



ASPBURY
Planning
Your Vision, Our Focus

PINS REF.: APP/Y1138/W/24/3358001

APPEAL OBO TIDCOMBE HOLDINGS LLP

LAND AT TIDCOMBE HALL, TIDCOMBE
LANE, TIVERTON, DEVON, EX16 4EJ

PROOF OF EVIDENCE OF
ANTONY PETER ASPBURY BA MRTPI
OBO MID DEVON DC

CONTENTS

	Page
1.0 INTRODUCTION – Qualifications & Experience	1
Instructions	2
2.0 THE APPEAL SITE & ITS SURROUNDINGS	3
3.0 THE MAIN SPATIAL PLANNING ISSUES AND THE SCOPE OF MY EVIDENCE	3
4.0 THE RELEVANT PROVISIONS OF THE DEVELOPMENT PLAN, AND POLICY IN THE NPPF	5
5.0 OTHER MATERIAL CONSIDERATIONS	12
6.0 CONCLUSIONS 7 THE PLANNING BALANCE	13

1.0 INTRODUCTION

1.1 Qualifications and Experience

- 1.1.1 I am **Antony Peter Aspbury**, a Director of **Aspbury Planning Limited**, Town Planning and Development Consultants, founded by me in 1983. Prior to that I held a variety of positions in Local Government. I have 48 years' post qualification experience as a practising Town Planner, 42 years of that in private practice.
- 1.1.2 I hold a Bachelor of Arts Degree in Geography and I am a Member of the Royal Town Planning Institute.
- 1.1.3 I am a past President of the East Midlands Chamber of Commerce and Industry, the largest representative business organisation in the Region. Prior to that I was Chairman of the Environment Committee of the Chamber. I am also a past-Chairman of Newark Civic Trust. I am a past Board Director of Nottingham Development Enterprise Limited, a public/private sector partnership promoting the economic development of the Greater Nottingham conurbation. I am currently a Council and Executive Committee Member of the Newark & Nottinghamshire Agricultural Society and Chair of the Society's Development Committee; and a member of the Board of the Newark Towns Fund.
- 1.1.4 My Practice acts for a wide range of public and private sector clients, including local authorities and other public agencies, landowners, developers, builders and operators. A number of major national and multi-national companies are counted amongst the private sector clients.
- 1.1.5 During my long and varied consultancy professional career I have, amongst other things acted as agent on numerous major planning applications, appeared at many hearings and planning inquiries (acting for Appellants, Objectors and for Local Planning Authorities), including into old-style development plans and, more recently, at examinations of development plan documents.

I am therefore fully conversant with development management and the development plan system, with current national policy and guidance as set out in the National Planning Policy Framework and online Planning Practice Guidance, and with a wide range of individual development plan documents across England and Wales.

1.1.6 I am familiar with the provisions of the adopted development plan in this area. I have visited Tiverton, including the Appeal Site, on a number of occasions. I have also undertaken research and collected documentary evidence about the area in preparing this Proof. Most recently, I have given evidence (in September 2023 and November 2024) on behalf of the Council at successive Inquiries into an Appeal (APP/Y1138/W/22/3313401) and - following the quashing of the first Inspector's decision letter - the redetermination thereof in respect of land at Hartnolls Farm, Tiverton (to which I will make further reference below).

1.1.7 I am aware that my duty is to the Inquiry, irrespective of by whom I am instructed. The evidence which I have prepared and provided for this appeal, PINS reference: APP/Y1138/W/24/3358001, in this Proof of Evidence is true (and has been prepared and is given in accordance with the guidance of my professional institution [The Royal Town Planning Institute]) and I confirm that the opinions expressed are my true and professional opinions.

1.2 My Instructions

1.2.1 This Proof has been prepared on behalf of the Local Planning Authority (LPA), Mid-Devon District Council. It relates to the relevant Spatial Planning Issues in this case (RfR 1) . It should be read together with the Proofs of Mr *Thomas Muston*, The Council's Conservation Officer, relating to Heritage considerations (RfR 2), and of Ms *Jane Fowles*, a Director of Novell Tullett, relating to Landscape matters (RfR 3). Finally, in my evidence I undertake the planning balance exercise and invite the Inspector to endorse that exercise in arriving at his decision.

- 1.2.2 The LPA's substantive case is set out in a Statement of Case (SoC)(CD5). In addition, Statements of Common Ground (SocG) (CD7 [Main], CD8 [Heritage] and CD8 [Landscape]) between the parties have been agreed .

