
Appeal Decision

Inquiry held on 29 – 30 November and 1 - 2, 5 – 8 and 13 – 15 December 2016
Site visit made on 12 December 2016¹

by David M H Rose BA (Hons) MRTPI

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

Decision date: 21 March 2017

Appeal Ref: APP/C3240/W/16/3144445

**Land east of Kestrel Close/Beechfields Way, Newport, Shropshire,
TF10 8QE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Redrow Homes Limited against Telford and Wrekin Council.
 - The application, Reference TWC/2015/1003, is dated 28 October 2015.
 - The development proposed is an outline application to include access for residential development for up to 170 dwellings with open space following demolition of 14 and 15 Kestrel Close, Newport, Shropshire, TF10 8QE.
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Decision

1. The appeal is dismissed and planning permission for the development described above is refused.

Preliminary matters

2. The putative reasons for refusal are:-
 1. *The site lies in the countryside outside the built up area of Newport, as defined on the Wrekin Local Plan Proposals Map, where new development is to be controlled. The site also lies outside the settlements of High Ercall, Tibberton and Waters Upton, where new development within the rural area is expected to be focused. The Council has in excess of a five year housing land supply and there are no exceptional circumstances to justify the provision of new housing in this location. As such the development proposal is contrary to the NPPF, saved Wrekin Local Plan policies OL6 and Core Strategy policies CS6, CS7 and CS11 and Policy SP2 of the Telford & Wrekin Local Plan (Publication Version).*
 2. *The proposal would result in the likely loss of two protected veteran oak trees that have a high ecological and amenity value. In addition the proposals do not accord with paragraph 99 of ODPM Circular 06/2005, or Standing Advice from Natural England nor do they provide necessary survey information relating to bats. The proposals do not contain sufficient information in order for the Local Planning Authority to be satisfied that their duty under regulation 9(5) of the Conservation of Habitats Regulations 2010 has been discharged, in that the use or otherwise of the dwellings to be demolished as bat roosts has not been*

¹ Long distance visibility was poor – as indicated at the Inquiry I undertook a further unaccompanied site visit following the hearing of landscape evidence and in more favourable viewing conditions (14 February 2017)

established nor the extent to which any bat population may be affected by the proposals. Survey information is envisaged and no exceptional circumstances exist for the grant of planning permission in the absence of survey information. Nor has it been shown that any necessary disturbance caused by precautionary mitigation could not be avoided based upon survey information. Alternatives have not been explored. As such the proposal falls short of policy expectations set out in Policy CS12 of the Telford and Wrekin Core Strategy and national planning policy including the National Planning Policy Framework.

3. *Insufficient information has been submitted to demonstrate that the development can be accommodated within the existing highway network without the need for mitigation. In addition the proposal would result in approximately 170 dwellings being accessed from a single point of access which would represent an unacceptable form of development. As such the development proposal is contrary to the NPPF and saved Wrekin Local Plan Policy UD2.*
 4. *Insufficient information has been submitted to demonstrate that the quantity of development proposed can be accommodated on the site without it having a detrimental impact on the character and appearance of the wider landscape. As such the development proposal is contrary to the NPPF, to saved Wrekin Local Plan policy UD2 and to Core Strategy CS15.*
 5. *Insufficient information has been submitted to demonstrate that the development can provide acceptable living standards for potential future occupiers with regard to noise pollution from traffic travelling along the A41. As such the development is contrary to the NPPF.*
3. The Council has confirmed that impacts on ecology are no longer at issue in that the appellant has submitted further information in relation to bats. This part of putative reason two falls away.

Main Issues and Statements of Common Ground

4. The main issues which I identified at the opening of the Inquiry were:-
 - a) The basis on which the appeal is to be decided by reference to the description of the development and supporting documents.
 - b) Whether the Council can demonstrate a five-year supply of housing land.
 - c) The effect of the proposal on the character and appearance of the landscape.
 - d) Potential impacts on veteran trees by reference to loss or deterioration.
 - e) Would future occupants of the development be likely to experience unacceptable living conditions having particular regard to the effects of noise from traffic on the A41.
 - f) The consideration of conditions and planning obligation(s); and any other matters raised including highway matters and the representations made by interested persons.
 - g) The overall planning balance in light of relevant local and national policy considerations.
5. Prior to the opening of the Inquiry a Statement of Common Ground relating to Transportation and Highway Matters included the following agreements:-
 - a) *there are no highway safety issues in the vicinity of the site, or any which arise and need to be addressed as part of the application;*

- b) *the increase in traffic on Beechfields Way would be acceptable in road safety terms;*
- c) *the capacity of Beechfields Way/Forton Road is acceptable;*
- d) *the impact of the traffic at Forton Road/Chetwyn Road junction and at the A41 roundabout is acceptable; a financial contribution to mitigate impacts on the Newport Bypass roundabouts would be required; and*
- e) *the principle of a mini roundabout access serving a single point of access would be acceptable subject to:- the provision of reinforced footways along Beechfields Way from Forton Road to the site access roundabout (to permit over-running by emergency vehicles); a 6.0 metre wide access into the site; and an emergency link into Plough Lane.*

Putative reason for refusal three is no longer applicable.

- 6. During the course of the Inquiry further discussions took place between the appellant and the Council culminating in Statements of Common Ground relating to (a) Arboriculture and Veteran Trees and (b) Noise.
- 7. The former confirms that planning conditions could be imposed such that there would be no reasonable arboricultural grounds for objection to the proposed development.
- 8. The latter, based on the principles of the Masterplan Revision A (June 2016) layout, the latest illustrative Engineering Drawings and the erection of dwellings (minimum 7.5 metres high) along the eastern boundary of the site, confirms that the effects of traffic noise on outdoor living conditions could be appropriately mitigated; and appropriate internal living standards could be secured through the design of the building envelopes. Agreed safeguarding conditions could be imposed.
- 9. Hence, there is no need for me to address preliminary main issues d) and e); and putative reason for refusal five and the balance of reason two are no longer relevant.

The basis on which the appeal is to be decided by reference to the description of the development and supporting documents

- 10. The original planning application form, dated 28 October 2015, was worded '*Outline residential development for approximately 170 dwellings*'. However, section 17 of the form specified 185 residential units; other supporting documents referred variously to '*up to 170*', '*for 170*' and even '*up to 117*'. The Design and Access Statement recorded '*up to 170 dwellings*'.
- 11. A revised application form rectified the spurious reference to 185 dwellings; and the Council's registration of the application was founded on an unrecorded agreement of '*up to 170 dwellings*'. In due course, in its committee report, the Council used the terms '*up to 170*', '*170*' and '*approximately 170*' dwellings. The appeal form however identifies the development as '*up to 170 dwellings*'.
- 12. The supporting illustrative Masterplan (October 2015), in broad concept form, identified a series of building blocks which did not provide any clear quantification of the number of dwellings.

13. A second planning application, dated 1 August 2016, also referred to 'approximately 170 dwellings'. The contradiction of supporting documents remained, as set out above, and a new reference to 'approximately 155 dwellings' surfaced in the amended Statement of Landscape Design. The Council seemingly adopted its earlier description of 'up to 170 dwellings'.
14. The supporting illustrative Masterplan (Revision A – June 2016) differed from the original in terms of the schematic road layout, positioning of building blocks and greater stand-off from veteran trees. Again, it was impossible to identify a specific number of dwellings from the plan and the impression gained was one of a reduced amount of built development.
15. The appellant, having withdrawn the second application before it was determined, seeks to rely on the later material in this appeal. In this regard, notice was given to the Planning Inspectorate on 29 September 2016.
16. A Levels Concept drawing (SK_2 Rev A 17.11.16) emerged in mid-November providing a further illustrative layout with more clearly distinguishable dwelling units (suggesting some 125 dwellings - although that cannot be determined with certainty²). The appellant's landscape evidence contained a different layout 'Proving Plan' which was said to be for 130 dwellings (although only 128 appear to be evident and reference is made in the proof to 134 dwellings). This layout broadly reflected the Levels Concept drawing, albeit with three additional dwellings and some limited variation of house types (apparent from the footprints used).
17. I was asked to rule on the basis on which the appeal was to be considered and determined. My oral ruling is set out verbatim below:-
 - a) *'The understanding of the October 2015 application was for a proposal for up to 170 dwellings despite the conflict in terminology amongst and within the documentation.*
 - b) *The 2016 application was understood to be in similar terms.*
 - c) *The import of the 2016 Masterplan Revision A into this appeal was consulted on, the resulting representations are before me and I am satisfied no material prejudice would arise from considering the appeal on that basis.*
 - d) *In relation to the November revised layout (Levels Concept drawing), it remains a matter for me to decide whether this represents an evolution of the scheme, or whether its purpose is to respond to criticisms made and to demonstrate that such criticism could be overcome. I acknowledge that residents have not been consulted on these illustrative revisions. However, I shall consider this matter further in light of the proposal being submitted in outline with all matters, other than access, reserved for later approval and the illustrative status of the supporting drawings.*
 - e) *In terms of the Council's position relating to the late evidence, I acknowledge that the adoption of the illustrative layout relating to noise and trees, in particular, may have implications for the general landscape and planning evidence. That evidence is not due to be heard until later this week and I would ask the respective noise and tree witnesses to meet as a matter of urgency and to provide a position statement/Statement of Common Ground (including matters agreed and matters not agreed) to inform the other disciplines before their evidence is heard.*

² If the block of two-storey maisonettes represents ten units, rather than five, the result would be 130 units

f) *For the avoidance of doubt, the appeal remains as an application for up to 170 dwellings. Whether or not it would be necessary to restrict any permission to a maximum of 130 dwellings would be a matter for evidence and submissions having particular regard to the relevant tests relating to the imposition of conditions.'*

18. Having determined the description of the development as 'up to 170 dwellings' it remains for me to clarify the drawings on which the proposal is to be considered.
19. In this regard, given that the application was made in outline, I see limited difference between the October 2015 and June 2016 Masterplans. The site area remains the same and so does the point of access. Whilst the layout of roads within the site differs, and there are some changes to the disposition of illustrative building blocks, I do not regard these to be sufficiently material to change the nature of the development proposed. The 2016 Masterplan formed part of a second planning application on which the public were consulted and the ensuing representations are before me. I am satisfied that no material prejudice would arise from considering the appeal on the basis of the illustrative Masterplan (Revision A - June 2016).
20. The changes within the Levels Concept drawing are more substantial and can be seen to be a progression of the layout. To my mind, the changes arise largely from the detailed consideration of topography, taking account of the change in levels across the site, and the needs of veteran trees. Noise considerations also appear to have dictated the siting of dwellings along the eastern boundary of the site to act as a noise barrier to the A41 bypass.
21. In terms of the overall spatial distribution within the site, I consider that the Levels Concept drawing remains within the 'spirit' of Masterplan - Revision A, based on its main purpose of seeking to indicate how identified deficiencies of the schematic layout might be resolved. The details, save for means of access, are illustrative and there is nothing that would pre-determine the submission of the reserved matters. I reach a similar conclusion on the Landscape Proving plan.
22. As to the number of dwellings proposed, it is evident that the Masterplan (October 2015) and Revision A (June 2016) are of no assistance in that the layouts merely depict indicative building blocks. The reference to a specific number of dwellings (whether expressed as an approximation or a maximum) derives from the appellant's aspirations and instructions; and, even with generous interpretation of the layouts, there is some difficulty in achieving reconciliation with the number stated.
23. Moreover, it is clear that the two application layouts paid insufficient heed to the two important trees within the site and the extent to which topography might influence and constrain the development of the site. As such, it was inevitable that the layout would need to change and almost certain that the number of dwellings would have to be reduced (subject to house-type mix).
24. On this basis, the number of dwellings depicted on the Levels Concept drawing appears to owe much to the lack of precision in the earlier stages of the planning applications. Whilst it cannot be denied that the illustrative development aspirations have changed progressively, the underlying principles relating to access, the broad areas of development within the site and the areas for landscaping remain substantially unaltered.

