

Appeal Decision

Inquiry held on 7, 8, 9 & 10 February & 1 March 2017

Site visit made on 10 February 2017

by Kevin Gleeson BA MCD MRTPI

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

Decision date: 12 April 2017

Appeal Ref: APP/H1033/W/16/3147726

Manchester Road, Tunstead Milton, High Peak SK23 7ER

- 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 Mr. Garie Bevan against the decision of High Peak Borough Council.
 - The application Ref HPK/2015/0351, dated 17 June 2015 was refused by notice dated 9 October 2015.
 - The development proposed is six detached houses, two of them live/work on the frontage with Manchester Road and a publicly accessible nature reserve behind.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the inquiry a notice of application for costs was submitted by the appellant. This was subsequently withdrawn.
3. The application was submitted in outline with only access for determination at this stage.
4. A signed and dated agreement under Section 106 of the Town and Country Planning Act 1990 was provided during the inquiry. This contains obligations in respect of affordable housing and the provision of on-site public open space and a nature reserve. As such the agreement overcomes the Council's third reason for refusal. I am satisfied that the provisions are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related to the development and therefore consistent with Regulation 122 of the Community Infrastructure Regulations, 2010.
5. I undertook an unaccompanied site visit prior to the opening of the inquiry and with the agreement of the parties a further unaccompanied site visit on 10 February.

Main Issues

6. In the light of the submissions made at the inquiry I have modified my initial main issues which I now consider to be:
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- the effect of the proposed development on the character and appearance of the local area and surrounding landscape; and
- whether the appeal site would provide an appropriate location for housing.

Reasons

Background

7. The application was determined by the Council on the basis of the Chapel-en-le-Frith Parish Neighbourhood Development Plan, (the CNDP) which was made in August 2015 and the High Peak Saved Local Plan Policies, 2008. Subsequent to the Council's decision the High Peak Local Plan (the LP) was adopted in April 2016, and the saved policies of the Local Plan, 2008 were revoked. My decision is therefore based on these changes to the development plan.
8. Paragraph 38(6) of the Planning and Compulsory Purchase Act, 2004 indicates that development that accords with an up-to-date development plan should be approved. The position that the development plan is the starting point for decision making is confirmed in paragraph 12 of the National Planning Policy Framework (the Framework). This goes on to state that proposed development that conflicts should be refused unless other material considerations indicate otherwise. Both parts of the development plan are recently made/adopted and have been found to be consistent with the Framework.

Character and Appearance

9. Tunstead Milton is a small village which is linear in form and fronts onto Manchester Road. The appeal site is located to the south of Manchester Road. It slopes to the south, is undeveloped and comprises grazing land with trees and scrub vegetation.
10. To the east the appeal site is bounded by a road leading to the Combs Reservoir car park with the reservoir embankment beyond. Further east, spread out along Manchester Road are a number of other sporadic buildings. Immediately to the west of the appeal site is a public right of way (Footpath 51), beyond which there are agricultural buildings and a detached house. Further west is a manufacturing plant. To the south of the appeal site the land is open countryside with a watercourse at the bottom of the slope.
11. The appeal site has mature trees between hedgerows along its Manchester Road frontage. A line of mature trees also provides the eastern boundary whilst a line of trees runs across the southern part of the site. The western boundary adjoining Footpath 51 is formed of low fencing which allows views through the site to the countryside beyond. There are further trees in the vicinity of the southern boundary. The proposed development would involve the removal of the frontage hedgerows and four trees along the frontage and a further tree within the site. Replacement hedgerow planting is proposed along the frontage with new hedgerow and tree planting within the site.
12. The settlement boundary for the village of Tunstead Milton encompasses properties on the northern side of Manchester Road. Residential properties are generally one-plot deep with no backland development and demonstrate a variety of forms including detached, semi-detached and bungalows.