2.0 THE APPEAL SITE AND ITS SURROUNDINGS.

- 2.1 The Officer's Report to Planning Committee and the main Statement of Common Ground provide a satisfactory factual description of the Appeal Site and its surrounding. This matter is also addressed in the evidence of the parties relating to landscape and visual impact I do not, therefore, propose to revisit that description here.

3.0 THE MAIN SPATIAL PLANNING ISSUES AND THE SCOPE OF MY EVIDENCE

- 3.1 The Inspector's post CMC Note has set out the following main issues now to be addressed:
- 3.1.1 whether the proposed development would be in a suitable location having regard to the development plan for Tiverton;
 - 3.1.2 the effect of the proposed development on the character and appearance of the surrounding area;
 - 3.1.3 the effect of the proposed development on the significance and setting of the Grand Western Canal Conservation Area, the Grade II listed buildings known as Tidcombe Farm and Tidcombe Bridge, and the non-designated heritage asset known as Tidcombe Hall;
 - 3.1.4 whether the proposed development would make adequate provision for affordable housing and other infrastructure requirements;
 - 3.1.5 the overall planning balance, having regard to any relevant material considerations including any proposed benefits.

- 3.2 My evidence is concerned with the first and fifth issues, Ms Fowles with the second and Mr Muston with the third. The parties are agreed that the fourth issue can be satisfactorily addressed with a suitably drafted and agreed Section 106 Planning Obligation.

Housing Land Supply

- 3.3 It is agreed between the parties that the issue of five-year housing land supply is no longer a matter of disagreement, as confirmed in the Main SoCG. Thus, the Council accepts that it is currently unable to demonstrate a five-year supply of housing. It estimates the current supply to be **4.79 years**.
- 3.4 Furthermore, in July 2025 the adopted Local Plan will become five years old and the new Standard Method will form the basis of future housing land supply calculations. This will result in a change in the housing requirement from 393 dwellings per annum to 572. The Council accepts that this will have the effect of significantly increasing the level of shortfall. It estimates the supply to drop to **2.1 years** if there are no additions to supply in the interim.
- 3.5 On 08 April 2025, the Council adopted a Housing Delivery Test Action Plan (CD 53) to address both the current and impending (post-July 2025) shortfall in the 5-year Housing Land Supply. It is agreed with the Appellant that the measures set out in the Plan will **not** address the current shortfall before this Appeal is considered and determined. Amongst other things, under the provisions of Policy S4 of the Local Plan, therefore, consideration of Policy TIV13 is engaged and it is necessary to determine in this Appeal the extent to which the terms of Policy TIV13 would, or would not be, met by the Appeal Proposal. I address this issue further in my evidence below.
- 3.6 Notwithstanding paragraphs 3.3 to 3.5 above, it is the Council's case that the 'tilted balance' is not engaged in this case because of the impact of the proposed development on heritage assets (see NPPF Paragraph 11d), Footnote 7). The Council and I consider that the heritage impacts disengage the tilted balance,

4.0 THE RELEVANT PROVISIONS OF THE DEVELOPMENT PLAN, AND POLICY IN THE NPPF

- 4.1 It is agreed that, so far as this Appeal is concerned, the development plan for the purposes of Section 38(6) of the Planning & Compulsory Purchase Act 2004 ('the PCPA 2004') and Section 70(2) of the Town & Country Planning Act 1990 ('the TCPA 1990') comprises the Mid Devon Local Plan 2013 to 2033 (Adopted July 2020) (CD 41) and the Tiverton Neighbourhood Plan Area, adopted 14 December 2022 (CD 42).
- 4.2 The parties are agreed as to the relevant provisions of the development plan and, for clarity, they have been listed again in the Statement of Common Ground (CD 7).
- 4.3 I do not propose to address them all exhaustively here and confine myself to those policies which are most important for determining this Appeal. I deem these to be:

The Local Plan

- S1 – Sustainable Development Priorities
- S2 – Amount and Distribution of Development
- S3 – Meeting Housing Needs
- S4 - Ensuring Housing Delivery
- S10 - Tiverton
- S14 – Countryside
- TIV13 – Tidcombe Hall Contingency Site

The Neighbourhood Plan

- T1: Location And Scale Of Development
- T2: Meeting Local Housing Needs

As I understand the Appellant's case and in accordance with the MSoCG, it does not dispute the relevance of these policies, but how they are applied and interpreted in this case.