25. There is no doubt that the appellant has used the appeal process to refine the project, with the substitution of a second proposal which had not run its full course with the local planning authority, and thereafter in the lead up to the Inquiry with disparate new material. This resulted in lengthy discussion at the opening of the Inquiry and a credible threat of adjournment. Whilst my ruling, as set out above, was influenced by a measure of pragmatism, I am content, on the fact specific circumstances of this case, that no party would suffer material prejudice by the consideration of the appeal based on Masterplan (Revision A – June 2016) and the subsequent supporting material.

Planning Policy

26. The development plan includes the Saved Policies of the Wrekin Local Plan (1995 – 2006) and the Policies of the Telford and Wrekin Core Strategy (2007) which covers the period to 2016. The Telford and Wrekin Local Plan 2011-2031 is undergoing examination.
27. Core Strategy Policy CS1, which sets out the number of new homes to be built in the Borough up to 2016, is time expired and out-of-date and merits no weight.
28. The Wrekin Local Plan shows the appeal site to be located outside the built-up area of Newport but Policy OL7, which would otherwise have restricted development in the open countryside, has not been saved. Core Strategy Policy CS 7 similarly strictly controls development in the open countryside but as a policy which fails to reflect current development needs, it is to be regarded as out of date and with limited weight.
29. Core Strategy Policy CS 6, relates to '*development in Newport*' with the objective of ensuring that all development will respect and enhance the quality of the town's built and natural environments, including townscape and impact on surrounding countryside. Given that the site is outside the extant settlement boundary, the policy has no direct application.
30. The emerging Telford and Wrekin Local Plan, whilst including the appeal site within the built-up area, seeks to preclude its development through a Green Network designation (unless the benefits of a proposal would outweigh any adverse impacts on the Green Network and its functions). However, the related policy, Policy NE 6, has been the subject of objection and very little weight is merited.
31. Saved Policy OL6 of the Wrekin Local Plan seeks to protect from development locally important incidental open land within or adjacent to built-up areas where that land contributes to the character and amenity of the area, has value as a recreational space or importance of a natural habitat.
32. The appeal site is not identified as such on the Local Plan's Proposals Map and, although the land is currently open and on the edge of a built-up area, it does not have any '*incidental*' function to the settlement. Whilst it cannot be denied that the site contributes to the character and amenity of the area, in so far as it is undeveloped, it does not have value as a recreational space (as access across it is unauthorised) or importance as a natural habitat.

33. Acknowledging that the wording of the policy, and the explanatory text, is somewhat indistinct, I consider that the Council has sought to misapply OL6, as a backstop, given the demise of the former open countryside policy, OL7.
34. In addition, Core Strategy Policy CS 11 seeks to protect and enhance areas of open space, both formal and informal. However, the appeal site is agricultural land and it does not fall within the ambit of this policy.
35. Whilst the Inspector in an appeal decision at Dawley Road, Lawley, attached significant weight to OL6 and CS 11, on the basis that they reflected the Framework, I find no direct application to the site before me and thus they lack material weight in this appeal.
36. Policy SP 2 of the Telford and Wrekin Local Plan supports the delivery of approximately 1,200 net new homes in Newport up to 2031. Additional housing over and above that already committed or identified in the Local Plan will be prioritised on previously developed sites within the town. It also requires all development to respect and enhance the quality of the town's built and natural environment. Whilst it is evident that the proposal would conflict with the provision of new housing which this policy seeks to address, the housing policies in the emerging plan are subject to objections and it follows that only limited weight applies to the draft policy.
37. Saved Policy UD2 of the Wrekin Local Plan and Core Strategy Policy CS 15 contain design objectives which are of more specific relevance to full applications or those seeking the approval of reserved matters.
38. In summary, the majority of relevant policies in the development plan, most notably those concerning the provision of housing, are out-of-date. This triggers paragraph 14 of the Framework and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Whether the Council can demonstrate a five-year supply of housing land

Objectively assessed need - introduction

39. Planning Practice Guidance (Housing and economic development needs assessments) advises that there is no one methodological approach or use of a particular dataset(s) that will provide a definitive assessment of development need. However, the use of the standard methodology set out in the guidance is strongly recommended to ensure that the assessment findings are transparently prepared. Nonetheless, local authorities may consider departing from the methodology, but they should explain why their particular local circumstances have led them to adopt a different approach where this is the case.
40. It is acknowledged that establishing future need for housing is not an exact science; no single approach will provide a definitive answer; and plan makers should look to rely predominantly on secondary data (e.g. the Census, national surveys) to inform their assessment.

Objectively assessed need - demographic

41. The Telford and Wrekin Objectively Assessed Housing Need (OAN) Final Report (March 2015), prepared to inform the emerging Local Plan, identifies a need, over the plan period to 2031, of 497 dwellings per annum.
42. The starting point for the assessment was the official household projections from the Department for Communities and Local Government (CLG) derived from the sub-national population projections (SNPP) produced by the Office for National Statistics (ONS).
43. The projections available in the initial preparation of the OAN Report were the CLG 2008-based projections (CLG 2008) derived from the 2008-based SNPP population projection (ONS 2008) and the CLG interim 2011-based projections (CLG 2011) derived from the 2011 interim SNPP (ONS 2011).
44. The consultants advising the local planning authority (PBA) had previously identified a number of deficiencies in taking the above at face value in so far as:-
 - a) the 2008 projections were based on historical trends with some of their predictions subsequently invalidated by the 2011 Census;
 - b) the interim 2011 projections had a short time horizon covering the period 2011–21 and its historical migration, birth and death rates were based on pre-Census estimates;
 - c) in the official projections future migration followed trends rolled forward from a five-year base period (ONS 2011 five-year period 2006–10); the time period was short and coincided with an economic recession; and
 - d) the 2011-based projections carried the imprint of recession with lower household formation than previously expected and on average those households were substantially larger.
45. With the above in mind, PBA sought to test the official projections with a PBA Trends 2003-13 projection which was based on the use of a longer term ten-year migration trend; and with a PBA Trends 2008-13 based on a five-year period rolled forward one year from the ONS/CLG 2011 projections with the benefit of more recent data (2012 ONS mid-year estimates). Both used an indexed method which assumed that after 2021 headship rates would revert to their pre-recession trend as projected in CLG 2008.
46. During the preparation of the OAN Report, publication of Census data showed that the ONS 2008 and ONS 2011 projections on population had been overtaken by events and became redundant with the release of the 2012 ONS and CLG 2012 projections. In effect, this left the two PBA trend scenarios to be compared with the 2012 CLG output.
47. In this regard, the latter indicated an annual population increase of 583 persons, equating to 446 households and 461 dwellings per annum. The two trend models resulted in a significantly higher population increase than forecast by CLG (838 and 785), but households and dwellings were broadly comparable with CLG 2012 (439/453 and 426/439). The overall conclusion, based on a preference for the ten-year trend, was an objectively assessed need of 497 dwellings per annum.

48. The above was post-dated by the CLG 2014 projection and the ONS 2014 sub-national population projection that underpins it with an uplift in annual population by 702 persons, 487 new households per annum and an annual dwelling requirement of 502. The PBA Trend scenarios (using the Experian model), rolled forward to 2005-15 and 2010-15, showed a population increase of 827/963; 486/535 households; and 502/552 dwellings.
49. With the ten-year trend, the objectively assessed need was deemed by PBA to be 502 dwellings per annum. This contrasts with the appellant's position (SPRU) with a starting point of 667 dwellings based on a rolling five-year average migration for 2010-15 (using the Chelmer model).
50. The initial point at issue on the demographic projection is whether there is just cause to prefer the longer-term migration trend as opposed to the most recent official demographic projections. In this regard, net migration during the shorter time period ranges generally for the first four years at +200/-150 with the last year climbing to +1100. Whilst this is likely to have some correlation with housing delivery over the period, the inflow appears unusually high and, as a single spike within a five-year period, it has the potential to significantly distort the trend.
51. By comparison, a reference period of ten years, which includes a full economic cycle leading into and out of recession, with a general range of +300/-200, tempers the potential effect of the peak. In my opinion, the use of the extended period appears to be more representative. The longer base period shows a relatively larger net inflow of younger workers aged 20-39, but fewer retired people, which has the effect of holding down household formation. On this basis, I do not favour the projected demographic scenario of 667 dwellings advocated by SPRU (household projections + migration assumptions).
52. Planning Practice Guidance advises that the household projection-based estimate of housing need may require adjustment to reflect factors affecting local demography and household formation rates which are not captured in past trends, and the extent to which formation rates have been constrained by supply. PBA makes no adjustment whereas SPRU advocates a return to half 2008 household representative rates (HRRs).
53. The appellant's stance flows from the national housing crisis and the inability of younger age groups, in particular, to form new households and the concern that CLG's HRRs are constrained by the effects of the recession, and the local record of housing delivery, and thus provide no prospect of greater home ownership for the younger population. On the other hand, a return to half 2008 HRRs, whilst not fully reflecting the pre-recession world, would go some way to countering the distorting effects of the subsequent depressed economic climate.
54. In my opinion, whilst the official projections might be considered to be cautious, they are up-to-date and draw in the significant social changes which have occurred in the years up to 2008 and more-so thereafter (e.g. student fees, children staying longer with parents and part-time working), whereas the alternative of placing reliance on an earlier period would be highly questionable without firm justification.

