



Appeal Decision

Inquiry Held on 24, 25 & 26 July and 18 & 19 September 2018

Site visit made on 27 July 2018

by R J Jackson BA MPhil DMS MRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 18th October 2018

Appeal Ref: APP/U3935/W/17/3192234

Land at Hill Cottage, Ermin Street/Blunsdon Hill, Broad Blunsdon, Swindon

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Ainscough Strategic Land Limited and Blunsdon House Hotel Limited against the decision of Swindon Borough Council.
 - The application Ref S/OUT/17/1032/RA, dated 16 June 2017, was refused by notice dated 17 November 2017.
 - The development proposed is outline planning application (with means of access off Ermin Street/Blunsdon Hill not reserved) for the demolition of the existing Hill Cottage for the development of approximately 100 dwellings (Use Class C3), on-site recreational space, landscaping and associated road and drainage infrastructure.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing Hill Cottage for the development of approximately 100 dwellings (Use Class C3), on-site recreational space, landscaping and associated road and drainage infrastructure at Land at Hill Cottage, Ermin Street/Blunsdon Hill, Broad Blunsdon, Swindon in accordance with the terms of the application, Ref S/OUT/17/1032/RA, dated 16 June 2017, subject to the conditions in the Schedule to this decision.

Procedural matters

2. The application was made in outline with all matters reserved apart from access. I have considered the appeal on this basis. During consideration of the application the plan showing the access was amended and the Council used this amended plan in its decision making. I too will use this amended plan. The amended plan showed a single vehicular and pedestrian access point to Ermin Street on the west side of the site. It was confirmed at the Inquiry this was the only point of access forming part of the proposal.
3. The description of the proposal on the application form included the phrase "outline planning application (with means of access off Ermin Street/Blunsdon Hill not reserved)". This element is not a description of the proposal but rather of the nature of the application. I have therefore not included it within the formal decision.
4. The application was accompanied by a number of illustrative drawings including an illustrative layout. As part of the appeal process the appellants

sought to revise the illustrative layout to include revised and additional landscaping. This also showed a second, pedestrian only access to the north of the site onto footpath 16 (FP16). The Council did not object to the use of this plan, but pointed out that the access would be in addition to that forming part of the proposal. Given the changes, apart from the additional access, would have no effect outside the site I am content to use this plan as no party would be prejudiced. I will discuss the implications of the second access point below.

5. The appeal was accompanied by a Planning Obligation dated 24 July 2018 dealing with affordable housing, the provision of on-site open space and a travel plan and a contribution towards off-site outdoor sports. I will discuss this below.
6. On the opening day of the Inquiry the Government published the revised National Planning Policy Framework (the Framework) superseding the 2012 version. It would not have proved possible to finish the Inquiry during the original four days scheduled, and the Inquiry was adjourned part heard. This allowed the parties to update their cases to take into account the revised Framework before the resumption. All references below to the Framework are to the July 2018 version.
7. During the adjournment of the Inquiry the Government published alterations to the national Planning Practice Guidance (the PPG). These changes came too late for written evidence to be prepared, but the relevant planning witnesses were given the opportunity to comment on them.
8. Following the closing of the Inquiry the appellant submitted further representations on a condition recommended by Thames Water. The Council was given the opportunity to make comments, which it did, and the appellants made final comments. I have taken these all into account.

Main Issues

9. The main issues are:
 - the relationship of the proposal to the development plan for the area;
 - the effect on the character and appearance of the area;
 - whether the location of the site is such that the need to travel would be minimised and the use of sustainable transport modes maximised;
 - whether the proposal makes appropriate provision for affordable housing, infrastructure and similar matters; and
 - whether there are any other material considerations, including the housing land supply situation and benefits of the proposals, which would indicate that the proposals should be determined otherwise than in accordance with the terms of the development plan.

Reasons

The appeal site and surroundings

10. Broad Blunsdon¹ is located along a ridge to the northeast of Swindon and is separated from Swindon by the A419 which is a dual carriageway to which the national speed limit applies. In this vicinity the A419 is in a cutting, although it emerges to grade to the north as the landform opens up into the Thames Vale.
11. In 2011 Broad Blunsdon consisted of approximately 603 houses. Since then, there has been either constructed or planning permission granted for another 325 dwellings. In addition to the dwellings, Broad Blunsdon has the Broad Blunsdon Hotel (of which the appeal site forms part), two public houses, Church of England, Methodist and Baptist churches, a primary school, a pre-school, village hall and village shop.
12. I will discuss the existing character and appearance of the area more fully below, but as an introduction the appeal site lies on a section of land to the north of the ridge at the beginning of the slope to the Thames Vale. The site slopes from 136 m AOD to 125 m AOD.
13. The appeal site has an area of approximately 4.10 ha and is located to the northwest of the built-up or to be built-up area of Broad Blunsdon. Currently it forms part of a golf course and has within the appeal site a bungalow, Hill Cottage, which has a direct access off Ermin Street. The boundary to Ermin Street/Blunsdon Hill is made up of high vegetation. To the north is FP16 which partially runs through the appeal site. In this section the footpath is part of a circular walk around the hotel grounds, but it diverges a short way to the east through agricultural fields and woodland to the village. When I walked the route in July 2018 sections were significantly overgrown and it was not possible to follow the exact line of FP16. There is a small strip of woodland immediately to the north of the appeal site.
14. Immediately to the south of the appeal site is a residential site, Land north of High Street, under construction following a planning permission granted on appeal² in June 2016 for 69 dwellings and associated development.
15. The outline proposal is to construct approximately 100 dwellings following the demolition of Hill Cottage. The new access would be a short way south of the existing access point, and the illustrative layout shows open space along the western side and the northern and southern boundaries, and the proposed built development across the majority of the site.

Relationship to development plan

16. The development plan includes the Swindon Borough Local Plan 2026 (adopted March 2015) (the Local Plan). Policy SD2 of the Local Plan sets out the Sustainable Development Strategy for the borough. Under the terms of the Local Plan Broad Blunsdon is one of a number of "Other Villages".

¹ I asked at the opening of the Inquiry as to the correct terminology and was advised that "Broad Blunsdon" and "Blunsdon" are interchangeable. I have generally referred to Broad Blunsdon although also referred to Blunsdon when that term is used in a document. Little Blunsdon is a separate enclave of development a short way to the north of the village of Broad Blunsdon.