- 4.4 As a matter of simple chronology, I note that the Local Plan was adopted in July 2020 and the development provision it makes – including housing provision – is still being implemented, notably, amongst other locations, on the Tiverton EUE (TIV 1 to -5 inclusive). The Neighbourhood Plan, is more recent, having been adopted at the end of 2022. In providing a sound and coherent development strategy for the District as a whole, including the distribution of development, I consider that both plans remain generally up-to-date and relevant. However, I accept that the housing policies of the Local Plan are now deemed out-of-date because the acknowledged 5-year housing land supply deficit engages Paragraph 11d Footnote 8 of the NPPF.
- 4.5 Work on a review/replacement of the Local Plan has already commenced. The Council is progressing the preparation of a Regulation 18 Draft Policies and Site Options consultation report which was previously intended for publication in the period November 2024 – January 2025. However, the publication of the NPPF and the new Standard Method have clearly disrupted that programme and necessitated a delay. These developments have also triggered the need to prepare the recently published Housing Delivery Test Action Plan. Obviously, the review/replacement Plan has not reached a stage where it can be given any weight in this Appeal. But the fact that the process is already in hand, within 5 years of the adoption of the Plan and some 8 years before the end of the current Plan Period, demonstrates that any risk of under-delivery of housing/‘plan failure’ in the adopted Local Plan beyond the current 5-year supply period can be effectively addressed in a timely fashion. Moreover, the Plan review/replacement process furnishes an appropriate, expedient mechanism for addressing the significantly increased housing requirements arising from the provisions of the new Standard Method over the current Local Plan Period and beyond into any new/extended period. In this respect it is important to note that the planning system remains plan-led (NPPF Paragraph 15). In the meantime the Housing Delivery Test Action Plan has put in place a mechanism for addressing the current and impending housing delivery deficit in the short/medium term, including granting permission to ad hoc planning applications that would represent sustainable development and not cause harm to interests of acknowledged importance. The Council is clearly not sitting on its hands, therefore.

- 4.6 It is axiomatic that a shortfall in housing land supply should not automatically lead to the granting of planning permission (specifically through the invoking of the 'tilted balance') to *any* development proposal regardless of its intrinsic suitability in spatial planning terms, including its impact on interests of acknowledged importance and whether it can be seen as sustainable development as encompassed by Paragraph 11 of the Framework. Crucial to the considerations in this case is that, in both the Council's and in my own professional judgement, Paragraph 11, Footnote 7 is engaged because adverse impacts – and specifically adverse *heritage* impacts - would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. In this respect I rely on the persuasive evidence of Mr Muston.
- 4.7 Moreover, whilst the Appeal Site is not within/adjacent to a designated landscape (as listed in Footnote 7), as Ms Fowles demonstrates, the proposed development would have a seriously adverse landscape impact. Additionally, development as is proposed in this case would have other adverse spatial planning impacts which I discuss further below.
- 4.8 It is equally important to appreciate that, whilst the terms of Policy S4 now clearly triggers consideration of the Policy TIV 13 Contingency Site, its release is neither automatic, nor inevitable. The Housing Delivery Test Action Plan and its provisions is one of the measures that Policy S4 anticipates will be a first step, whilst consideration of the release of the contingency site is triggered only if such measures fail to address the shortfall in a reasonable period of time. In this context it is reasonable to allow the Council some time to address the shortfall that has arisen and not be required to redress it instantaneously.
- 4.9 TIV 13 is *not* a housing *allocation* and it is, therefore, uniquely and *intentionally* located *outside* the defined Settlement Limits of Tiverton. Its release for development is explicitly also subject to a number of conditions which overtly recognise the local constraints and specifically potential adverse impacts on landscape and heritage assets (See Paragraph 3.48 et seq of the explanatory text [and paragraph 4.13 of the Statement of Case]). This contingency site has been carried forward from the previous Local Plan (The Allocations and Infrastructure DPD [2010] – Policy AL/TIV/21) - wherein similar reservations about its potentially harmful impact were expressed.

The Site's development capacity - 100 dwellings (11 per hectare), *reduced* from 200 dwellings in the previous Plan - also consciously reflects the sensitivity of its location and the need to mitigate the impact of its development on the local assets, through a lower density of development and a focus thereof on the less sensitive western part.