55. With this in mind, the number of concealed families in Telford and Wrekin increased from 426 (2001 Census) to 853 (2011 Census); the projected increase in other households without dependent children has been growing since 2001 and is projected to increase from under 4,000 in 2000 to almost 7,000 by 2039; and HRRs for all groups up to age 44 are now projected to be substantially below the 2008 projections.
56. However, in Telford and Wrekin, formation rates in 2011, for the age groups up to 35-39, were equal or above national rates and marginally below for the 40-44 cohort; and the HRRs between 2011 and 2031 are projected to increase for the age range of 30-44 and to broadly reflect the national trajectory. Overall, there is nothing to suggest that the local situation is materially different to that to be found nationally.
57. Reflecting in more detail on the supply and affordability of housing in the Borough, net completions during the period 2006-07 to 2010-11 varied between 363 and 551 (against the RSS³ requirement which permitted a maximum of 1,330 new dwellings per annum up to 2011) and from 2011-12 to 2015-16 net completions ranged between 607 and 1255 (against a 'retrospective' target of 778 dwellings per annum⁴ in the emerging local plan).⁵
58. The issue is whether there is an unmet housing need which is not reflected in the household projections and the extent to which household formation might have been constrained by supply.
59. Set against the initial maximum of 1,330 dwellings per annum, in Policy CS 1 of the Telford and Wrekin Core Strategy (Core Strategy), the delivery of new homes fell markedly short. The terminology of the policy sets a conundrum in that the housing number was expressed as a maximum rather than a requirement. Whilst it was derived, by spatial distribution, from the regional requirement set out in the RSS, the mere fact of significantly undershooting the maximum is not, by itself, confirmation that there was unmet housing need in Telford and Wrekin.
60. In more recent years, using the 'untested' measure of 778 dwellings, net completions fell short in 2011-12 and 2012-13 but thereafter showed a growing surplus and a positive performance over the five-year period as a whole. Even on the appellant's preferred case of 933 dwellings per annum, there would have been a shortfall in each of the first three years resulting in a small overall deficit of 167 dwellings for the five-year period.
61. SPRU's alternative scenarios of 888 and 864 dwellings per annum would have resulted in an overall surplus for the five-year period.⁶ To reach a conclusion of unmet need therefore rests on finding an assessed need of 933 dwellings per annum. Even then, the potential unmet need would be small (167 dwellings/five-year period). Overall, this does not suggest a recent unmet housing need.

³ Regional Spatial Strategy for the West Midlands – the number of new homes in the Borough is set out in the Telford and Wrekin Council Core Strategy at policy CS 1

⁴ OAN + housing growth strategy

⁵ Telford and Wrekin Local Plan (Submission Version – June 2016) Policy HO 1 which supersedes a maximum of 700 dwellings derived from the RSS

⁶ 888 dpa, 3 years deficit (one marginal), 5 yrs surplus +58; 864 dpa, 2 years deficit, 5 yrs surplus +178

62. Even if one were to take a much longer view by including the period 1995-96 to 2005-06, when the relevant targets were missed in all but one year, this does not provide anything more than historical background and it does not inform the debate as to whether there is evidence of unmet housing need.
63. On this basis, it is necessary to look at other potential indicators. In this regard, compared to Shropshire, the West Midlands and England, average house prices across the Borough are notably lower;⁷ mean house prices have followed the trend; the Borough has a lower affordability ratio; market rents have been close to those in Shropshire and the West Midlands and are relatively stable; and the percentage of over-occupied dwellings is below the average for the West Midlands and England.
64. It is acknowledged that this comparative, generally positive, standing does not provide any great solace to those seeking to buy a home of their own, especially as the ratio of house prices to earnings has increased from a factor of around three to almost six over the last twenty years, or to prevent the situation from getting worse.
65. Nonetheless, the relative performance, or outlook, for Telford and Wrekin against trend does not point to any material inherent local issues relating to the supply of housing and the suppression of household formation rates. As such, in light of the advice in Planning Practice Guidance,⁸ I am content that there is nothing of sufficient local consequence or distinction which would warrant making an upward adjustment.
66. Accordingly, no adjustment to the objectively assessed need is justified on these grounds and I disagree with SPRU's demographic assessment of 698 dwellings per annum (rolling average for migration over the last five years and HRR held constant (2014 levels) for those under 45) or 732 dwellings per annum (return to half 2008 trends).
67. In reaching this conclusion, I am aware that the Inspector in the Haygate Road appeal decision noted that it was clear that low household formation rates can and do have social impacts, such as the creation of concealed households, and he was not persuaded that the correct response was to simply reflect past rates rather than seeking to address and improve the situation. Whilst I concur with the sentiments he expressed, and I acknowledge the national call to boost significantly the supply of housing, the evidence here to support a return to half 2008 HRR trends or to maintain HRR at the 2014 level lacks specific justification.

Objectively assessed need - economic

68. The economic OAN projection is the main difference between the parties. In this regard, PBA, using the Experian model, calculates that its ten years trend projection would be compatible with a healthy economic future for the Borough in so far as the available labour supply would not constrain economic growth. By contrast SPRU bases its approach on the average of three economic forecasting models. The overall difference amounts to some 430 dwellings (502/933) per annum.

⁷ December 2014:- Telford and Wrekin £156,091; Shropshire £189,162; West Midlands £184,338; and England £242,006

⁸ With particular reference to paragraph 015 Planning Practice Guidance: Housing and economic development needs assessments

69. The inherent difficulty in employment forecasting is apparent from the three projections provided by SPRU. Both Cambridge Econometrics and Oxford Economics start from a similar baseline number of workers (84,000 and 84,328) with job growth between 2011 and 2031 in the order of 19,000 and 8,370 jobs respectively.⁹
70. On the other hand, Experian starting from 86,100 workers results in a job growth of 14,200 for the same period. Taking average job growth, Experian mimics the average (13,857) whereas the other two provide upper and lower extremes. In terms of the overall percentage job growth, both Experian and the average show growth of 3.1%.¹⁰
71. Whilst the use of averages in modelling employment projections is likely to moderate conflicting assumptions, the exercise here serves to demonstrate the consistency of the Experian forecasts with the overall average of three models and suggests that its overall forecast is realistic and robust. The main difference between the parties is the manner in which the new jobs would be accommodated having regard to three principal factors, namely:- the commuting ratio; the incidence of double jobbing; and the future economic activity rates of the population.
72. Looking first at commuting rates, SPRU's approach assumes that the ratio of in and out commuting remains the same, whereas the Experian model allows the net commuting ratio to adjust as part of the process of establishing whether there would be a sufficient wider workforce to serve the projected increase in jobs in Telford and Wrekin.
73. Both approaches have weaknesses in that the net commuting ratio is seldom likely to remain static, given the complex interactions between the location of new jobs and the workforce (e.g. the propensity to commute or to move house); the predicted increase in commuting might be subject to other inhibiting factors (e.g. means of transport, congestion and journey time); and, in either or both instances, it might be a desirable and legitimate objective of plan making to influence the degree to which commuting may occur as part of an overall sustainability agenda or to provide work for residents of adjoining districts.
74. Overall, the SPRU approach effectively starts from a 'policy on' basis by using a pre-determined static net commuting ratio whereas the purpose of the Experian model is to test the extent to which new jobs might be filled by an 'available' workforce and whether or not more residents need to be accommodated in the Borough. It remains thereafter a matter of judgement for the local planning authority to determine the extent to which it should seek to shape the level of commuting. On this basis, I see nothing fundamentally wrong with PBA's methodology.
75. Moving on to double jobbing (where a person has more than one job), the ability to make meaningful projections is fraught with difficulty in that there are no official statistics. Neither party had any credible evidence base in that SPRU seeks to limit the trend, from a baseline of 3%, to 4% founded on the contents of a single newspaper article¹¹ whereas PBA relies on the adjustment of the Experian model and an output which provides for up to 7% of jobs being taken by double jobbers. Whether that outcome is either realistic or desirable requires further consideration.

⁹ RHM/4 Table 7

¹⁰ RHM/4 Table 8

¹¹ Financial Times

76. There is no doubt that the phenomenon of double jobbing is growing associated with the trend of zero hour contracts, part-time working and the flexibility that more than one job might provide to an individual. A greater pool of such jobs could provide the local workforce with more choice in employment and greater prospect of increased work.
77. On the other hand, without evidence as to the balance of part-time and full-time jobs, reliance on a given population wishing to take up additional jobs, if not realised, could result in a shortfall in the available workforce and inhibit economic growth.
78. In my view, it would be preferable to take a 'conservative' approach to the extent to which double jobbing might increase and to align more closely with SPRU's scenario.
79. In terms of the future economic activity rates of the population, the premise is that higher rates need less population to serve a given number of jobs. SPRU initially applied a 2% uplift in all age groups with the exception of the pension age (reflecting the endorsement in the South Worcestershire Plan Examination) with a subsequent adjustment to accommodate the projected changes to activity rates from the Office for Budget Responsibility (OBR) applied to local activity rates.
80. This has the effect of reducing activity rates for many of the below 60 age groups but this is compensated by higher rates of activity in the 60+ age groups. Whilst this results in a modest reduction (902) in the assessed need from the original projection (933), it still suggests that a substantial uplift would be required to meet the level of employment growth.
81. The alternative PBA proposition is that the consequences of a modelled older population profile, and the increased activity rates for those aged 65 and over, would have the effect of requiring a significantly smaller increase in population to meet the projected level of jobs.
82. The longer term effects of the changes in the pension age are yet to be realised, and the extent to which people over 65 will continue to work is similarly unknown. In my opinion, such uncertainties may suggest a need for caution in placing an increased reliance on an older age structure to fill jobs and it is notable that the economic activity rates for Telford and Wrekin over the last ten years have shown massive fluctuations. On this basis, the more circumspect growth rate favoured by SPRU appears to be prudent.
83. The appellant's assessment has the advantage of a series of cumulative numerical steps reflecting the projections made. The employment estimate starts from an assessed need of 1,285 dwellings per annum based on the average rate of employment change and the default assumptions in the model. The figure drops to 864 dwellings per annum based on reduced unemployment, which is generally agreed; increased activity for post 60 age groups to reflect changes in the pension age; an allowance of 4% for double jobbing; and increased activity rates by 2%. As previously indicated commuting is held static.
84. In terms of my assessment of the contrasting assumptions, I would regard SPRU's approach to be the more conservative. Realistically, given that the Experian model has demonstrated capacity to allow 'flexing', for example in

relation for some variation to commuting, SPRU's approach appears to be the 'worst case' outlook and in reality the figure of 864 dwellings per annum (with no adjustment for HRR rates) should be regarded as a generous maximum for the purposes of assessing the need for housing as local factors do not point to a sufficient need to depart from the official projections in relation to HRR.

85. On this basis, to achieve resilient testing, I will adopt a need of a maximum of 864 dwellings per annum, even though this is not the estimate on which the appellant seeks to rely, for assessing whether the Council has a five-year supply of housing land.

The five-year calculation - shortfall

86. This part of the calculation involves comparing actual delivery against assessed need in order to establish whether or not a shortfall exists at the base date (April 2016). Net completions in the period 2011-16 were 4,498 units; the adoption of an annual need of 864 dwellings amounts to 4,320 homes for that period; and an excess of approximately 180 completions.
87. The period 2006-11 was the subject of a Core Strategy Policy CS 1 which '*..... permits a maximum of 1,330 new dwellings per annum up to 2011 consistent with the policy of the RSS for the West Midlands'*. Net completions were 2,311 against a maximum of 6,650 and a resultant shortfall of 4,339 dwellings.
88. Whilst the appellant seeks to aggregate the period 2006-16 to pick up the earlier deficit, the provision of a substantial number of homes in Telford and Wrekin from 2006-11 reflected the needs of the region in focusing initial development in large settlements, including Telford. From 2011-16 the number of new homes in the Borough was set as an annual maximum of 700 to reflect the primacy of new development in the Major Urban Areas (e.g. Birmingham/Solihull).
89. It can be seen that the policy was worded to cap the number of new dwellings. Even if that were to be interpreted as a target not to be exceeded, any attempt now to recoup the dwellings not provided would fly in the face of the spatial distribution of dwellings initially sought by the RSS for the period post-2011. Whilst the poor performance of Telford and Wrekin in the earlier part of the period may or may not have resulted in a significant loss of new homes to the region, no evidence was presented on the performance of other constituent authorities and the aggregated regional outcome.
90. Moreover, whilst the Panel's Report into the Phase Two Revision of the RSS (2009) set an indicative annual average of 1,325 dwellings for Telford and Wrekin (2006-26), and distanced itself from the '*minima-maxima*' concept by confirming that the specified net additional dwellings '*should be regarded as targets to be aimed for*', the Revision was subsequently overtaken by the Secretary of State's announcement of the revocation of RSSs. As such it is a document of very little weight.
91. Overall, the above factors lead me to the view that there is an insufficient basis to incorporate any under supply of dwellings arising from the strategy of the RSS and its underpinning of Core Strategy Policy CS 1.