² APP/U3935/W/15/3133674

Collectively, all these Other Villages are allocated for “at least 100” dwellings. The policy itself then references paragraph 3.26 of the Local Plan.

17. Paragraph 3.26 indicates that this approximate number of dwellings was set, following evidence, as broadly appropriate in terms of scale and fit within the overall spatial strategy. It continues that the scale of development at individual settlements should be proportional to the size and function of the settlements. Broad Blunsdon is specifically mentioned as having some supporting facilities but lacking core services, particularly employment and leisure, compared with other higher order settlements away from Swindon. The Local Plan states that the villages have distinct characteristics and features that are worthy of protection and enhancement, and therefore development should be at a scale in keeping with the historic form and character of the village, and consequently Policy SD2 should be read in conjunction with Policy DE1.
18. Paragraph 3.28 of the Local Plan indicates that the Council will identify annually a supply of deliverable sites to provide 5-years’ worth of housing against the targets in the Local Plan with an additional 5% moved forward from the later part of the plan period. It continues that should there be a shortfall identified, the Council will rapidly review the allocations of housing sites in the Local Plan to ensure a continuation of supply. It states that housing sites that come forward that are not in accord with Policy SD2 and where there is a shortfall of supply identified will be assessed against Policies SD1 and SD3.
19. Policy SD2 makes various statements on the taking forward of the development plan. Firstly, it indicates that in Other Villages, such as Broad Blunsdon, development will be supported within rural settlement boundaries or on land allocated in a Neighbourhood Plan or Site Allocations DPD as detailed in Policy LN1. Policy LN1 supports Neighbourhood Plans but indicates where sufficient allocations are not brought forward within the first five years of the plan period, the Council will seek to identify such sites through any subsequent DPD. Although the Parish Council has been designated for the production of a Neighbourhood Plan to date no policy document has been published let alone made.
20. Secondly, Policy SD2 of the Local Plan includes a provision for an early review of the development plan. This indicates that the strategy should be reviewed by 2016 at the latest to assess future levels of need for new homes and employment land over the period to 2031 to provide an appropriate basis for employment land and infrastructure provision.
21. Policy DE1 of the Local Plan requires that high standards of design are required for all types of development. The policy then sets various design principles against which proposals will be assessed. As an outline application it was agreed most of these principles are not relevant at this stage, being for the reserved matters if permission is granted, but the Council considered that the proposal did not accord with the design principles of accessibility, connectivity and legibility which should be assessed at this outline stage.
22. Policy SD1 of the Local Plan sets out various criteria that all development will need to meet. These include that proposals will promote inclusive communities, and will respect, conserve and/or enhance the natural, built and historic environments.

23. Policy SD3 of the Local Plan sets out that the Council will take a proactive approach to development. It then sets out an approach for the situation where there are no policies relevant to an application or relevant policies are out of date. In this situation the policy indicates the Council would grant permission unless material considerations indicate otherwise, taking into account whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, or specific policies in the Framework indicate that development should be restricted. In this case no other specific policies are material.
24. Although the Other Villages allocation is for "at least" 100 dwellings, the figure of 325 either built or with planning permission at Broad Blunsdon alone far exceeds that number; most of these are or would be outside the settlement boundary. To add another 100 dwellings through this permission would increase that exceedance further and significantly, so that it would represent a different approach to development at the village. The Council did not assert that adding further dwellings at Broad Blunsdon would materially affect the overall strategy, given that the plan anticipated about, but not less than, 22,000 dwellings between 2011 and 2026 for the whole borough. These additional dwellings would not be in accordance with the scale of existing development envisaged in the Local Plan at Broad Blunsdon. This proposal would not, therefore, be in accordance with the overall spatial strategy set out in Policy SD2.
25. It is common ground that the Council cannot demonstrate a five year supply of housing land and that relevant policies were therefore out of date; I will discuss this further below. On this basis the appellants considered that, following Policy SD3 of the Local Plan, permission should be granted unless any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. However, paragraph 3.28 of the Local Plan makes it clear that where a shortfall of supply is identified proposals will be assessed against Policies SD1 and SD3. This is conjunctive, so if the proposal is considered to be contrary to Policy SD1 then it would still not be in accordance with the plan overall. I will consider whether the proposal would comply with Policy SD1 in the next section of this decision, and thus conclude on this main issue later in this decision.
26. Although the appeal site lies outside the settlement boundary of Broad Blunsdon the Council emphasized that it considered that this, of itself, was not a reason to dismiss the appeal due to the land supply position. Beyond a statement in Policy SD2 of the Local Plan to the effect that development in rural and countryside locations outside of rural settlement boundaries will be permitted if it is in accordance with the other policies in the Local Plan which permitted specific development in the countryside, I was not directed to any policies which would permit this development outside a settlement boundary. Therefore, for the purposes of assessing the proposal against the terms of the development plan, as the proposal lies in the countryside it would be contrary to this part of Policy SD2 of the Local Plan.