- 4.10 This is not a site that objectively 'suggests' itself, therefore, and in my judgement clearly represents the 'least-worst' (of last resort) option in the context what is recognised to be a Town with significant constraints and severely limited options for the release of sites, in addition to those already allocated for development, within and on the edge Tiverton, notably landscape and topographical constraints (see 4.15 below).
- 4.11 Notwithstanding my analysis in 4.8 above – and most significantly – the Appeal Site self-evidently does not coincide with the TIV 13 site and the differences in the defined areas are crucial to the issues in this case. Firstly, the Appeal Site occupies only the (eastern and northern) parts thereof. The proposed built development is concentrated predominantly in the easternmost 'half' which as Ms Fowles and Mr Muston demonstrate in their evidence is the most prominent and sensitive in terms landscape and heritage impacts, with the *whole* of the 100 dwellings proposed condensed therein.
- 4.12 Apart from increasing the perceived visual impact, this concentration leaves little or no scope for landscape mitigation and specifically for buffers on the boundaries (e.g. with the listed Tidcombe Farm) as was anticipated in the original Allocation.
- 4.13 Furthermore, whilst the allocation at least 'hugs' the edge of the built-up area and development thereon, especially focussed on the western part, would interact visually, physically and functionally therewith, the Appeal Site is clearly isolated from the existing built-up area and suffers from a fractured relationship with it. The main access road, skirting the front of Tidcombe Hall, is a long, tenuous and (resource-) inefficient one.
- 4.14 It is understood that the western part of the TIV 13 contingency is in a separate ownership and, evidently (see MSoCG), the Appellant was not able to conclude an agreement with the owner(s) to acquire it. Hence its omission. Nor is there any evidence that it is likely to become available in the foreseeable future.

As will be clear from my evidence above, the inclusion of this land in any development pursuant to the terms of TIV13 is critical to the (acceptable) delivery of the contingency site and its omission render the allocation undeliverable.

4.15 It must be understood that TIV 13 is a contingency site for the *whole* of the Local Plan Area and not just for Tiverton. Its identification, despite its obvious disadvantages, was based in the previous LPs on the strategic development on Tiverton and on the current Local Plan strategy that focussed development in Tiverton in the early part of the Plan Period, reflecting that major development at Cullompton would take longer to come forward and be mainly occur in the second half of the Period. Thus, there is no Plan-based reason why ad hoc contingency sites now required to address the current (axiomatically) District-wide housing land supply deficiency need to be located exclusively in and around Tiverton rather than in other sustainable settlements such as Crediton and Cullompton (where, in the case of the latter town in particular, previous infrastructure constraints on delivery have now been removed). This would accord with the underlying Local Plan locational strategy. As regards purely local housing supply development is clearly proceeding in Tiverton, notably on the Eastern Urban Extension.

4.16 I accept that the Appeal Site, whilst outside the defined development limits in the Local Plan, lies in sufficiently close proximity to Tiverton to not conflict with Policy S1 read in isolation. However, the development plan must be read as a whole. Policy S2 sets out the amount and distribution of development across the Plan Period, with development to be focused on Tiverton, Cullompton and Crediton but, as noted above, with the largest proportion of residential development at Cullompton. The explanatory text states that central to Policy S2 is the role of Cullompton in meeting the District's long-term development needs and that this is a departure from the previous Local Plan strategy, which focussed development at Tiverton. This is because, beyond the Tiverton East Urban Extension and a few smaller allocated sites in and around the Town, Tiverton is seen to have reached capacity due primarily to landscape constraints on the edge thereof, including the same sort of constraints from which the Appeal Site suffers.

- 4.17 In this context I draw attention to Policy S2, paragraphs 2.21 and 2.23 of the supporting text thereto, and S14), the comments of the Examining Inspector in his Report on the Local Plan (CD 43) at paragraph 24:

“The spatial strategy of the Plan, in the medium to long term, is to make the market town of Cullompton the strategic focus of new development, reflective of its existing status as one of the larger settlements in the District as well as its accessibility, economic potential and environmental capacity. The market towns of Tiverton and Crediton are treated as secondary for development; a reflection of their infrastructure, economies, characters and constraints....while development in...the countryside will be limited to forms of development that bring benefit to the rural economy....” (my emphasis).