The five-year calculation – buffer

92. Planning Practice Guidance confirms that '*The assessment of a local delivery record is likely to be more robust if a longer term view is taken, since this is likely to take account of the peaks and troughs of the housing market cycle*'.
93. The Council, in its Five Year Housing Land Supply Statement at April 2013, clearly accepted Core Strategy Policy CS 1 as a target to be fulfilled; under-delivery against that target; the application of a 20% buffer for persistent under-delivery; and an overall shortfall of 4,412 dwellings. Whilst that is a matter of record, it does not represent the authority's current position.
94. Policy CS 1 is now out-of-date as the Core Strategy covers the period up to 2016 and the policy was founded on the now revoked RSS of 2004. To my mind, adopting the reasoning in paragraphs 87 – 91 above, the longer term view of housing delivery would be distorted by circumstances of limited current materiality and in this instance the five-year trend provides a more robust basis for assessment.
95. In this regard, with a housing need of 864 dwellings per annum (maximum), three years show a shortfall (of which one is marginal) and two years show a material excess with an overall average of approximately 900 dwellings per annum. I do not regard this to amount to persistent under-delivery and, on this basis, the application of a 5% buffer would be appropriate, thus taking the five-year requirement to 4,536 dwellings (907 per annum).

The five-year calculation – supply

96. The irreconcilable difference between the parties on supply rests heavily on the respective estimated delivery rates over the next five years having regard to lead-in times for the grant of outline planning permission; the submission and approval of reserved matters; discharge of pre-commencement conditions; site preparation; and developer build-out rates. The effect of these considerations is disputed on 29 sites which accounts for a difference of some 1,879 dwellings (4,565 and 6,444 according to the appellant and the Council respectively).
97. The approach adopted by the parties was, for the most part, reliant on general principles with little examination of individual sites other than by example to support a particular point. In effect, this invites an assessment of supply according to either of the figures above as opposed to any other derived sum.
98. Whilst the local planning authority can point to a significant number of dwellings which are either under construction or have planning permission, the level of detail on lead-in times, delivery rates and recent contact with site owners/developers was often less comprehensive and explicit than that provided by the appellant.
99. By way of example, the Council's position on Priorslee East (160 dwellings) relies on disposal of part of the site to a preferred developer yet to be announced; the submission of reserved matters by April 2017 and approval no later than September 2017. These judgements are not clearly and transparently set out.

100. Additionally, sites at Gower Street (10 dwellings) and Wellington Road, Horsehay (23 units) have outline approvals expiring in April 2017. Whilst land with outline planning permission may properly be included as part of the supply, in these instances the expiry of the permissions is approaching and marketing has failed to secure developer interest. Although this does not amount to clear evidence that development will not occur within five years, and the number of units involved is small, it is nonetheless indicative of an underlying risk.
101. Moreover, Maxwell Site, Shawbirch (160 dwellings) has a planning permission which allows for the submission of reserved matters within a period of seven years; the site is occupied by another use; it has not been marketed and there is no developer. Whilst it is said that there has been strong interest in bringing forward the site for development, there is no explicit evidence to support this coming to fruition.
102. From looking at the totality of the material before me, I have gained an overall impression of the appellant's comparative pessimism set against the more optimistic outlook of the Council. This can be illustrated further by reference to Dairy Crest, Crudington where the former judges the site to be deliverable only in part (58 dwellings), based on the absence of a developer and a lack of reserved matters, whereas the latter expects full delivery (111 units) within five years on known interest from a National House Builder.
103. The fundamental point for me is that the five-year supply of developable sites should be sufficiently robust to ensure that the planned homes are capable of being delivered. In seeking to derive realism from the spectrum of pessimism and optimism, I consider that for the purposes of this appeal it would be prudent to adopt the 'worst-case' view of deliverable sites to secure rigorous testing of the five-year calculation.

The five-year calculation – conclusion

104. I have adopted 4,320 dwellings as the starting point for the five-year requirement; there are specific reasons not to add a shortfall; and I consider there to be insufficient grounds to endorse the allegation of persistent under-delivery. Thus, a 5% buffer is warranted taking the five-year requirement to 4,536 dwellings (907 per annum). With a minimum of 4,565 deliverable dwellings, there would be approximately 5.03 years supply.
105. Whilst this figure is on the cusp of the five-year threshold, and it cannot be regarded to be exact, the assumptions underpinning it are sufficiently robust to ensure confidence that this seemingly marginal outcome is very much a worst case position.
106. I note that the Haygate Road Inspector was unable to come to a firm view as to which of the competing OAN figures before him was the more robust and reliable; and he expressed the opinion that there was at least a possibility that the Council was unable to demonstrate a deliverable supply of housing land. He favoured a return to pre 2008 HRR rates and endorsed a 20% buffer.
107. For my part, I have endeavoured to resolve a number of points specific to the evidence which I heard and I have come to the conclusion, applying a precautionary approach to the assumptions, that the Council can demonstrate a five-year supply of deliverable housing sites.

108. In relation to the two principal areas of difference between the Haygate Road Inspector and me, had I applied a half return to 2008 HRR, the assessed housing need, on the appellant's scenario, would have been a maximum of 933 dwellings per annum. This would have included all of its underlying assumptions and the resultant risk-averse margins which that provides. As that sum would have been exceeded in two of the five years, and the overall shortfall for the period would have been marginal, a 5% buffer would have remained appropriate leading to a supply of 4.66 years.¹²
109. In addition, had I found in favour of retaining 2014 HRR rates, the resultant 888 dwellings, with a 5% buffer, would have translated into a supply of 4.9 years.
110. Again, I consider the above to be highly and overly cautious estimates, having regard to the nature of the variables outlined, and I would not interpret them to be a sufficient basis to find convincingly less than a five-year supply of housing land for the purposes of this appeal. Accordingly, I am confident, on the evidence before me, that the Council is able to demonstrate a deliverable supply of housing land in accordance with the requirements of the Framework.

The effect of the proposal on the character and appearance of the landscape

Landscape character

111. At the local level, the appeal site lies within the Estate Farmlands landscape type¹³ which is typified by gently rolling lowland and valley floor landscapes. The key characteristics include mixed farming land-use; a clustered settlement pattern; large country houses with associated parklands; planned woodland character; and medium to large scale landscapes with framed views.
112. The Landscape Sensitivity Study Update for Telford and Wrekin (February 2014) identifies the site as having high/medium sensitivity:- *'landscape and/or visual characteristics of the site/zone are vulnerable to change and/or its values are medium through to high and the zone can accommodate the relevant type of development only in defined limited situations without significant character change. Thresholds for significant change are low'*.
113. The purpose of the study was to update an earlier landscape sensitivity and capacity assessment for defined areas around Telford and Newport in light of additional sites identified by the 2012 Strategic Housing Land Availability Assessment. By its very nature, the study was concerned with the principle of housing development rather than any formal proposal and related landscape and visual impact assessment.
114. In this regard, the justification set out in the report starts from the premise that *'the site's value lies in its possible parkland origins, its mature oak trees and its distinctive and attractive rounded landform'*. However, whilst the presence of the trees may give a semblance of parkland, there is no evidence to support this stance.

¹² The revised figure of 902 units, using the OBR's average rate of employment change, would have amounted to a supply of 4.8 years

¹³ Shropshire Landscape Typology (2006)

115. It goes on to say:- *'its susceptibility to housing development would be the removal of this character and the subsequent prominence of housing on the rising landform. Overall the site is considered to be very sensitive to housing on the rising landform. Although it might be possible to develop a limited part of this site without detriment to the wider landscape, detailed study would be required to assess where this would be appropriate. Development along the western edge, where it would be least intrusive within the wider landscape, would remove the backdrop to the existing settlement edge and would begin to creep up the hill. Elsewhere the strongly undulating topography of the site affects its potential to accommodate housing and would be highly visible from the public footpaths'*.
116. For my part, the appeal site is, in effect, a remnant pocket of the Estate Farmlands landscape type with the built-up area of Newport to the west, the A41 bypass arching round to the north and north-east and a modest swathe of open land to the south-east and south-west which is itself influenced by the built-up area further south and the bypass along its eastern side.
117. However, that is not to say that the site is entirely urban dominated in that it merges with the adjacent open land to the south-east to provide outward rural views and a distinct impression of transition into the open countryside. Similarly, from the canal towpath¹⁴ the aspect northward over the appeal site is entirely rural. In addition, the low-lying undeveloped land to the south-west combines with the appeal site to form part of a green corridor into the wider landscape beyond the A41 bypass. Whilst the road acts as a physical barrier, the route is in a tree-clad cutting and, apart from a localised intrusion of traffic noise and glimpses of vehicles in winter months, it does not radically sever visual linkage with the open countryside and the site's attribute of intermediary rural character.
118. Overall, the appeal site reflects the typology in relation to its distinct and accentuated rolling landform; agricultural land-use; the well-defined pattern of settlement; a quasi-woodland context generally to the east and south; and a medium scale structure with some views across the site to more distant landscape reference points.
119. Hedgerows are in moderate to good condition with some deterioration along the urban edge; the veteran trees within the site have a high intrinsic value, with the hilltop specimen having particular distinction emphasised by the rising land form; and the land-use is rough grazing with evidence of local trespass routes across the land. Whilst the landscape in the locality may be categorised, in general terms, as being in average condition, the pronounced land-form and landmark trees are important characteristics in the consideration of the effects of the proposal.
120. The site, whilst forming a greenfield backdrop to Beechfields Way and Kestrel Close, and adding to the green-swathe of open land to the north-west of the canal, does not have notable scenic quality. The characteristics of the site are representative, somewhat unusual, but not unduly rare.
121. Conservation interests in terms of wildlife are limited; there is some inferred cultural association with the hilltop oak tree, which may have been the location of a historic meeting point, and the large Victorian house to the south-west (Rylands House) may have been orientated towards the oak trees.