13. Tunstead Milton has developed over the same broad timescale both north and south of Manchester Road with development on the south side extending from the western edge of the village up to the appeal site. However, the form of development on the southern side includes little residential, is generally larger in scale, includes areas of openness and is quite different from the tighter residential form on the northern side. I do not accept that there is a substantial amount of existing residential development on the southern side of the road as the character of this frontage is primarily agricultural and manufacturing.
14. The appeal scheme is in outline. Nevertheless, an indicative layout showed a linear arrangement of properties and it was apparent at the inquiry that there was little possibility of deviation from this form of development. Whilst the indicative layout follows the form of development on the north side of Manchester Road with a similar density and spacing such a form of development is uncharacteristic on the south side of the road.
15. I find the justification for the development of the appeal site being infill to be weak. The neighbouring site to the west has a degree of openness with development less dense than to the north. Furthermore, whilst the reservoir is a man-made structure, the essential characteristic of the reservoir is its openness. Infill would normally involve filling the space between existing developments but the man-made embankment and reservoir beyond, together with the openness of the site to the west, do not provide conditions for infill development in my view.
16. The appellant argued that the character of the appeal site was heavily influenced by the traffic noise of Manchester Road. It was also claimed that the proximity of local development results in there being as much if not more of a connection with the village as with the surrounding countryside.
17. Traffic passes in close proximity to the northern boundary of the site and traffic noise can be heard from within the site. However, the same would be true for all sites within the countryside adjoining roads carrying similar volumes of traffic. Whilst traffic noise adversely affects the character of the site it is nevertheless within the countryside. On the basis of the use of the site and the neighbouring uses to the west, south and east, I do not accept that the site's character is more related to the village than the countryside.
18. The third part of Policy H1 of the LP establishes the circumstances where the Council will give consideration to approving housing development outside of the built up area boundaries. The first criterion is that *'the development would adjoin the built up area boundary and be well related with the existing pattern of development and surrounding land uses and of an appropriate scale for the settlement'*.
19. The appellant argued that notwithstanding the fact that the appeal site is separated from the settlement boundary by a road it could still adjoin the settlement boundary. Whether or not this is the correct interpretation the criterion also requires compliance with the remaining part of the criterion.
20. For the reasons given I find that the proposal would not be well related to the existing pattern of development and it would be inconsistent with, and poorly related to, the surrounding land uses to the west, east and south which are primarily agricultural and open countryside. It would also introduce a land use

which is largely uncharacteristic along this frontage and for these reasons would be contrary to the first criterion of part three of Policy H1 of the LP.

21. The second criterion within part three of Policy H1 is that development would not lead to prominent intrusion into the countryside or have a significant adverse impact on the character of the countryside. The appellant's view was that the issue relates more to prominence than intrusion as the site is currently open countryside and therefore any development will be an intrusion. This has some merit in my view.
22. Whilst I accept the position of the appellant that when travelling along Manchester Road the feeling is that of travelling through a village rather than alongside it, that statement does not reflect the differences in the type of development on either side of the road. Moreover, when travelling from the east, until ones passes the appeal site the feeling is that the southern side of the road is part of the open countryside.
23. The appellant argued that the appeal site is largely hidden from views from the road by the boundary hedge. I did not find that to be the case when I visited the site but even if it were so at the height of summer I do not accept that the lack of visibility into the site demonstrates that the open land is not significant in terms of the setting of the village, or the overall setting of the area. The openness of the site, whether it is possible to see into it or not, is an important characteristic and would be adversely affected by the proposed development which would be a clear extension of the settlement into the open countryside.
24. The retention of some trees along the northern boundary and the introduction or replacement of new hedgerows, tree planting and ecological enhancements would mitigate the impact of the removal of hedgerows and trees. However, even when the landscaping matured the six new houses would still be clearly visible from a number of public viewpoints and particularly from Footpath 51.
25. Whilst in some views the site would be seen against the backdrop of the existing settlement, in views looking from the northern side of Manchester Road it would clearly appear as part of the countryside. Other views of the site to which I was directed serve to demonstrate that close up at the very least, and until the replacement vegetation matures, there would be some sense of the extension of the settlement into the countryside as the appellant acknowledged. The openness of the site is also very apparent when viewed from the south west corner and along the western bank of Combs Reservoir from which public access is possible.
26. When viewed from the longer ranges identified by the main parties as I did during my visits the development would not be as apparent. With increased distance the development would appear less prominent and the visual impact would be less.
27. The site is within the Dark Peak character area and identified within the Borough Council's 'Landscape Character Supplementary Planning Document' as within the Settled Valley Pastures Landscape Character Type. It is a landscape type which is described as: *'A settled pastoral farming landscape on gently sloping lower valley sides dissected by stream valleys. Dense watercourse*