- 4.18 Policy S1 and S2 (together with the settlement-specific allocation policies) self-evidently reflect this strategy (and Policy S3 provides for the objectively assessed level of housing needs in accordance with the strategy). These policies ultimately seek to promote a planned approach to site selection and none of the relevant policies or the strategy support ad-hoc developments on unallocated sites outside of settlement boundaries on anything like the scale proposed by the Appellant). This is clearly consistent with national policy in the NPPF, notably Paragraphs 12 and 15.
- 4.19 Set within the overall context that development outside the three main settlements defined in Policies S10 to S13 will preserve and, where possible, enhance the character, appearance and biodiversity of the countryside, whilst promoting rural diversification, Policy S14 permits certain development categories in the countryside listed in clauses a) to f) inclusive thereof. The explanatory text states that development in the countryside is defined by land outside the settlement limits of the main towns, including Tiverton. As noted above, because it is not a positive allocation, TIV 13 was intentionally left outside those limits and, thus, lies in the countryside and legitimately within the ambit of S14. Moreover, Ms Fowles evidence demonstrates that the Appeal Site has a strong and distinctive intrinsic rural character and appearance and is appropriately classified and treated as countryside, therefore. As I have demonstrated above, since the Appeal Site does not coincide with the area of TIV13 and does not comply with the qualifying terms of that Policy, indeed, it overtly *conflicts* with key criteria therein, it cannot rely on the dispensation from other policies (notably S14) that full compliance with its provisions would have provided.

Based on a plain reading of Policy S14, the overall objective of the Policy is to restrict development only to those categories defined in the aforementioned clauses a) to f) through the relevant development management policies. Since the Appeal Proposal is a major development of a clearly urban character, it does not fall into any of those categories it must, therefore, conflict with Policy S14.

- 4.20 The Appeal Site also falls within the Tiverton Neighbourhood Plan area and the provisions thereof attract the same primacy as the Local Plan. I contend that the Appeal Proposal conflicts materially with those provision, notably Policy T1.
- 4.21 Overall, therefore, there would be conflict with Policies S2 and S14 of the Local Plan, which, taken together, emphasize Cullompton as a location central to the role of delivering the Plan's strategy, direct new development to within settlement limits and restrict development within the countryside only to certain types in order to deliver sustainable development over the Plan period. It is my judgement that the conflict with the development plan, read as a whole, amounts to very significant weight against the Appeal scheme.
- 4.22 This approach is consistent with the conclusions of both Inspectors in the recent Hartnolls Farm Appeal (CD11A and B and, whilst I accept such appeal decisions do not set a precedent, as each case is determined in its merits, nevertheless they do endorse the logic of my reasoning in this case, bearing in mind that both appeal sites sit in a similar relationship to the defined development limits of Tiverton
- 4.23 It is agreed between the parties and I fully accept that (as I have set out in Section 3.0 above) there is at present a (marginal) shortfall of homes when delivery is assessed against the Development Plan's requirements over the course of the Local Plan period so far.
- 4.24 However, I also acknowledge that, without any increase in supply in the interim, as of the end of July 2025, that shortfall will increase significantly (again see Section 3.0 above).

- 4.25 I recognise, therefore, that the above situation will amount to a conflict with the quantitative provisions of Policy S2 and with Policy S4 of the Local Plan. I have also accepted above that this state of affairs engages Paragraph 11d Footnote 8 of the Framework, although I do not consider that the 'tilted balance' under Footnote 7 is engaged for reasons I have already given. The Council, as do I acknowledge that this is a clearly unsatisfactory situation which must be resolved as soon as possible.
- 4.26 However, the Council is already engaged with a quinquennial review of the Local Plan which will now need to be based on the new Standard Method and the plan led dispensation is the most appropriate method of providing for the requisite supply of housing in the medium to long-term. Furthermore, it has now adopted a Housing Delivery Test Action Plan to address the short term situation. This includes encouraging the bringing forward and the early granting of planning permission to suitable sustainable sites that are not presently identified or allocated in a considered way. Thus, whilst I accept that the latter is unlikely to address and overcome the present and predicted shortfall after July 2025 in the immediate future, there is a reasonable prospect that the situation can be brought in hand thereafter. Meanwhile, the Council should not feel obliged to grant permission to clearly unsatisfactory development, such as is encompassed by the Appeal.
- 4.27 I also accept that, as set out in the MSoGG, that the Local Plan does not presently provide enough affordable homes to meet MDDC's identified need and that there has been a significant shortfall of affordable homes delivered over the Plan Period and this is in breach of Policy S3 of the Local Plan and T2 of the Neighbourhood Plan.

5.0 OTHER MATERIAL CONSIDERATIONS

The claimed benefits of the Scheme

- 5.1 The Appellants contend that the Appeal Proposal amounts to sustainable development. I accept that it is broadly *locationally* sustainable and is capable of being rendered more so through appropriate measures to enhance/facilitate access by transport modes other than the private motor car. I have accepted above that it is broadly in accordance with Policy S1 of the Local Plan, therefore.