¹⁴ The canal itself is disused but undergoing restoration

122. The site does not have authorised recreational value although it is skirted on two sides by a public footpath (Plough Lane) and on a third by the canal towpath. Where views exist from these routes, the openness of the land, and its captivating topography and focal trees, has an associative quality.
123. As to perceptual aspects, the appeal site is neither wild nor particularly tranquil; and associations with notable people or events are absent.
124. Whilst the land is highly valued by local residents as an open backdrop to their homes and to local recreational routes, and I have described a number of notable components, it is of no more than community value. Hence, it cannot be considered to be a 'valued landscape' in the terminology of paragraph 109 of the Framework. In this regard, the value of the site is inhibited by the proximity of the urban area and the bypass and the limited tangible links to the wider open countryside.
125. The susceptibility of the landscape to housing development starts from acknowledging the presence of the existing urban edge; the intention to retain and supplement existing hedgerows; the provision of open land alongside the canal with houses set well back; generous separation between buildings and the veteran trees; roads and dwellings arranged to follow contours; and 'designed' views towards the trees between and/or over dwellings.
126. The appellant's Landscape and Visual Impact Assessment asserts that, with the combination of existing and proposed landscaping, adjacent built form and the retention of key landscape features, the appeal site and surrounding landscape would be able to accommodate the development without suffering detrimental effects on its character.
127. To my mind, the appellant's assessment plays down the limited extent of the interface with the built-up area and, where that occurs, the continuing semblance of a field hedgerow boundary which itself provides some softening demarcation of the adjacent housing. It also appears to disregard the elevation of the eastern and northern parts of the appeal site and the resultant prominence of proposed new houses, albeit no more than two-storeys in height, in those locations.
128. It also understates the characteristic of the undulating and sometimes steep landform and its interaction with the focal trees and the manner in which the appeal site forms a rising back-cloth from the built-up area. In this respect, the status of the larger landmark tree owes much to its elevated topography.
129. Although there would be no loss of the trees or the generality of striking topography, the laying out of the site for development would inevitably erode and compromise the sweeping undulations with significant changes to accommodate road gradients and individual building platforms. In turn, even with the spacing illustrated, new houses would envelop the central tree and border its southern counterpart with the effect of changing the aesthetic rural aspect of the land and the perception of it forming an integral part of the wider countryside landscape beyond.
130. In my opinion, the proposed development, even with proposed mitigation planting, would be an anomalous addition to landscape character.

131. In considering the overall landscape effects on completion of the development, the appellant's Landscape and Visual Impact Assessment confirms that *'the rolling pastoral land would be irreversibly lost*'. The mere conclusion that the two mature trees within the site (and those along the southern boundary of the site) are *'attractive features of the site'* fails to acknowledge the significance of those trees related to topography and siting within an open landscape. Even with *'in-built mitigation to enhance the character of the proposed development'*, the proposal would have an undeniable and inherent adverse landscape effect.
132. In summary, I have found that the appellant's Landscape and Visual Impact assessment understates the value of the landscape; it exaggerates its ability to accommodate the proposed development; and its overall conclusion seeks to minimise likely adverse effects.

Landscape appearance – visual effects

133. It is acknowledged that the appeal proposal would not be visible within the wider landscape. For my part, the most relevant locations to assess the likely visual effects are the immediate public vantages of the public footpath to the north and east of the appeal site (Plough Lane) and the canal towpath generally to the south.
134. These are used, for the most part, by the local community engaged in outdoor recreation. It is acknowledged that users include joggers and dog walkers and that those activities may well be secondary to the appreciation of views of the landscape. Susceptibility to change would not be of the highest order.
135. The value attached to views is also limited insofar as there are no defined views in relation to heritage assets, planning designations or other expressed indicators of great significance. Nonetheless, the disused canal, and work for its restoration, with interpretative material, adds to value.
136. The western end of Plough Lane, particularly its northern frontage, soon runs into open land use but development on its southern side is a little more extensive before giving way to the appeal site. Plough Lane becomes more informal as it progresses eastward with glimpsed views into the appeal site, generally through minor gaps in the boundary vegetation.
137. With open land on each side of Plough Lane, and no semblance of development to the north, east and south, and a well-defined boundary to Beechfields Way and Kestrel Close, (and allowing for the sound of traffic on the bypass) the landscape is distinctively that of open countryside with strong hedgerows and significant areas of woodland of varying scale. A brief view, in the vicinity of the existing field gate, confirms the wider linkage with the landscape to the south. Elsewhere, the rising crest of the site marks the skyline and curtails views beyond.
138. Whilst the overall scale of the proposal would not be evident from Plough Lane, in that some of the dwellings would lie in the concealed dip of the site, that part of the development closest to the lane, even with hedgerow mitigation, would have a measure of prominence. The overall effect, even with the view focused along Plough Lane by adjacent planting, would be in sharp contrast to the landscape and the well-defined boundary of the built-up area with a resultant elongated protrusion of development into the countryside.

139. The demarcation of the eastern boundary of the site is little more than post and rail fencing. The view from the footpath is largely curtailed to the east, by planting bordering the bypass in cutting, and the direction of view is very much a combination of the open aspect of the appeal site, its two notable trees and a layered woodland and distant hillside backdrop to the south.
140. Whilst a small part of the town can be made out from the footpath where it adjoins the north-eastern corner of the site, it lies some distance to the south-west and it is nothing more than a minor element nestling in a landscaped setting. Continuation along the route reveals the upper parts of houses in Beechfields Way and Kestrel Close and Rylands House. These are relatively remote from the viewer; they have a backdrop of woodland; and from the elevation of Plough Lane the overall settlement is recessive and secondary to its landscape framework.
141. The proposed development would, according to the illustrations and the need to secure noise mitigation, include a line of dwellings parallel to the footpath. An arrangement of this nature, as well as restricting noise from the bypass, would largely curtail views into and across the site. The extended settlement would become immediate and dominant; it would be uncharacteristic, in that it would appear pronounced in the landscape; and the impression of walking a route between buildings and the bypass would emphasise the scale of change.
142. Moreover, whilst it is intended to retain two key views towards the veteran oak trees, one of these would be along the line of a cul-de-sac and framed by houses. The lost experience of a majestic tree in its natural setting, and its relationship and contribution to the wider rural landscape, would further exaggerate the incongruity of residential development.
143. Moving on to the towpath, beyond the screening effect of vegetation around the south-eastern corner of the site, the boundary with the appeal site consists of a low hedge with sporadic minor trees. The vista across the site is broad and it combines with the open land on the opposite side of the canal and the elongated swathe of scrub woodland running towards the town centre. The mounded nature of the site, distance and planting in the mid-ground provides notable separation from Beechfields Way.
144. The proposed development, emphasised by houses along the elevated eastern and northern boundaries, with floor levels of up to ten metres (approximately) above the lower foreground part of the site, would stand decidedly prominent in the outlook from the towpath and by reference to existing dwellings.
145. Moreover, it is likely that some would mark the skyline; others would largely mask their vegetated backdrop; and the bulk of the new development would substantially conceal the interface of Beechfields Way. In addition, the backdrop of the veteran oak tree in the foreground would be one of new houses; the central oak would, even with generous stand-off, be encircled by development; and intervening houses would restrict views to little more than its upper parts and canopy.
146. Overall, the proposal would add an aberrant element to the view and fundamentally change the composition of the landscape. This impression would be the more apparent from the south-western end of Meretown Lock where the houses along Beechfields Way are already largely lost to view and, where, in the round, the context is distinctly rural.

147. In reverse, walking along the towpath from the direction of the town centre, modern houses border much of the south-eastern side of the canal. The north-western side is bounded by a generous swathe of open land with good landscape cover. The built-up area stands relatively aloof and discrete. The undeveloped land broadens progressively eastwards, taking in the appeal site, and combining with land on the opposite side of the canal where the built-up area gives way to woodland and paddock. Again, even with growing traffic noise, the context is distinctly rural.
148. The effect of the development would, even with the provision of a landscaped area along its south-eastern edge, draw out the built-up area across the appeal site and into focal view. The new housing would appear incongruously related to the pattern of settlement; it would be at odds with the increasing visual emphasis of open land along the canal; and fundamentally mar the experience and impression of walking away from the town. Although the bypass truncates the line of the towpath, and roadside planting provides enclosure, the open aspect of the locality is a striking and integral component of its appearance.
149. Whilst it is claimed that new planting within the site would provide added interest in the view from the canal, this would be rendered of little significance in relation to the natural characteristics of the site and its important contribution to the wider pattern and structure of the landscape.
150. Finally, retracing one's steps along Plough Lane, the overall notion of an imposing and uncharacteristic form of development would prevail.

Character and appearance of the landscape - conclusion

151. The appeal site is not a valued landscape and the site and project specific Landscape and Visual Impact Assessment judges the sensitivity of the landscape of the site to proposed development as medium and the effects, with integral landscape design proposals, as minor adverse.
152. However, taking the characteristics of the appeal site as a whole, including the attribute of its topography; the relationship of veteran trees to the wider landscape; the well-defined distinction between the built-up area and the countryside; and the strong perception and aesthetic of the site as part of the rural landscape, the substantial loss of its openness and erosion of distinct features would cause serious harm to the character and distinctiveness of the landscape. The suggestion that additional planting would make a positive contribution to the character of the site would not credibly offset the harm identified.
153. In terms of visual effects, impacts would generally be confined to the immediate locality of the site; receptors would not have the highest order of sensitivity; and noteworthy views in the terminology of the Guidelines for Landscape and Visual Impact Assessment would be absent.
154. Nonetheless, the appeal site is immediately bordered on three sides by pedestrian routes and open land uses; there are extensive views into and across the site; and the land combines with other undeveloped land to form a countryside context. The site is also poorly related to the pattern of settlement despite its western boundary with Beechfields Way and Kestrel Close. The scale of change to the view would be substantial; the

development would not be capable of integrating into its surroundings; and the extended built-up area would become a focal point where the composition of the landscape is overwhelmingly rural.

155. Finally, it is said that the proposal would contribute green space, visual variety and recreational opportunities which would represent an important consideration as the site is not currently accessible to the public. In my opinion, this would not result in a material benefit as new routes through a housing development, even with proximity to notable trees, are unlikely to offset the overall loss of amenity for those who live and walk locally.

The consideration of planning conditions and the planning obligation

156. A list of planning conditions was agreed during the course of the Inquiry. I am satisfied that these could be appropriately imposed on any grant of planning permission.

157. The planning obligation concluded after the close of the Inquiry provides for:-

- a) The provision of affordable housing (35% of the dwellings to be constructed on the site) of which 80% of those would be social rented housing units and 20% would be shared ownership housing units;
- b) an open space obligation providing for the submission and approval of the layout of public open space and a landscape management and maintenance plan; and the subsequent provision and maintenance of the public open space;
- c) an education contribution towards remodelling Church Aston Primary School and towards the provision of changing room facilities at Burton Borough Secondary School;
- d) a highways contribution towards the cost of improvement works to the A41/A518/Stafford Road roundabout;
- e) a recreation contribution towards the upgrade of recreational/play facilities at Norbroom Park, Newport; the ball court at Beechfields, Newport; and the recreational facilities at Newport Canal, Newport; and
- f) a contribution towards police premises, recruiting and equipping new officers and staff to serve the development and vehicles.