Character and appearance

Landscape and visual effects

27. Policy EN5 of the Local Plan indicates that proposals for development will only be permitted when the intrinsic character and local distinctiveness of landscape are protected, conserved and enhanced, unacceptable impacts on the landscape are avoided, and where adverse impacts are unavoidable, they are satisfactorily mitigated. The policy then goes on to set out for applicants that they should demonstrate how they have taken into account Landscape Character Assessments and assessed the potential impact on various attributes of the landscape.
28. The appeal site lies in the Upper Thames Clay Vale National Character Area (NCA 108). This is a generic description and is consequently too broad to provide for a specific characterisation of the appeal site, but does refer to small nucleated villages along the top of the ridge.
29. At a sub-regional level, the site lies with Landscape Type 8 'Limestone Ridge' and within Landscape Character Area (LCA) 8A 'Swindon-Lyneham Limestone Ridge' in the Wiltshire Council Landscape Character Assessment (2005) (the WCLCA). The descriptive factors of relevance to this appeal include level hill tops which contrast with steep slopes down to the surrounding clay lowland, and being predominantly a pastoral landscape with some arable fields. LCA8A is largely pastoral, with some arable fields.
30. Unlike some other settlements Broad Blunsdon is not specifically mentioned in the relevant section of the WCLCA. Therefore, it is reasonable to conclude that Broad Blunsdon is one of a number of smaller villages. Both the M4 and A3102 are referred to, but not the A419, which would suggest that its current form post-dates the WCLCA. Included within the identified positive landscape features of significance are wide views over surrounding vales and lowland areas, a strong hedgerow network with frequent hedgerow trees and scattered woodland. Forces for change include pressure for expansion of villages, particularly those close to large settlements and the urbanising influence of large settlements.
31. The Strategy sets out to conserve the elements of the landscape type that contribute to its character, such as the network of hedgerows and village centres while enhancing those areas, such as urban fringes that are becoming degraded.
32. At the borough level the site lies in the 'Midvale Ridge' as described in the Landscape Character Area Supplementary Planning Guidance (2004) (the LCASPG). The topography is described as rolling land form of valleys, ridge, hill and plateau tops (90 m – 140 m) with, in the context of the appeal site, open views across the Thames Vale towards the Cotswolds. Blunsdon is noted as an important settlement occupying the highest hilltops with the A419 crossing the area.
33. A short distance to the north the LCASPG defines that area as falling within the 'Thames Vale' where the landform is generally flat, low lying large scale valley (75 m – 80 m) with extensive views to the Midvale Ridge. The network of public rights of way in this area allows for views in the direction of the appeal site and its environs.

34. The LCASPG set out various development considerations applicable to the various areas. In respect of the Midvale Ridge development should ensure that non-developed hilltops remain free from development, preserve the prominence and quality of existing hilltop settlements, provide planting where opportunities arise, and retain the perception of distinctiveness and separation from Swindon. For the Thames Vale, these include that proposals within the Character Area should ensure that the scale and massing of development does not adversely affect the area's perception of remoteness.
35. The Council sought to maintain that the appeal site formed part of a valued landscape and thus, in line with paragraph 170 of the Framework, this area should be protected and enhanced in a manner commensurate with its identified quality in the development plan. The Council sought to indicate that it was the whole of the section of the hilltop that formed the valued landscape including the section of woodland to the west of the appeal site between Ermin Street and the A419 with the A419 marking the western extent of the purported valued landscape.
36. At present there are no policies relating to valued landscapes in the development plan. But, as pointed out by the Courts³, designation means designation and valued means valued. Furthermore to be a valued landscape it has to have some demonstrable physical attributes to take it out of the ordinary. The parties agreed that the decision as to whether a landscape should be considered valued would be a subjective judgement considered against objective criteria. The appellants used criteria set out in Box 5.1 of *Guidelines for Landscape and Visual Impact Assessment: - Third Edition*, but it was accepted that these were only guidelines and other criteria could be used.
37. In my view the appeal site should not be considered to form part of a valued landscape. Firstly, and importantly, I do not agree with the Council that the appeal site forms part of the same landscape area as it contended. The Council sought to include the area of land to the west of Ermin Street up to the A419. However, this is a positive block of woodland, while the land to the east of Ermin Street is characterised as a more open landscape with woodland within it, predominantly within and around hedgerows. As the Council stated the current golf course is open land and to the east and north the landscape opens up to pasture land, with a few buildings. Historically, Ermin Street was the main north/south route in this area and provides an important dividing line.
38. Looking then at the land to the east of Ermin Street, the landscape is degraded by the buildings to the north of the appeal site, and viewed from the Thames Vale allows glimpses, or slightly more, of buildings. Further along to the east the buildings of Broad Blunsdon and Little Blunsdon can be readily seen through the vegetation even in high summer, particularly as they extend down a fold in the ridge on the valley side. I would therefore not characterise the wider landscape on the hilltop to the east of the appeal site as undeveloped, rather it includes dwellings within a sylvan setting as part of a wider dispersed pattern of existing woodlands. I would accept that all landscape is in one sense unique; it is in a single location, but do not consider that this area has any particular characteristic that takes it out of

³ *Stroud District Council v Secretary of State for Communities and Local Government and Gladman Developments Limited* [2015] EWHC 488 (Admin)

the ordinary. That the Blunsdon House Hotel has eulogised about the quality of its grounds, including the golf course, on its website is of little weight when determining the quality of a landscape.

39. This is not to say that the effect of the proposal would not be harmful. Currently the golf course provides an open buffer to the built area of the village to the north; it does not form part of the built up area. Golf courses are seen as an appropriate use in the countryside and, in my experience, are often promoted as being beneficial through additional planting and by providing ecological benefits when compared to pre-existing agricultural uses.
40. The introduction of residential development would erode this open quality and bring built development further forward towards the Thames Vale. It would therefore detract from openness in this area, and from the pastoral landscape identified in the WCLCA.
41. Topographically the majority of the site relates more to the hilltop than the slope to the Vale. While the site does slope down, for the majority of the site it does this gradually; it is only towards the northern part of the site that the slope increases. This is partially as a result of the earthworks that were necessary to create the tees and greens of the golf course. There is then a distinct further topographical change around the line of FP16.
42. For those using FP16 the proposed development would be readily visible to the south even with the proposed intervening vegetation. Paragraph 98 of the Framework indicates that decisions should protect and enhance public rights of way and access including taking opportunities to provide better facilities for users. This proposal would not affect the line of the right of way, but it would detract from the experience of a user by bringing built development closer to the right of way with the associated noise and disturbance. However, the main aspect for those using the right of way is over the Thames Vale which is in the opposite direction to the appeal site. There is already a significant line of trees around FP16 and this could be strengthened in the northern part of the appeal site. I therefore conclude that there would only be limited harm to users of FP16.
43. The LCASPG indicates that the non-developed hilltops should remain free from development, and physically the proposal would not do this. Although the photomontages submitted at the appeal indicated that the proposed development would be behind the existing woodland, it would be unrealistic to expect that the lights from within the development, both inside buildings and through street lighting, would not be seen from the north. However, this would reflect similar effects from the existing built development to the east in the fold of land previously identified.
44. Overall, I conclude that the development of this site would be harmful to the landscape and would have harmful visual effects. However, these effects would only be limited, in that they would replicate a form of development found a short way to the east, and would be mitigated to some extent, but not wholly, by the additional planting that would form part of this development.
45. I have taken into account the conclusions of the Site Assessment Report prepared to support the forthcoming Blunsdon East Neighbourhood Plan.

