PBA advise that this route (paragraph 7.4) is considered sub-standard for all road users and completely unusable for particular users, thus leaving the site effectively inaccessible for some road users.

5.56 Overall, PBA conclude that the proposed development does not create a safe and accessible place that encourages sustainable modes of travel, that the proposed development is inaccessible and unsafe due to poor pedestrian infrastructure on its key access routes.

5.57 The NPPF requires at paragraph 108 that it should be ensured that appropriate opportunities to promote sustainable transport be taken up, that safe and suitable access to the site can be achieved for all users and any significant impacts can be mitigated to an acceptable degree. The NPPF continues at paragraph 109 by stating that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety. Policy DM2(d) of the Mid Devon Local Plan Part 3 requires that development creates safe and accessible places which also encourage sustainable modes of travel. It is submitted to the Inspector that this proposal fails to meet both national and local policy. The evidence provided by PBA, as well as the anecdotal evidence provided by objectors to the application shows that this development would give rise to situations which are prejudicial to highway safety and is consequently unacceptable.

Commentary:

5.58 Reference to paragraph 8 of the NPPF makes it clear that the planning system has three overarching objectives. It makes it clear that these objectives are interdependent and need to be pursued in mutually supportive ways. They should not be read separately.
5.59 The Economic objective seeks to build the economy by ensuring that land of the right type is available in the right place and at the right time. It is accepted that the appeal site is allocated for housing and this would provide and put towards the government’s objective to providing additional housing growth. It is considered that this objective is met.

5.60 The Social objective seeks to support strong and vibrant communities by ensuring a supply of homes and by fostering a well-designed and safe built environment with accessible services. It is submitted to the Inspector that whilst a supply of homes may be deliverable, the evidence provided above and in the Highway Statement shows that this proposal fails to provide a well-designed and safe built environment with accessible services. This objective is clearly not met.

5.61 The Environmental objective seeks to continue to protect and enhance the natural, built and historic environment, including making effective use of land and using natural resources prudently, minimising waste and pollution and moving to a low carbon economy. The visual impact of developing this site, as has been made clear with the supporting Landscape Statement is unacceptable and as such this fails to protect and enhance the natural, built and historic environment. Furthermore, the inability of this development to adequately cater for pedestrian movements to and from the site also fails to meet the objective towards mitigating and adapting to climate change and the move toward a low carbon economy. This objective is also clearly not met.

5.62 It has been demonstrated quite clearly that this proposal would give rise to demonstrable harm, both in terms of visual impact on the landscape and on the public highway, and as such access to sustainable modes of travel.

5.63 Paragraph 11 of the NPPF requires that development proposals which accord with an up to date development plan be approved without delay. If no development plan policies exist or those policies are considered to be out of date there is a requirement to grant permission unless either the application of policies in the Framework provides a clear reason for refusing the development or any adverse impacts of doing so would demonstrably outweigh the benefits when viewed against the Framework as a whole.
5.64 It is submitted to the Inspector that notwithstanding the site allocation and the original recommendation for approval that irrefutable evidence has been provided to demonstrate that there are clear reasons for refusing the development. Furthermore, in respect of the highway reason, two appeal decisions (one of which made as recently as November 2019) refused permission for development due to issues of an almost identical nature and it therefore follows that this development should also be refused planning permission.

6.0 Conclusion:

6.1 This appeal proposal was refused planning permission by Mid Devon District Council’s Planning Committee against the advice of their Planning Officers. When making the decision, the Committee took into account the views raised by the local community, which raised sound and valid planning reasons.

6.2 In defending this appeal for the reasons for refusal Nos. 1 & 3, evidence has been presented which support the Council’s objections to the development proposal. It is clear that in the opinion of a duly qualified Landscape Consultant that in their opinion the proposal would be unduly prominent in the landscape, particularly when viewed from the Grand Western Canal Conservation Area. It is also the view of professional Highway Consultants that the proposal would increase pedestrian traffic and consequently the proposed footpath and pedestrian accesses to the site would be sub-standard and therefore unacceptable.

6.3 The allocation of the site, and the due weight in the planning process that should be given to that is not contested by this Statement (and indeed by the Council agreeing not to seek to defend Reason for Refusal two). What is contested and with evidence to prove is the impact upon the landscape and the impact upon highway safety.

6.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

6.5 The evidence presented both within this Statement and the two professional Statements by the Landscape and Highway Consultants demonstrate that the development, notwithstanding the allocation, poses unacceptable impacts. The
development proposal is clearly in conflict with local plan policies COR2, COR18 and DM2. The development also fails to comply with the relevant sections of the NPPF.

6.6 In light of the above, the proposal is unacceptable and the Inspector is respectfully requested to dismiss this appeal.

List of accompanying documents:

- **APPENDIX WPL1** – SHLAA main report
- **APPENDIX WPL2** – SHLAA extract identifying appeal site
- **APPENDIX WPL3** – Copy of pre-application response letter to agent
- **APPENDIX WPL4** – Inspector’s advisory note to Council dated 29th October 2018
- **APPENDIX WPL5** – Post-hearing advice note from Inspector dated 21st May 2019
- **APPENDIX WPL6** – Minutes from Full Council meeting concerning Main Modifications
- **APPENDIX WPL7** – Advice note from Planning Policy Team concerning housing land supply position (April 2019)
- **APPENDIX WPL8** – Further advice note from Planning Policy Team concerning housing land supply and weight to be afforded to policies (October 2019)
- **APPENDIX WPL9** – Copy of Cheriton Bishop Appeal Decision (APP/Y1138/W/19/3234899)
- **APPENDIX WPL10** – Copy of Frog Street, Bampton Appeal Decision (APP/Y1138/W/19/3232381)
- **APPENDIX WPL11** – Extract from Local Plan Review Options Consultation, January 2014
- **APPENDIX WPL12** – Extract from Local Plan Review Proposed Submission Consultation – Sustainability Appraisal Update – January 2017
- **APPENDIX WPL13** – Copy of Downend Road, Portchester, Hampshire Appeal Decision (APP/A1720/W/19/3230015)
- **APPENDIX WPL14** – Copy of Land between Armada Way and Pensilva Industrial Estate, St Ive Road, Pensilva, Cornwall Appeal Decision (APP/D0840/W/17/3171249)

In addition to the above, also included with this appeal and which form part of the Local Planning Authority’s Statement of Case are the following documents:

- Landscape Statement from David Wilson Partnership
- Highway Statement from Paul Basham Associates

END OF STATEMENT