158. The provision of affordable housing below the 40% aspiration of Core Strategy Policy CS 7 would, nonetheless, accord with the 35% provision sought by the emerging Local Plan and would be acceptable to the Council.

159. The education contributions reflect the need for additional school places to serve the development and have been calculated on a formula basis for 168 new dwellings. There is nothing within the obligation to reduce the contribution in the event of an approval for a smaller number of dwellings. However, I shall proceed on the basis that, irrespective of the number of dwellings provided, the contribution would be consistent with the multiplier in the formula.

160. Similarly, the highways contribution, to mitigate the impacts of additional traffic arising from the scheme, is expressed as a single sum and I shall base my consideration on the underlying pro-rata dwelling amount.

161. Outdoor play provision is required by Saved Wrekin Local Plan Policies LR4 and LR6 and the recreation works identified would secure improvements to nearby facilities which are likely to be used by residents of the proposed development. The provision of on-site open space is also required by the development plan.
162. None of the financial contributions would exceed the maximum five scheme limit and would meet the relevant policy and statutory tests.
163. The current development plan is silent on police contributions¹⁵ although it is a matter addressed in the emerging Telford and Wrekin Local Plan¹⁶ and the related Infrastructure Delivery Plan. The premises contribution is not controversial.
164. The legitimacy of contributions towards training new officers and the provision of equipment and vehicles is less clear cut in so far as it would, in effect, amount to a tariff payment with no exclusivity for the proposed development. Nonetheless, the sums sought are fully quantified against the policing requirement, which existing resources cannot meet, for the proposed development.
165. There is no doubt that the proposed development would generate a need for policing and that need would require additional resources which have been calculated on a pro-rata dwelling basis. The Framework identifies a need for safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. In addition, an extensive array of appeal decisions supports the principle of police contributions. Overall, the balance of the evidence before me points to the obligation (based on the underlying pro-rata calculation) being necessary and proportionate mitigation for the development.

Other matters

Accessibility

166. In terms of the location of the site and its accessibility to facilities and services, the western edge of the site is some 1.5 kilometres from Newport town centre and its main bus stops; and the nearest primary school is some 780 metres away. These distances exceed what might be considered to be reasonable walking distances for most people.
167. Pedestrian access (other than along the unlit towpath towards the town centre) would be via Forton Road. The route has variable footway provision (north-western side only in places) which necessitates those leaving Beechfields Way to immediately cross Forton Road to join the footway. In addition, there are instances of limited width (1.2 metres) where the footway narrows. Overall, footway provision, particularly for those accompanying young children to and from school, has material deficiencies.
168. In my opinion, the appeal site is not well suited to making the fullest possible use of public transport, walking and cycling and the proposal would be in conflict with one of the core planning principles of the Framework.

¹⁵ Saved Policy LR1 of the Wrekin Local Plan – Provision of Community Facilities and Core Strategy Policy CS 10 – Community Facilities make no reference to the ‘emergency services’

¹⁶ Policy COM 1 – Community Facilities includes ‘..... built uses emergency services (police, fire and ambulance)’

Proposed housing and employment sites – consultation

169. The range of sites proposed for housing and employment in the preparation of the emerging Local Plan identified the appeal site as part of one of seven strategic employment sites. The very process of identifying the site for consultation had the hallmarks of implausibility given the characteristics of the site and the need to provide extensive flat platforms for employment uses. The site, understandably, has not proceeded to allocation and the history of events, whilst a matter of record, does not add any weight to the appeal proposal.

Other greenfield sites

170. The Council has either allocated and/or approved a number of housing sites on the edge of Newport (generally to the south and south-west of the town) and within the line of the bypass. Although it is said that the road forms a logical boundary to the town, such a sweeping generalisation provides no basis to endorse development proposals according to their relationship with the bypass.

171. Moreover, whilst it is claimed that the site would have the same relationship to the sites already committed or under construction, that simplistic association ignores the consideration of other site specific characteristics, not least that of topography and degree of visibility. Hence, the sites identified provide no predisposition in favour of the appeal proposal.

Other principal matters raised by local residents

172. A substantial volume of residents' concerns relate to the effect of the proposed development on the local highway network. Whilst much was made of the timing of some of the survey work, the highway authority is, nonetheless, content that the proposal would not result in severe residual cumulative highway impacts. In the absence of contrary technical evidence, I see no reason to disagree.

173. Beechfields Way, and some of the feeder culs-de-sac, has marked gradients which causes problems in icy weather both for local residents and emergency vehicles. The concern of the existing issue being made worse by additional traffic, and the provision of a new mini-roundabout to serve the proposed development, is readily understood. However, the principle of the highway works has been found to be acceptable and future detailed design would need to be endorsed by a formal safety audit.

174. As to surface water and potential flooding, the proposal is accompanied by a flood risk assessment and drainage strategy; a construction environment management plan, secured by condition, would mitigate impacts on biodiversity; and any notable wildlife interests could also be protected.

The overall planning balance in light of relevant local and national policy considerations

175. The Framework confirms that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan policies for housing are out-of-date and Core Strategy Policy CS 7, which seeks to strictly control development in the countryside, carries limited weight.

176. Paragraph 14 of the Framework demands that where relevant policies are out-of-date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
177. As the Framework says, there are three dimensions to sustainable development:- economic, social and environmental. These roles should not be undertaken in isolation because they are mutually dependent.
178. In terms of the economic role, the proposal would provide employment associated with the development and additional spending in the local economy to support businesses and services. Combined, they amount to an important benefit.
179. As to the social role, the provision of market houses would help boost the supply of housing and provide market choice. Although I have found that the authority can show a five-year supply of deliverable housing land, this does not, by itself, preclude the grant of planning permission for projects which would contribute to the above aim. On this basis, the benefit would be significant.
180. The estimated affordable housing needs in Telford and Wrekin are very considerable (665 dwellings per annum – backlog incorporated within the first five years; or 227 per annum – backlog spread over the plan period). There is no policy requirement to meet that need in full, and attainment would generally be dependent on market housing coming forward. Nonetheless, it cannot be denied that the need is both genuine and urgent, given the number of households identified as falling within need in the 2016 Strategic Housing Market Assessment.
181. Whilst the record of affordable housing completions in the Borough has been good over the last five years, with some 343 units in 2015/16, Newport appears to have fared less favourably against its net annual imbalance of 101 dwellings per annum with delivery of only 21 units per annum over the last five years. The lower quartile house price to household income ratios for Newport is also above the average for the Borough.
182. The balance of the evidence points to a significant need to maximise opportunities to secure affordable housing by granting planning permission for new residential development. Set against that need, the proposal would make a meaningful numerical contribution and the benefit would be significant.
183. Turning to the claimed environmental benefits, although the proposal would bring footpath links through the site and accessibility to the veteran oak trees, connectivity and permeability are expected components of good design. The provision of play space would largely serve the needs of the development; and the new landscaping and opportunities for ecological diversity are a legitimate objective of securing good design and conserving and enhancing the natural environment. No enhanced weight applies.
184. Almost half of the site is best and most versatile agricultural land (Grade 3a), but its distribution across a single field limits its value and its loss would be neutral in the overall planning balance.

185. The harm to the character and appearance of the landscape lies on the other side of the equation. Whilst this would be limited to the immediacy of the site, the harm would be felt acutely from immediately adjacent pedestrian routes; and the character and appearance of the locally distinctive landscape would undergo irrevocable damage. The environmental dimension of sustainable development would not be achieved and the objection in this respect is particularly strong.
186. Although reference was made to the 'cordon' of the bypass, the road does not represent an inevitable means to determine the extent of built development. In addition, whilst the appeal site falls towards Beechfields Way/Kestrel Close, it has far greater affinity with the countryside than the form and extent of the built-up area. The proposal would manifestly fail to protect and enhance the natural environment and it would thus be in conflict with the environmental role of sustainable development. I afford this harm very significant weight in light of my assessment.
187. Overall, relevant policies in the development plan are out-of-date and, at best, are of limited materiality and weight; the policies of the emerging Local Plan also carry little weight; and the weighted balance of paragraph 14 of the Framework applies, irrespective of whether or not the Council is able to show a five-year supply of housing land.
188. Nonetheless, I find that the very serious adverse impacts of the proposal on the character and appearance of the landscape, and the conflict with the development plan (with principal reference to Core Strategy Policy CS 7), would significantly and demonstrably outweigh the combination of acknowledged benefits, including the provisions of the Framework and specifically paragraph 14. Accordingly, the proposal would not amount to sustainable development. This is a decisive and compelling stand-alone reason on which to dismiss the appeal.
189. The consideration of accessibility referred to above is relevant but it forms no part of my overall conclusion as it was not identified as a principal controversial matter in either the Council's putative reasons for refusal or its Statement of Case.
190. I have considered all other matters raised but find nothing of sufficient materiality to lead me to a different conclusion and my decision to dismiss the appeal and to refuse to grant planning permission for the development proposed.

David MH Rose

Inspector

APPEARANCES

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Instructed by:-
The Solicitor to the Council

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Redrow Homes Limited

¹⁷ Participated at round table session on Planning Obligation relating to police contribution

¹⁸ Participated in discussions on planning conditions

FOR WEST MERCIA POLICE (RULE 6 PARTY):

Thea Osmund-Smith (of Counsel)	Instructed by:- Caroline Gutteridge Solicitor on behalf of West Mercia Police
She called	
Andrew Morgan MRTPI	Strategic Planning Manager West Mercia Police

INTERESTED PERSONS:

Councillor Tim Nelson	Borough Councillor, Newport - North West Ward
Esther Wright	Local resident
Jane Newey	Local resident and committee member of Newport Branch of Shropshire Wildlife Trust
Christina Dean	Local resident
George Lockett	Local resident
David Spencer	Local resident
Dr Harnarine Murally	Local resident
Matthew Smith	Local resident
Karen Malcolm	Local resident

Application Documentation and Reports¹⁹

CD1.1	1665-08-02-120 - Location Plan
CD1.2	1665-08-02-123 - Topographical Survey
CD1.3	1665-08-02-139 Image of Proposed dwellings to be demolished
CD1.4	S106 draft HOTS
CD1.5	Masterplan Redrow drawing 1665-08-02-100
CD1.6	5223.01.001 Oak View, Kestrel Close, Newport - Arboricultural Impact Assessment
CD1.7	5223.02.003 Oak View Heritage Assessment
CD1.8	5223.03.001 Oak View Statement of Landscape Design
CD1.9	5223.04 Photosheets
CD1.10	5223.04.001 Landscape and Visual Impact Assessment
CD1.11	5223.04.002 LVIA Methodology
CD1.12	5223.006 Oak View Ecological Assessment
CD1.13	6990 South Plough Lane Newport ALC
CD1.14	313027-01 (00) Kestrel Close, Newport - Site Investigation Report
CD1.15	313027-02 (00) Kestrel Close, Newport - Soakaway test letter report
CD1.16	AAC5232 - Flood Risk Assessment - Oak View and Heritage Fields, Newport Issue 1
CD1.17	05223.03.001 Oak View Landscape Masterplan
CD1.18	135223.04.001 Site Location - Oak View
CD1.19	G5223.04.003 Landscape Character Areas - Oak View
CD1.20	G5223.04.005 Visual Receptor Locations - Oak View
CD1.21	G5223.04.007 Aerial Landscape Features - Oak View
CD1.22	65223.04.009 Representative Photograph Viewpoint Locations - Oak View
CD1.23	T164 Kestrel Close FTP (Oct 2015)
CD1.24	T164 Kestrel Close TA (Oct 2015)
CD1.25	1665-08-02-125 - Design & Access Statement
CD1.26	296538 - Kestrel Close, Newport - FINAL Noise report
CD1.27	Air Quality RSK 296538-01
CD1.28	Planning Report JVH
CD1.29	Planning Committee report for Land east of Kestrel Close/Beechfields Way for 170 dwellings TWC/2015/1003
CD1.30	Minutes of Committee meeting