However, this report considered the site to be outside the existing built up area, which it is, but not adjacent to the built up area, which it will be through the development of the adjacent site at Land north of High Street. Given this planning permission exists, in my view, it should have been taken into account. Therefore I give this report and its conclusions very limited weight.

46. The Council indicated concern that the proposal would have an adverse effect on the setting of the Lower Blunsdon Conservation Area. However, it emphasised that this would not be a heritage harm, I agree, but rather a landscape harm. I consider that there would be sufficient separation from the appeal site to that area of development so that the proposal would not adversely affect the setting of Lower Blunsdon or the Conservation Area which would therefore be preserved.
47. Notwithstanding this, the proposal would be harmful to the landscape and visual qualities of the area. As such it would be contrary to Policy EN5 of the Local Plan as set out above. It would also be contrary to Policy SD1 of the Local Plan in that it would not respect, conserve or enhance the natural environment and the unavoidable impacts would not be wholly mitigated. In harming the countryside it would also fail to recognise its intrinsic character and beauty and thereby be contrary to paragraph 170 of the Framework.
48. As the proposal is contrary to Policy SD1, for the reasons explained above, the proposal would be contrary to paragraph 3.28 of the Local Plan. Thus, for considering the proposal as a whole against the development plan, the conjunction of Policies SD1 and SD3 of the Local Plan in that paragraph means that the tilted balance would not be triggered.

Character of Broad Blunsdon

49. The character of Broad Blunsdon is in the process of change regardless of this appeal. As noted above, in 2011 there were some 603 dwellings and this is being expanded by an additional 325 dwellings. Up to 2011 the village was in two sections; the main village on the hilltop set a short distance east back from Ermin Street, and predominantly frontage development set along the western side of Ermin Street.
50. Recent permissions have included development between this frontage development and the A419 which totals 133 dwellings. In addition there are to be three areas of new development on the eastern side of Ermin Street. Firstly, there is the Land north of High Street site for 69 dwellings referred to above. This has a vehicular access from High Street, but also a series of pedestrian/cycle accesses to Ermin Street. Secondly, there is Land south of High Street, opposite the first referred site, for up to 52 dwellings and associated development. Finally, there is permission for 54 dwellings at Land at Holdcroft further to the east.
51. Again, regardless of this appeal, development as part of the wider expansion of Swindon will extend towards Broad Blunsdon. This will extend up to the western side of the A419 with the junction across the A419 an urban feature. Having said that, the A419 does act as a significant physical and psychological barrier between Swindon and Broad Blunsdon even if, as I explore below, they share a significant number of facilities and services.

52. Having walked through Broad Blunsdon there is a different character to the development in the main village from the recent developments at the western end of the village. The western end of High Street with its sylvan character provides a sense of entrance into the village, and the main village is more historic in character as opposed to the new development in modern housing estates.
53. Turning to the appeal site, while next to the development at Land north of High Street, it would be a separate enclave of development. There would be a single vehicular access to Ermin Street, with a landscaped strip between built development on the southern part of the site and the adjoining development to the south. Being set into the site, as needed to ensure a wayleave for water mains, the built development would not appear prominent from Ermin Street. It would thus not have legibility to the wider community, particularly as the existing strong line of trees along the western boundary would remain, and the proposal would not connect well with other development in the area.
54. Policy DE1 of the Local Plan requires that high standards of design are required for all types of development and will be assessed against a number of design principles. While most of these matters would relate to any application for reserved matters, given the constraints of the wayleave, the proposal would not appear well connected to the wider village or legible outside the site and thus be contrary to this policy.
55. The appellants pointed out that FP16 forms part of this site. This runs to the north of the appeal site on an east/west orientation. To the west FP16 runs a short distance to Ermin Street, but as discussed below this does not connect with any other facilities; residents of the site are more likely to travel through the site and exit via the main entrance. To the east, when it diverges from the circular route around the hotel grounds, FP16 runs across uneven ground and would not provide an accessible route to the village, and would be unsuitable in hours of darkness as it is not lit.
56. The Council sought to characterise the development, with the previously permitted developments, as being in totality disproportionate to Broad Blunsdon. This would be the case, but because of the separation in character between the two sections of Broad Blunsdon I have identified above and the lack of focus that residents are likely to have to the village, identified below, the harm to the character of Broad Blunsdon would only be limited.
57. Consequently the proposal would be contrary to Policies SD1 and DE1 of the Local Plan as set out above, and would be contrary to paragraphs 9 and 127 of the Framework in that it would not reflect the character of the immediate area and would not be sensitive to local character and history.

Accessible location

58. Policies SD1, DE1 and TR2 of the Local Plan emphasise that development should be accessible by walking, cycling and/or public transport, accessible and should be located and designed to reduce the need to travel and to encourage the use of sustainable transport alternatives, particularly walking and cycling, and provide the potential to maximise bus travel.