However, the clear harm occasioned by the scheme in terms, primarily, of heritage and landscape impacts mean that it cannot be regarded as being sustainable.

- 5.2 I accept that the Appeal Proposal, if allowed, would make contribution to the current and impending housing land supply deficit, whilst clearly not fully overcoming it.
- 5.3 I further accept that the Appeal Site would make a contribution to the supply of affordable housing which is currently inadequate, although, again, this contribution cannot be considered to be anything more than modest. The proffered S106 Agreement will make adequate provision for Affordable Housing having regard to the overall scale of the Appeal Proposal.
- 5.4 I accept that Biodiversity Net Gain above the statutory minimum level could also be achieved, but that cannot be regarded as exceptional with a site such as this.
- 5.5 The precise nature and impact of the proposed works to the Tidcombe Lane Grand Western Canal overbridge are not clear and appears to depend fundamentally on the making of a Traffic Regulation Order, which is clearly subject to a separate statutory process and its confirmation cannot, therefore, be assured. Moreover, this proposal is essentially mitigating the impact of the Appeal development rather than representing an objective benefit.
- 5.6 Notwithstanding the above, in striking the planning balance as I do in Section 6.0 below, the Appellants claimed benefits need to be weighed against the harm arising from conflict with the provisions of the development plan and the harm to heritage and landscape interests amongst others.

6.0 CONCLUSIONS AND THE PLANNING BALANCE

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the development plan unless material considerations, which include the Framework, indicate otherwise.

- 6.2 Although a 5YHLS cannot be demonstrated under the terms Paragraph 11 d, Footnote 8 of the Framework, I contend that the 'tilted balance' is not engaged by virtue of conflict with the interests listed in Footnote 7 (see the evidence and conclusions of Mr Muston and Ms Fowles) and the appeal falls to be determined within a 'normal' planning balance, therefore.
- 6.3 I accept that *significant weight* in favour should be given to the delivery of market, and affordable housing to contribute to meeting the required level in the Local Plan (and the current supply deficit) together with the housing needs in the community.
- 6.4 However, I suggest that *limited weight* is attributed to the overall contribution to housing delivery over the Plan Period beyond the immediate shortfall and also to the biodiversity benefits.
- 6.5 I suggest that no weight should be accorded to the works to the Tidcombe Lane canal overbridge.
- 6.6 The Section 106 is neutral in the overall balance.
- 6.7 Set against these benefits, the proposal would be contrary to the strategy for the location of development in the LP, read as a whole. It would not align with the role of Cullompton as central to the delivery of Policy S2 and would be contrary to the provisions of Policy S14 which seeks to locate new development within the settlement limits, whilst permitting certain development types in the countryside none of which apply in this case.
- 6.8 Contrary to the Appellant's assertions, the Appeal Site/Proposal does *not* align with Policy TIV 13 boundaries and with the conditions upon which it may be brought forward. Indeed there is clear *conflict* with these conditions by virtue of the scale and disposition/location of development, the harm to heritage and landscape interests and the poor relationship between the proposed development area and the built-up area of the Town..

- 6.9 Although the current housing land supply situation represents a conflict with Policies S2, S3 and S4 of the LP, such conflict must be seen in the context of the broader scope, strategy and objectives of the development plan and the conflict with those provisions occasioned by the Appeal Proposal.
- 6.10 This conflict is of sufficient importance and weight that the proposal is in my contention contrary to the development plan, taken as a whole. In the circumstances of this appeal, my further contention is that the material considerations do not outweigh the conflict fundamentally with the development plan.
- 6.11 Moreover, the harms to heritage and landscape, as demonstrated by Mr Muston and Ms Fowles represent compelling/overriding objections to the development in their own right. These adverse impacts are clearly inter-related and cumulative in their effects.
- 6.12 Accordingly, I invite the Inspector to dismiss this Appeal and decline to grant planning permission to the Appeal Proposal.

ANTONY P ASPBURY BA MRTPI
April 2025



ASPBURY Planning

Your Vision, Our Focus

12A Oxford Street
Nottingham NG1 5BG
T: 0115 852 8050
E: office@aspburyplanning.co.uk

www.aspburyplanning.co.uk

Aspbury Planning Ltd.
Registered in England and Wales No.4600192
VAT Registration No. 365 1371 58

Registered office: 4 Bank Court, Weldon Road
Loughborough, Leicestershire LE11 5RF