Appeal Documentation and Full set of Updated Application Documents to be relied on at the Appeal

CD2.1	Application Forms
CD2.2	Notice
CD2.3	S106 draft HOTS
CD2.4	Location Plan 1665-08-02-120 Oct 2015 - (Redrow Homes)
CD2.5	Topographical Survey S219 drawing 537 May 2015 - (GP Surveying)
CD2.6	Image of Proposed dwellings to be demolished 1665-08-02-139 Nov 2015 (Redrow Homes)
CD2.7	Masterplan 1665-08-02-100 Rev A, June 2016 (Redrow Homes/ MPJ)
CD2.8	Design & Access Statement 1665-08-02-125 - (Redrow Homes)
CD2.9	Planning Statement, October 2015 (JVH Planning)
CD2.10	Arboricultural Impact Assessment 5898.001 Oak View, Kestrel Close, Newport – July 2016 (TEP)
CD2.11	Historic Environmental Desk-based Assessment 5898.02.003 Oak View July 2016 (TEP)
CD2.12	Archaeological Geophysical Survey Report Kestrel Close July 2016 (Pre-Construct geophysics)
CD2.13	Landscape and Visual Impact Assessment 5898.008 V1.0 July 2016 (TEP)

¹⁹ Document list provided by appellant (limited re-formatting function results in some anomalies to layout)

CD2.14	Statement of Landscape Design including Landscape Masterplan 5898.025 v01 Oak View July 2016 (TEP)
CD2.15	Ecological Assessment 55898.015V1 July 2016 (TEP)/Bat Favourable Conservation Status Document 5898.023 July 2016 (TEP)
CD2.16	Agricultural Land Classification - 6990 South Plough Lane Newport (Reading Agricultural Consultants Ltd Oct 2015)
CD2.17	Geotechnical and Geoenvironmental Site Assessment 313027-01 (00) Kestrel Close, Newport June 2015 (RSK)
CD2.18	Factual Soakaway Test Report 313027-02 (00) Kestrel Close, Newport June 2015 (RSK)
CD2.19	Flood Risk Assessment, AAC5232 - Oak View and Heritage Fields, Newport Issue 2 July (RPS)
CD2.20	Transport Assessment ADL/AJM/3314/25A July 2016 (ADL)
CD2.21	Framework Travel Plan ADL/AJM/3314/25A July 2016 (ADL)
CD2.22	Noise Assessment – Oak Fields, Newport 296538 July 2016 (RSK)
CD2.23	Air Quality Assessment – Oak Fields, Newport 296538/AQ/KC/01(01) August 2016 (RSK)
CD2.24	Example Letter as sent to Consultees and Residents 29/9/2016
CD2.25	Layouts as sent with CD2.24
CD2.26	Redrow Homes Statement of Case (JVH Planning)
CD2.27	a/b/c Redrow Homes Statement of Case Appendices (JVH Planning)
CD2.28	Telford and Wrekin Statement of Case
CD2.29	West Mercia Police (Place Partnership Ltd) Statement of Case
CD2.30	West Mercia Police (Place Partnership Ltd) Appendices to Statement of Case
CD2.31	Draft Statement of Common Ground 11 th February 2016
CD2.32	Statement of Common Ground: Highways and Transport

Planning Policy Documentation

National Policy, Guidance and Ministerial Statements

CD3.1	National Planning Policy Framework (2012)
CD3.2	National Planning Policy Guidance
CD3.3	Laying the Foundations: A Housing Strategy for England; Department for Communities and Local Government, 21 November 2011.
CD3.4	Fixing the Foundations: creating a more prosperous nation. Department for Communities and Local Government, July 2015
CD3.5	Local Plans – Report to the Communities Secretary and to the Minister of Housing and Planning; Local Plans Expert Group; March 2016
CD3.6	Local Plans – Report to the Communities Secretary and to the Minister of Housing and Planning [Extract]; Local Plans Expert Group; Appendices March 2016

Development Plan

CD3.7	Wrekin Local Plan 1995-2006 Telford & Wrekin Council Adopted February 2000
CD3.8	Proposals Map Wrekin Local Plan 1995-2006
CD3.9	Telford & Wrekin Council Core Strategy Development Plan Document Adopted December 2007
CD3.10	Inspector's Report Telford & Wrekin Council Core Strategy Development Plan

Emerging Local Plan

CD3.11	Proposed Housing and Employment Sites document 2014
CD3.12	Appendix 2 Map of Proposed Housing and Employment Sites 2014
CD3.13	Telford & Wrekin Local Plan 2011 – 2031 Submission Version June 2016
CD3.14	Proposals Map Telford & Wrekin Local Plan 2011 – 2031 Submission Version June 2016
CD3.15	Telford & Wrekin Council Technical Paper – Employment (2016)

Documents Relating to Housing & Housing Land Supply

CD4.1	Telford & Wrekin Objectively Assessed Housing Need Final Report Peter Brett Associates March 2015
CD4.2	Telford and Wrekin SHMA Strategic Housing Market Assessment: Telford and Wrekin 2014 Final Report
CD4.3	Telford and Wrekin Strategic Housing Market Assessment (SHMA) 2016 Telford and Wrekin Council Final Report March 2016
CD4.4	Telford and Wrekin Strategic Housing Market Assessment (2016): Addendum to Appendix D (Additional housing needs analysis)
CD4.5	Homelessness Strategy for the Borough of Telford and Wrekin 2014 - 2017
CD4.6	Telford & Wrekin Council Medium - Term Plan 2013/14 to 2015/16
CD4.7	Planning Advisory Service: Technical Note on Objectively Assessed Need
CD4.8	Telford & Wrekin Council Technical Paper - Housing Growth Reg 19
CD4.9	T&WC Local Plan Examination. Background Paper: Objectively Assessed Housing Need.
CD4.10	PPG2a - Housing and Economic Needs Assessment
CD4.11	PPG3 - Housing and Economic land availability assessment
CD4.12	T&WC Annual Monitoring Report 2016
CD4.13	T&WC Housing Land Supply Statement (Update October 2016)
CD4.14	Inspector's Interim Report on the Gloucester Cheltenham & Tewkesbury Core Strategy
CD4.15	Telford & Wrekin Council - Annual Monitoring Report 2013
CD4.16	Telford & Wrekin Council Cabinet - 12 December 2013 Shaping Places: Local Plan Update
CD4.17	Telford and Wrekin Five Year Housing Land Supply Statement at April 2013
CD4.18	West Midlands Regional Spatial Strategy Phase Two Revision Report of the Panel: Volume 1 - Report

Documents Relating to Trees & Landscape

CD5.1	Guidelines for Landscape and Visual Assessment, Third Edition. 2013
CD5.2	Historic England Good Practice Advice in Planning Note 1: Conservation Area Designation, Appraisal and Management (Historic England, March 2011, republished 2016)
CD5.3	Historic England Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Historic England, March 2015, republished July 2015)
CD5.4	Planning and Development, Protected Sites and Species Guidance: Ancient woodland and veteran trees: protecting them from development. Updated; 29/10/2015
CD5.5	Veteran Trees: A Guide to Good Management
CD5.6	Ancient Trees Guides No.3: Trees and Development
CD5.7	A Tree and Woodland Framework for Telford and Wrekin, Connecting Communities with Trees and Woodlands 2016 - 2021, March 2016.
CD5.8	Landscape Sensitivity Study 2009 by White Consultants, updated version published 2014
CD5.9	Natural Environment and Rural Communities Act 2006, Section 41

Legal Cases

CD6.1	Suffolk Coastal District Council v Hopkins Homes and SSCLG; Richborough Estates Partnership LLP v Cheshire East Borough Council & SSCLG [2016] EWCA 168 - Court of Appeal
CD6.2	St Modwen Developments SSCLG and East Riding Council [2016] EWHC 968 (Admin) Ouseley J
CD6.3	Borough Council of Kings Lynn and West Suffolk v SSLG and Elm Park Holdings Ltd [2015] EWHC 2464(Admin) - Dove J
CD6.4	Stratford DC v SSCLG, Bloor Homes and Hallam Land Management [2013] EWHC 2074 (Admin) - Hickinbottom J
CD6.5	Hunston Properties v SSCLG and St Albans City and District Council [2013] EWHC (Admin) 2678 - HHJ Pelling QC
CD6.6	St Albans City and District Council v Hunston Properties and SSCLG [2013] EWCA Civ 1610 - Sir David Keene

CD6.7	Gallagher Homes Ltd and Lioncourt v Solihull MBC [2014] EWHC 1283 (Admin) – Hickinbottom J
CD6.8	Daventry District Council v SSCLG and Gladman [2015] EWHC 3459 (Admin) – Lang J
CD6.9	Satnam Millennium Limited v Warrington Borough Council [2015] EWHC 370 (Admin) – Stewart J
CD6.10	Daventry District Council v SSCLG and Gladman [2015] EWHC 3459 (Admin) – Lang J
CD6.11	West Berkshire v SSCLG and HDD [2016] EWHC 267 (Admin) – Supperstone J
CD6.12	Cheshire East Borough Council v SSCLG and Renew Land Developments Ltd [2016] EWHC 571 (Admin) Jay J
CD6.13	Oadby and Wigston Borough Council v SSCLG and Bloor Homes Ltd [2016] EWCA Civ 1040 – Lindblom LJ

Secretary of State Decisions

CD7.1	Secretary of State Decision and Inspector’s Report concerning Land at Gotham Road, East Leake, Nottinghamshire (March 2008) APP/P3040/A/07/2050213
CD7.2	Secretary of State Decision and Inspector’s Report concerning Land adjacent to SIMS Metal UK, Long Marston, Pebworth (July 2014) APP/H1840/A/13/2202364
CD7.3	Secretary of State Decision and Inspector’s Report concerning Land at Pulley Lane, Newlands Road and Primslan Way, Droitwich Spa APP/H1840/A/13/2199085 and Land at North of Pulley Lane and Newland Lane, Droitwich Spa (July 2014) APP/H1840/A/13/2199426
CD7.4	Secretary of State Decision and Inspector’s Report concerning Land at Sketchley House, Burbage (November 2014) APP/K2420/A/13/2208318
CD7.5	Secretary of State Decision and Inspector’s Report concerning Land off Rilshaw Lane, Winsford, Cheshire (October 2015) APP/A0665/A/14/2229269
CD7.6	Secretary of State Decision and Inspector’s Report concerning Land at Sibford Road, Hook Norton, Banbury, (December 2015) APP/C3105/A/14/2226552
CD7.7	Secretary of State Decision and Inspector’s Report concerning Money Hill, Land North of Wood Street, Ashby de la Zouch (February 2016) APP/G2435/A/14/2228806
CD7.8	Secretary of State Decision and Inspector’s Report concerning Land At Kirby Road/Ratby Lane, Glenfield, Leicester APP/T2405/A/10/2138666
CD7.9	Secretary of State Decision and Inspector’s Report concerning: Land East Of A413 Buckingham Road And Watermead, Aylesbury APP/J0405/A/14/2219574