59. The Council has also adopted the Swindon Residential Design Guide (the Design Guide) in 2016 to assist in the ambition of achieving high quality development. It follows from Policy DE1 of the Local Plan and was adopted following public consultation. Paragraph 126 of the Framework indicates supplementary planning documents can provide maximum clarity about design expectations at an early stage. I am therefore able to give this document significant weight.
60. The Design Guide sets out various accessibility criteria, or distances, so as to ensure that development is well located and reduces the need to travel by car. These are all shown with a "≤" (less than or equal to) sign. In my view this therefore sets out a maximum distance that a facility should be from a site to comply with the Design Guide and Policy DE1. Anything from 0 m to the relevant distance meets the criterion. Having said that a maximum figure is a guideline figure not an absolute and needs to be judged in the round. Equally, just because a facility is beyond a maximum does not mean that a user will not walk to it; it is just that it is less likely that they will.
61. The appellants sought to state the figures in the Design Guide did not take into account any differences between urban and rural areas, preferring to use the Guidelines for Providing for Journeys on Foot published by the Institution of Highways and Transport. The use of the Institution of Highways and Transport figures is a matter of judgement. It seems to me that the Council has undertaken an analysis of the borough and come to its specific conclusions based on the local situation. Given the guidance in paragraph 126 of the Framework on the use of supplementary planning documents I prefer the use of the Design Guide.
62. Distances to the various facilities are agreed in the relevant Statement of Common Ground. In relation to the current off-site facilities the primary and secondary schools, health centre, and shopping facilities are all further than the less than or equal to distance. The village shop is a small convenience shop in a prefabricated building; it would not provide for much beyond a small-scale top-up shop. Because the appeal site is further away from all these facilities than the adjoining site to the south or those to the west of Ermin Street this site is less accessible than those adjoining sites; it can therefore be differentiated. FP16 does not offer a suitable route to the facilities in Broad Blunsdon. The reality is that the residents of the proposal would look to Swindon for the vast majority of facilities, and this is beyond a reasonable walking distance. Swindon is therefore more likely to form the focus for residents rather than Broad Blunsdon.
63. The only facility within the relevant distance set out in the Design Guide is the proposed Abbey Wood primary school to be constructed as part of the development there. This primary school has been delayed, but the reality is that by the time this development, if permitted, was to be occupied that school would be open or close to opening. The shortest route to this site would be accessed via a bridleway including across a bridge over the A419 and then on an unmade path along the edge of unlit fields. Because of these characteristics this route is less likely to appeal to those living on the appeal site and they are more likely to go round via the A419 Broad Blunsdon junction. This takes the new school beyond the relevant walking distance.

64. All the pedestrian routes to the facilities on the west side of the A419 would involve walking through the Broad Blunsdon junction or across the bridleway bridge. None of these would provide a pleasant walking environment for users over an extended length.
65. The Blunsdon House Hotel has a private health club which the appellants indicated that occupiers of the dwellings may join on a membership basis. This would be the case, but it would not provide a public facility and would be less attractive to occasional use. In any event, to get to the leisure club would involve a walk up Ermin Street, along High Street and then into the facility. This is not particularly commodious as users would, initially, be heading away from the facility and they may therefore be less inclined to walk to it.
66. The nearest bus stop is within the distance set out in the Design Guide. However, the current services could not be described as good. They provide some small choice to get to certain locations, with emphasis on the beginning and end of the conventional working day. However, the services do not readily take into account shift working. Bus services provide a limited option as a means of travel.
67. Before the A419 was constructed Ermin Street was a significant highway. From what I was able to ascertain the former south-bound carriageway has been converted into a cycleway. This runs immediately past the appeal site. Cycling therefore provides an alternative to the car for medium distance journeys. However, to get to the main facilities in Swindon would involve crossing the A419 particularly through the Broad Blunsdon junction. The Broad Blunsdon junction includes a segregated cycleway/footway which may be used, but equally this may involve a greater number of 'stops' than cycling on the main carriageway, so users may choose not to use it. Given the amount of traffic through this junction or the number of stops neither route would be a good route for cyclists.
68. The Council also sought to emphasise that for occupiers of the affordable housing on the appeal site the site would be less accessible as statistics show that these occupiers have less access to cars than occupiers of market housing. This may well be the case, but this needs to be placed within the context of the need for affordable housing, which I will consider below.
69. My overall conclusion on this issue is that the site is not well related for the use of non-car modes, but equally well is not poorly located given the proximity to the main built up area of Swindon. The location of the site is such that the need to travel would not be minimised and the use of sustainable transport modes maximised when compared with sites with better access for non-car modes. Policy TR2 indicates that development should be located to reduce the need to travel and this would not be complied with. It would also be contrary to paragraph 103 of the Framework as there would not be a genuine choice of transport modes. This weighs against the development, but as there are alternatives that may be used by residents which gives some choice, although less likely than not, I give this limited weight.

Affordable housing and infrastructure

70. The Council has adopted the Community Infrastructure Levy (CIL) so that this would provide for most infrastructure required by the development. However, there are some matters, particularly relating to affordable housing and on-site infrastructure, which are not covered by CIL and are covered by the Planning Obligation. I am satisfied that there would be no double counting within the provisions of the Planning Obligation.
71. Policy HA2 of the Local Plan indicates that all developments of 15 homes or more should provide 30% of the dwellings as affordable housing. The Planning Obligation provides this proportion and would thus comply with development plan policy. However, the proposal would only provide 9% of the dwellings for affordable home ownership rather than the 10% set out in paragraph 64 of the Framework.
72. Policy EN3 of the Local Plan seeks that residential development shall either provide or contribute towards public open space, and residential developments of more than 25 dwellings should provide this on site.
73. The Planning Obligation makes a contribution towards outdoor sports facilities, as so defined, at Blunsdon Recreation Ground, along with the provision of an on-site Open Space Strategy including the provision and maintenance of a play area. In respect of the on-site provision these would be the first such contributions and in respect of the Blunsdon Recreation Ground I am advised that the totting-up provisions of Regulation 123 of the Community Infrastructure Levy Regulations 2010 (as amended) (the CIL Regulations) would not be breached.
74. Finally, the Planning Obligation makes provision for the implementation of the Travel Plan appended to the Obligation. This is in line with Policy TR2 of the Local Plan.
75. In respect of all these matters, I find that they are necessary to make the development acceptable, directly related to the development, and are fairly and reasonably related in scale and kind to the development. As such they would comply with the respective policies set out above, Regulation 122 of the CIL Regulations and paragraph 56 of the Framework. I will discuss the weight that I give to each of these below.

Five year land supply and benefits

76. It was agreed that the Council cannot demonstrate a Five Year Housing Land Supply (5YHLS). In light of this it was agreed that the so-called tilted balance set out in paragraph 11 of the Framework applies, although some further analysis of this should be undertaken to consider how this should apply.
77. The appellants and the Council set out various figures as to the land supply that could be demonstrated, given an agreed base date of 1 April 2017. These varied from between 1.9 years and 2.1 years for the appellants and 2.5 years and 2.7 years for the Council depending on the varying analyses of deliverability and the appropriate buffer.

78. Because both parties agreed that whatever analysis was undertaken the shortfall against the 5YHLS was "significant" this was not examined further. I agree that the shortfall is significant.
79. The Council emphasised that the allocations in various strategic allocations in the Local Plan would shortly be delivering. However, it is clear there have been delays.
80. The appellants additionally sought to characterise the development plan as out of date on the basis that the development plan had not been "reviewed by 2016" as required in Policy SD2 of the Local Plan. Although policy documents should be given their ordinary meaning, which could be interpreted that the review process should have been complete by 2016, I do not think this is correct. The plan was adopted in March 2015, with the Inspector's report having been published early in the previous month. I do not consider it realistic to consider that a plan could have been reviewed, whether in full or partially, and taken through to adoption in a maximum of 21 months even if some work had already taken place by that date. In any event, this conclusion does not affect the operation of the tilted balance through the lack of a 5YHLS.
81. Rather than taking forward a Site Allocations DPD as anticipated in Policies SD1 and LN1 of the Local Plan the Council is seeking to take forward a Local Plan Review with an end date of 2036 with adoption in early 2021. However, this will take time to bring forward any additional sites and will not resolve the land supply issue in the short term.
82. The Council emphasised that it had placed significant staff resources to assist in the delivery of the New Eastern Villages, has secured significant public sector funding to bring forward the strategic development sites, was acting as a pilot with the Planning Advisory Service to provide an action plan to increase the supply of housing, established a housebuilding company to develop Council owned land and has reviewed its land portfolio to bring forward suitable sites. It has also granted permission on a number of sites outside those allocated in the development plan. All of these measures are beneficial, but with the exception of the last are unlikely to bring forward a step change in housing delivery which is needed if the gap in the 5YHLS is to be closed. The permissions granted since 1 April 2017 are not, of themselves, sufficient to deliver the shortfall of housing by the end of the plan period.
83. If permission were to be granted it may not be classified as a "deliverable" site utilising the definition in the Glossary of the Framework. The PPG indicates⁴ that clear evidence is required to demonstrate that housing completions will begin on site within 5 years, and sets out examples. The Council also queried the appellants' performance more generally having recently been unsuccessful in two appeals⁵ for the development of the Lotmead Farm site, part of a major allocation in the Local Plan. However, it seems to me that what needs to be assessed is an applicant's performance in delivering a site once planning permission has been granted rather than in gaining a permission in the first place. In this regard no evidence based on past performance of Ainscough Strategic Land Limited (as the development

⁴ Reference ID: 3-036-20180913

⁵ APP/U3935/W/16/3154437 & APP/U3935/W/16/3154441

partner) was presented to the Inquiry to show that if permission were to be granted that it would not be delivered expeditiously.

84. Paragraph 8 of the Framework emphasises the three objectives of sustainable development and the appellants looked to show benefits against all three objectives.
85. Economically, the proposal would result in the benefit from the new occupiers of the dwellings. While this expenditure will not all be local, it would be significant and weighs significantly in favour of the development. During the construction period the proposal would provide both direct and indirect employment. However, as this would only be for a time limited period I give this limited weight.
86. Socially, there would be provision of up to 100 dwellings. This is a significant benefit in its own right notwithstanding the 5YHLS position. The Council sought to reduce the weight given to this on the basis that it “only” constituted around a fortnights worth of supply. However, with the 5YHLS as it is, significant weight should be given to the provision of these dwellings; this is not a small site with only a very marginal effect on land supply.
87. Of these dwellings 30% would be affordable housing; this is the percentage required to make the proposal policy compliant. Given the shortfall in supply of affordable housing that will accompany the size of the shortfall in housing more generally I consider this element should have additional significant weight. While the proposal would provide less than the 10% affordable home ownership set out in paragraph 64 of the Framework, I agree with the Council that in the circumstances of this case the quantum secured in the Planning Obligation is appropriate. However, no additional weight should be given in the final balance to the 2% of the houses that are wheelchair accessible as this is to make the scheme policy compliant with Policy HA3 of the Local Plan and I have seen no evidence to show that there is a particular shortfall in this type of provision.
88. Environmentally, the appellants indicated they considered that there would be benefits from new habitats and the on-site public open space. However, the on-site open space is to meet the needs of the resident community and use by others is likely to be extremely limited. As I have indicated above golf courses are often promoted for their ecological benefits and I consider that any ecological benefits from a residential development of the site are likely only to be marginal. Set against this must be the environmental harm that I have identified above.

Other matters

89. Among matters raised by local residents was the loss of the golf course as a resource. With the application the then applicant submitted evidence that the course could not operate as a standalone business; this has not been challenged.
90. Policy CM4 of the Local Plan indicates that the loss of community facilities, which the main parties agreed golf courses would represent, should only be permitted if they have been appropriately marketed and the facility is no

longer viable. The use of the golf course is restricted by planning condition to hotel residents and leisure club members only.

91. In light of this restriction the main parties agreed that the loss of the golf course is contrary to this policy, but is of lesser significance than the other issues raised and, of itself or cumulatively with other issues, would not make a material difference in the overall conclusion. I concur with this analysis.
92. The Parish Council has raised particular concerns over the effect on the local highway network. However, I note that both Highways England and the Highway Authority have raised no objection to the proposal subject to conditions. In light of these comments I am satisfied that the access would be safe and the residual cumulative impacts on the road network would not be severe, which are the tests set out in paragraph 109 of the Framework if permission is to be refused.

Planning Balance

93. The proposal would be contrary to the terms of the development plan as a whole as it would represent development outside a settlement boundary and does not form an allocation in the Local Plan. It does not follow the adopted development plan strategy as set out in the Local Plan, particularly due to the number of dwellings in the "Other Villages". This should be given significant weight in the final balance, as the planning system should be genuinely plan-led and should provide a positive vision for the future of each area.
94. It would be harmful to the landscape and have harmful visual effects, and, cumulatively with other existing and committed developments, would not reflect the character of Broad Blunsdon as a rural village. It would also not be located so that the need to travel is minimised and the use of sustainable transport alternatives maximised. It would also involve the loss of the golf course as a community facility. However, all of these harmful effects are of limited weight for the reasons set out above.
95. There are significant benefits of the proposal from the provision of the additional dwellings both themselves and through the provision of affordable housing. The significant benefit of the affordable housing clearly outweighs the limited harm for the lower accessibility of the site for occupiers in this tenure. In respect of the other matters set out in the Planning Obligation these are to meet the needs of the development and are therefore neutral in the balance.
96. However, the current 5YHLS situation is serious in that there is a significant shortfall. Housing is required to be delivered in order to meet the Government's objective of significantly boosting the supply of homes. For this reason the policies for the supply of housing in the development plan should be considered to be out-of-date and permission granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. None of the adverse effects of the development, either individually or cumulatively, reach this threshold given the significant benefits I have identified.