Other Appeal Decisions

CD8.1	Land north of Upper Chapel, Launceston (April 2014) APP/D0840/A/13/2209757
CD8.2	Land between Leasowes Road and Laurels Road, Offenham, Worcestershire (February 2014) APP/H1840/A/13/2203924
CD8.3	Land adj Gretton Road, Winchcombe (May 2013) APP/G1630/A/12/2183317
CD8.4	Land off Elmwood Avenue, Essington (April 2013) APP/C3430/A/12/2189442
CD8.5	Land to the north and west of Lucas Lane, Whittle-le-Woods, Chorley (September 2012) APP/D2320/A/12/2172693
CD8.6	Land east of Springwell Lane, Whetstone APP/T2405/A/13/2193758 and Land off Countersthorpe Road and Springwell Lane, Whetstone (August 2013) APP/T2405/A/13/2193761
CD8.7	Land at Fountain Lane, Davenham, Cheshire (September 2015) APP/A0665/A/14/2226994
CD8.8	Land Between Iron Acton Way and North Road, Engine Common, Yate (April 2013) APP/P0119/A/12/2186546
CD8.9	Land east of Butts Road, Higher Ridgway, Ottery St Mary (December 2012) APP/U/1105/A/12/2180060
CD8.10	Greetham Garden Centre, Oakham Road, Greetham (May 2015) APP/A2470/A/14/2222210
CD8.11	Salisbury Landscape Limited, Boughton Road, Moulton, Northampton (June 2015) APP/Y2810/A/14/2225722
CD8.12	Land off Field End, Witchford, Cambridgeshire (June 2015) APP/V0510/A/14/2224671
CD8.13	Land adjacent to Cornerways, High Street, Twynning, Tewkesbury (July 2015) APP/G1630/W/14/3001706

CD8.14	Land at Firlands Farm, Burghfield Common, Reading, Berkshire (July 2015) APP/W0340/A/14/2228089
CD8.15	Walcot Meadow, Walcot Lane, Pershore, Worcestershire (August 2015) APP/H1840/W/15/3005494
CD8.16	Land adjacent to 28 Church Street, Davenham, Cheshire (January 2016) APP/A0665/W/15/3005148
CD8.17	Land rear of 62 Iveshead Road, Shepshed (February 2016) APP/X2410/W/15/3007980
CD8.18	Land to the east of Broad Marston Road, Mickleton, Gloucestershire, APP/F1610/A/14/2228762
CD8.19	Former Holsworthy Showground, Trewyn Road, Holsworthy, Devon APP/W1145/A/09/2117379
CD8.20	Land north of Haygate Road, Wellington, Shropshire APP/C3240/W/15/3025042
CD8.21	Land at Beachley Road, Sedbury, Gloucestershire, APP/P1615/A/14/2220590
CD8.22	Agricultural land to both the north and south of Mans Hill, Burghfield Common, Reading, Berkshire APP/W0340/A/14/2226342
CD8.23	Land opposite Rose Cottages, Holmes Chapel Road, Brereton Heath, Cheshire APP/R0660/A/13/2192192
CD8.24	Dodworth Road, Barnsley APP/R4408/A/09/2116278
CD8.25	Land at the Worcestershire Hunt Kennels, Fernhill Heath, Worcestershire APP/H1840/W/15/3003157
CD8.26	Land east of Nutbourne Park, Main Road, Nutbourne, Chichester APP/L3815/A/12/2186455
CD8.27	Land off Tanton Road, Stokesley APP/G2713/A/14/2223624
CD8.28	Land East of Main Road, Bicknacre, Essex APP/W1525/W/15 3129306
CD8.29	Main Road, Great and Little Leighs, Great Leighs APP/W1525/W/15/3121603
CD8.30	Land at Hill Top Farm, By-Pass Road, Northwich, Cheshire CW9 8JU. APP/A0665/W/14/3000528
CD8.31	Land at Sentrays Farm, Exminster, Exeter, Devon APP/P1133/A/11/2158146
CD8.32	Land adjoining Hay House, Tibberton, Newport APP/C3240/W/15/3003907
CD8.33	Land off A49 and Bromfield Road, Ludlow, Shropshire APP/L3245/W/15/3001117
CD8.34	Land off Worcester Road, Drakes Broughton, Worcestershire APP/H1840/W/15/3008340
CD8.35	Land North of Long Copse Lane, Westbourne, Emsworth, West Sussex APP/L3815/W/15/3003656

Documents relating to Telford and Wrekin Applications and Appeals

CD9.1	Committee report TWC-2014-0273_24_09_2014
CD9.2	Committee report TWC-2011-0827_24_06_2015
CD9.3	Committee report TWC-2013-0855_20_07_2016
CD9.4	Committee report TWC-2011-0871_24_06_2015

Appellant's Documents

RHM.1	<i>Proof of Evidence of Janet Hodson</i>
RHM.2	<i>Appendices to Proof of Evidence of Janet Hodson</i>
RHM.3	<i>Summary to Proof of Evidence of Janet Hodson</i>
RHM.4	<i>Proof of Evidence of Roland Bolton</i>
RHM.5	<i>Appendices to Proof of Evidence of Roland Bolton</i>
RHM.6	<i>Summary to Proof of Evidence of Roland Bolton</i>
RHM.7	<i>Proof of Evidence of James Stacey</i>
RHM.8	<i>Appendices to Proof of Evidence of James Stacey</i>
RHM.9	<i>Summary to Proof of Evidence of James Stacey</i>
RHM.10	<i>Proof of Evidence of Mary O'Connor</i>
RHM.11	<i>Appendices to Proof of Evidence of Mary O'Connor</i>
RHM.12	<i>Summary to Proof of Evidence of Mary O'Connor</i>
RHM.13	<i>Proof of Evidence of Daniel Clare</i>

<i>RHM.14</i>	<i>Appendices to Proof of Evidence of Daniel Clare</i>
<i>RHM.15</i>	<i>Summary to Proof of Evidence of Daniel Clare</i>
<i>RHM.16</i>	<i>Proof of Evidence of Allan Mendelsohn</i>
<i>RHM.17</i>	<i>Appendices to Proof of Evidence of Allan Mendelsohn</i>
<i>RHM.18</i>	<i>Summary to Proof of Evidence of Allan Mendelsohn</i>
<i>RHM.19</i>	<i>Proof of Evidence of Andy Timbrell</i>
<i>RHM.20</i>	<i>Appendices to Proof of Evidence of Andy Timbrell</i>
<i>RHM.21</i>	<i>Summary to Proof of Evidence of Andy Timbrell</i>

Local Planning Authority Documents

<i>TWC1: Daniel Owen Proof of Evidence</i>
<i>TWC2: Darren Oakley Proof of Evidence</i>
<i>TWC3: Cristina Howick Proof of Evidence</i>
<i>TWC4: Douglas Harman Proof of Evidence</i>
<i>TWC5: Anthony Higgins Proof of Evidence</i>
<i>TWC6: Gavin Onions Proof of Evidence</i>
<i>TWC7: Neil Archer Proof of Evidence</i>

Rule 6 Party - West Mercia Police

<i>WMP1. Proof of Evidence of Andrew Morgan</i>
<i>WMP2. Appendices to Proof of Evidence of Andrew Morgan</i>
<i>WMP3. Summary to Proof of Evidence of Andrew Morgan</i>

Documents Submitted to the Inquiry starting 29/11/2016

1. Submissions on behalf of the Council
2. Email of 29th October 2015 Tom Beavin to Caroline Crockett
3. Planning application form dated 28/10/015/ Appeal Forms 12/02/2016
4. Amended Planning Application form dated 28/10/2015.
5. Validation letter dated 05/11/2015
6. Copy of advertisement of the application 05/11/2015
7. Copy of Application Form (Second application) dated 01/08/2016
8. Email of 03/11/2015 Tom Beavin to Caroline Crockett seeking confirmation of validation of the application and response seeking additional information.
9. Submissions on behalf Applicant - Registration letter 5/11/2015
10. Article 5(2) letter 26/08/2016
11. Screengrab from LPA website detailing application description
12. Letter from T&W confirming withdrawal of second application and the description of the application 12/10/2016
13. Opening Statement of Behalf of the Appellant
14. Gladman v Daventry – [2016 EWCA Civ 1146 Court of Appeal]
15. Opening Statement on behalf of West Mercia Police & Statement CIL Compliance
16. Housing and Planning Act Extract
17. Newick Decision Letter 23.11.2016
18. Email from Econometrics 30.11.2016
19. Table input Chelmer on migration assumptions
20. Bernard Wheatcroft Ltd. v. Secretary of State 1980
21. Council's bundle of notification letters re 2nd application and responses
22. 2016 Validation Letter
23. High Court Decision Telford & Wrekin Nov 2016
24. JVH Tables 4 & 5
25. LPA Document Cabinet Report 2014 June
26. Residents' access concerns + Bundle of Photos
27. Bundle of Photos Jane Newey
28. Letter from Jane Newey
29. JVH Table 10
30. Appeal Decision Dawley Road, Lawley
31. Green Network Technical Paper
32. G13 – T&W Local Plan: Summary of Green Network Representations Council's Proposed Approach
33. Local Plan Statement Environment (Local Plan Doc)
34. CIL Compliance

35. Draft S106
36. RPG June 2004 Extracts
37. Help to Buy Table – Andy Timbrell
38. JVH Policy Table
39. Green infrastructure
40. Housing Growth Options 2013
41. PAS document on Housing Supply Document
42. ADL Highway Access Drawings ref 3314 01- proposed access levels / 3314 02 sections
43. Email from Karen Lee re unilateral undertaking
44. Telford and Wrekin Landscape Sensitivity and Capacity Study 2009
45. Castle House School term dates 2014 - 2016
46. Statement of Esther Wright
47. Redrow Bungalow house type Information (Bournemouth)
48. Police submissions on CIL compliance
49. PPG Planning Obligations
50. SOGC Arboriculture and Veteran Trees
51. SOGC Noise
52. Bloor v Hinckley & Bosworth Borough Council (2014) & Summary
53. Redditch BC v First Secretary of State 20031 [2003] EWHC 650
54. JVH Tables 1 and 2
55. Closing on Behalf of the Police
56. Closing on Behalf of behalf of the Council
57. Closing on Behalf of the Appellant
58. Housing SOCG (25.11.16)
59. OAN SOCG (November 2016)
60. List of agreed planning conditions
61. Completed Unilateral Undertaking 23.01.2017 (received by prior arrangement following close of Inquiry)