97. Consequently, while the proposal would be contrary to the development plan taken as a whole, material considerations indicate that the determination should be otherwise than in accordance with that plan. Therefore the proposal would represent sustainable development and planning permission should be granted.

Conditions

98. I have considered the conditions set out in the Statement of Common Ground against the requirements of the PPG and the Framework. The numbers given in brackets (X) refer to the condition being imposed, with the order being prescribed by the time when the condition needs to be complied with. As an outline application there is no need to get the written agreement of the appellant to any pre-commencement conditions.
99. In addition to the standard timescale conditions (1, 2, 3), I have imposed a condition specifying the relevant drawings as this provides certainty (4).
100. The description of the proposal indicates that it is for "approximately 100 dwellings". However, the effects of the development have been considered on the basis that the proposal is for that number. A condition is therefore needed to limit the number of dwellings to 100 in order that the proposal does not have any greater effect than that assessed in order to protect the environment and highways network (5). Further, because the effects have been considered in the light of the amended illustrative layout the layout for the reserved matters should follow the principles laid out in that plan (6).
101. In order to comply with Policy HA3 of the Local Plan a condition requiring no less than 2% of the dwellings shall be accessible is necessary (7). This needs to be resolved prior to development commencing on site to ensure that such provision is made.
102. In order to protect the living conditions of occupiers of dwellings in the vicinity of the appeal site and to ensure highway safety I consider a Construction Management Plan should be drawn up and implemented (8). This would provide for restrictions on working hours rather than a need for this to be included within a separate condition. This is needed as a pre-commencement condition due to the need to protect living conditions and highway safety from the outset of development.
103. When the Inquiry opened there were two Tree Preservation Orders in place on the site, although one was provisionally made and objection had been made by the land owner. Whatever the final position regarding such Orders, it is appropriate to safeguard trees on site and their longevity by imposing a condition requiring tree protection works during the relevant construction period (9). This needs to be delivered from the outset of development to ensure that trees and hedgerows are protected.
104. In order to ensure highway safety the new access to the site needs to be constructed as an initial operation (10).
105. Although the site is located in Flood Zone 1 in order to prevent flood risk increasing outside the appeal site, details of surface water drainage systems, including sustainable drainage systems, need to be agreed and implemented (11).

106. In order to enhance biodiversity in the area, the measures set out in the submitted Ecological Appraisal Report along with its subsequent Addendum need to be implemented (12).
107. A Phase 1 preliminary site assessment contamination report was submitted with the application. However, should unexpected contamination be found then mechanisms need to be put in place to ensure that it is appropriately dealt with in order not to lead to further pollution or adverse effects for the new occupiers (13).
108. Thames Water requested a condition to secure studies of the existing water supply infrastructure be provided in order to determine the magnitude of any new capacity needed. Post-Inquiry correspondence indicated that sufficient capacity was available for the first 45 dwellings and that Thames Water would be responsible for the reinforcement of the supplies in the area. This may result in a delay in when the remaining dwellings could be occupied. However, this delay is likely to be shorter than the time it would take to construct the first 45 dwellings. I therefore consider that imposing a condition as requested by Thames Water would not meet the test of necessity set out in paragraph 55 of the Framework. Notwithstanding this, because of the proximity of the water main to the proposed built development a condition is needed to control piling should this be proposed (14).
109. I consider that a condition related to the future management arrangements for the streets within the development is needed to ensure that the future highways are properly maintained in the interests of highway safety and the living conditions of the proposed occupiers. I do not, however, consider that such arrangements needed to be agreed as a pre-commencement condition; they can be in place before any dwelling is occupied (15).
110. The Statement of Common Ground suggested a number of conditions which should be considered to relate to the reserved matters. For example, conditions relating to roadways and their surfacing, details of landscaping, external materials, levels, and the provision of parking and cycle storage/ parking.
111. The main parties confirmed in light of updated work that no condition was required in relation to traffic noise from the A419.
112. Where necessary and in the interests of clarity and precision I have altered the conditions to better reflect the relevant guidance.

Conclusion

113. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be allowed.

RJ Jackson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:

| | |
|---------------------|----------------------------------|
| Site Location | 1000 Rev C |
| Access Arrangements | 64399-CUR-00-XX-DR-TP-06001-P03C |
| Visibility Splays | 64399-CUR-00-XX-DR-TP-06002-P03C |

- 5) The development hereby permitted shall not exceed 100 dwellings.
- 6) Any application for reserved matters shall be in accordance with the general principles of the following plans:

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|--|--------------|
| Illustrative Masterplan | 4000 Rev E |
| Parameter Plan | 3500 Rev E |
| Plan EDP L6: Illustrative Landscape Masterplan | EDP3276_d027 |

- 7) No less than 2% of the total residential development shall provide for wheelchair user occupiers in accordance with a plan or schedule, which shall have been submitted to and approved in writing by the local planning authority prior to any development taking place. These approved design features and provisions shall be retained for so long as the buildings hereby permitted remain in use as dwelling houses.
- 8) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) wheel washing facilities;
 - v) measures to control the emission of dust and dirt during construction; and
 - vi) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 9) No equipment, materials or machinery shall be brought on site in connection with the development hereby permitted, and no works, including site clearance or any other preparatory works, undertaken until tree and hedgerow protection has been erected on site in locations in accordance with details submitted to and approved in writing by the local planning authority

and agreed in writing as complete by the local planning authority. The protection shall be retained until the local planning authority has confirmed in writing that the development is complete in the vicinity of the specific tree and/or hedgerow. Nothing shall be placed within the fencing, nor shall any ground levels be altered or excavations made without the prior written consent of the local planning authority.

- 10) No development hereby permitted shall commence (other than the works required by this condition) until the first 15m of the proposed access road to at least binder course level, and the junction to the existing public road has been carried out in broad accordance with drawing numbered 64399-CUR-00-XX-DR-TP-06002-P03C.
- 11) With the exception of construction of the access pursuant to condition 10, development shall not begin until a surface water drainage scheme for the site, in accordance with the approved drainage strategy Flood Risk Assessment & Outline Drainage Strategy – Land at Hill Cottage, Blunsdon Hill/Ermin Street 064399-CUR-00-ZZ-RP-D-500 Rev V04, dated: 10 August 2017, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before any dwelling is occupied. The scheme shall include, but not be limited to:
 - i) details of how the drainage scheme has incorporated sustainable drainage techniques to manage water quantity and maintain water quality in accordance with best practice guidance;
 - ii) site levels and impermeable areas;
 - iii) detailed drainage plan showing the location of the proposed sustainable drainage systems and drainage network with exceedance flow routes clearly identified;
 - iv) details to demonstrate the sustainable drainage scheme has been designed in accordance with best practice guidance;
 - v) general arrangement, to be in accordance with the landscape proposals and the masterplan;
 - vi) manhole schedules;
 - vii) ground investigation results including groundwater monitoring to ensure that ground conditions are fully assessed and to determine groundwater flows;
 - viii) points of outfall;
 - ix) detailed drainage calculations for all rainfall events up to and including the 1 in 100 year plus climate change to demonstrate that all sustainable drainage features and the drainage network can cater for the critical storm event for its lifetime;
 - x) infiltration/attenuation features, including sections;
 - xi) details of how the scheme shall be maintained and managed after completion;
 - xii) details of pollution control/water quality, including during the construction stage;
 - xiii) details of overland flow routing and management within the development proposals.

- 12) The ecological enhancement measures identified in Ecological Appraisal Report June 2017 Reference EDP3276_05b and October 2017 Ecological Addendum Report Reference C_EDP3276_07b_091017 including the Ecological Construction Method Statement, Soft Landscaping Scheme and Ecological Management Plan, shall be implemented on site unless alternative measures have been submitted to and approved in writing by the local planning authority. If alternative measures are so approved these shall be implemented in accordance with that scheme.
- 13) If, during further ground investigation or during development, contamination is found to be present at the site beyond that identified within the Phase 1 Preliminary Site Assessment March 2017 Reference B064399.002, no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy, detailing how and when this previously unsuspected contamination is to be dealt with has been submitted to and approved in writing by the local planning authority. The remediation strategy shall be implemented in accordance with the approved strategy.
- 14) No piling may take place unless a piling method statement, detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the works, has been submitted to and approved in writing by the local planning authority. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
- 15) No dwelling shall be occupied until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved in writing by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details.

END OF SCHEDULE

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

| | |
|-------------------------|--|
| Miss Sasha Blackmore | of Counsel, instructed by Mr Awojobi, Head of Conveyancing, Environment and Contracts, Swindon Borough Council |
| She called | |
| Mr Christopher Hill | Urban Design Planner, Swindon Borough Council |
| M(Plan)Masters | |
| Mr Charles Potterton BA | Director, Potterton Associates Ltd |
| DipLA CMLI | |
| Mr Neil Holly BA (Hons) | Senior Planner, Swindon Borough Council |
| MSc PGDip MRTPI | |

FOR THE APPELLANTS:

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|-------------------------------|---|
| Mr Giles Cannock | of Counsel, instructed by Mr Jeff Richards, Office Director, Turley |
| assisted in the July hearings | |
| by Mr Killian Garvey | of Counsel |
| He called | |
| Mr Lee Kendall | Associate, Curtins |
| BA (Hons) | |
| Mr Charles Mylchreest | Director, EDP |
| BA (Hons) DipLA | |
| CMLI AIEMA | |
| Mr Jeff Richards | Office Director, Turley |
| BA (Hons) MTP MRTPI | |

INTERESTED PERSONS:

| | |
|--------------------|--|
| Cllr Maureen Penny | Ward Councillor, Swindon Borough Council |
| Cllr Ian Jankinson | Chair, Blunsdon Parish Council |

INQUIRY DOCUMENTS

| | |
|------|---|
| ID1 | Extract from Swindon Borough Local Plan 2026 Policies Map |
| ID2 | Copy of Council of Borough of Swindon Tree Preservation Order (No.3 2018), (Land at Hill Cottage, Blunsdon Hill, Blunsdon, Swindon SN26 8BZ) |
| ID3 | Appearance list and Opening on behalf of the appellants |
| ID4 | Appearance list and Opening on behalf of the Council |
| ID5 | Letter of representation by Mrs A Edwards |
| ID6 | Blunsdon East Neighbourhood Plan Site Assessment Report by AECOM |
| ID7 | Planning Obligation dated 24 July 2018 |
| ID8 | Extract from "Guidelines for Providing Journeys on Foot" |
| ID9 | High Court Judgement <i>CEG Land Promotions II Limited v Secretary of State for Housing Communities and Local Government & Aylesbury Vale Borough Council</i> [2018] EWHC 1799 (Admin) |
| ID10 | Appeal decision relating to Land north of Wotton Road, Charfield, Gloucestershire APP/P0119/W/17/3179643 |
| ID11 | Speaking Note for Cllr Penny |
| ID12 | Letter from Mr R Stredder |
| ID13 | Speaking Note for Cllr Jankinson |
| ID14 | Revised draft list of conditions |
| ID15 | Email correspondence from Thames Water and wording of conditions |
| ID16 | Court of Appeal Judgement <i>Hallam Land Management v Secretary of State for Communities and Local Government and Eastleigh Borough Council</i> [2018] EWCA Civ 1808 |
| ID17 | Extract from Journal of Planning & Environment Law on Court of Appeal Judgement on <i>St Modwen Developments v Secretary of State for Communities and Local Government, East Riding of Yorkshire Council and Save Our Ferriby Action Group</i> [2017] EWCA Civ 1643, [2018] JPL 398 |
| ID18 | Closing Submissions on behalf of the Council |
| ID19 | Closing Submissions on behalf of the appellants |

POST-INQUIRY DOCUMENTS

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|------|---|
| PID1 | Email on behalf of appellants, including attachments, dated 1 October 2018 relating to Thames Water condition |
| PID2 | Email on behalf of the Council dated 1 October 2018 responding to PID1 |
| PID3 | Email on behalf of the appellants dated 2 October 2018 in response to PID2 |