*trees, scattered boundary trees and tree groups around settlement contribute to a strong wooded character.*¹

28. The Landscape Impact Assessment (LIA) prepared as part of the Council's evidence base for its LP describes this as the only landscape in the borough allowing for extensive development with potential for new features to be absorbed with minimal impact, where development is of an appropriate scale, nature and design. On this basis the appellant argued that the development would have a less than significant adverse impact and in time would appear as part of the settlement and the countryside surrounding it.
29. Reference was also made to an update to the LIA which assessed the landscape potential for the development of edge of settlement sites including one beyond the settlement boundary of Tunstead Milton. This indicated that the impact of that development on the landscape would be limited adverse.
30. When the character is assessed on a large scale such as the character type as a whole the magnitude of effect would not be great. However, the landscape in the vicinity of the appeal site is very attractive and the introduction of built form into this sensitive landscape would have a locally significant impact on the character of the countryside. It would also be harmful to the settlement pattern.
31. On this basis I find that the proposed development would be a prominent intrusion into the countryside contrary to Policy H1 of the LP. It would also be contrary to Policies EQ2 and EQ3 of the LP in respect of being detrimental to the character of the local landscape and in failing to protect the intrinsic character and distinctiveness of the landscape. As Policy EQ3 is permissive of new housing development in the open countryside which accords with Policy H1 of the LP and I have found the proposal to be contrary to Policy H1 it follows that it cannot accord with Policy EQ3. I also find conflict with Policy S2 of the LP which aims to maintain and enhance the distinctive character and appearance of smaller villages.

Suitability of the Site for Housing

32. The site forms part of an allocated Local Green Space (LGS) in the CNDP. Policy C1 of the CNDP recognises that LGS are demonstrably special and hold particular local significance. The CNDP confirms that the designation of LGS 6 (Land around Combs Reservoir) was on the basis of the characteristics of wildlife, walking/recreation and tranquillity. Within areas of LGS development will not be permitted except in very special circumstances (VSC).
33. Policy CF4 of the LP also confirms that development that would harm the openness and/or special character of a LGS or its significance and value to the local community will not be permitted unless VSC are demonstrated.
34. Paragraph 76 of the Framework confirms that LGS denotes the special protection of green areas of particular importance to local communities to enable new development to be ruled out other than in VSC. Furthermore, according to paragraph 78 local policy for managing developments within LGS should be consistent with the policy for Green Belts.

¹ The Landscape Character of Derbyshire, Derbyshire County Council.

35. Whether or not the appeal site is more representative of the reasons for designation than other parts of LGS 6 or makes a greater contribution to the purposes of designation as part of the wider LGS does not in my view devalue the designation to which I attach significant weight. The proposed development would result in the direct loss of part of LGS 6 with part of an agricultural field being replaced by housing. The proposed development would result in development on the front of the site creating a visual barrier to existing views across the site thereby causing harm to the openness of the site.
36. The LGS is demonstrably special by virtue of having been formally designated as such through a process which has been examined and endorsed by the CNDP Examiner. The harm to the purposes of designation of LGS would be significant. I therefore find that the proposed development would conflict with Policy C1 of the CNDP and Policy CF4 of the LP and I give substantial weight to this conflict in line with paragraph 78 of the Framework.
37. The appeal site lies outside of the settlement boundary of Tunstead Milton. This boundary has been recently confirmed in the LP. The site is therefore in open countryside.
38. Policy S2 of the LP states that development within High Peak will be directed towards the most sustainable locations in accordance with the settlement hierarchy. This identifies Tunstead Milton as a smaller village where only limited development to meet local rural needs may be acceptable. It also confirms that new development should be focussed within settlement boundaries unless otherwise indicated in the LP. Outside of settlement boundaries development must have an essential need to be in the countryside or comprise affordable housing in accordance with Policies EQ3 and H5.
39. The proposed development is for market housing rather than affordable or local needs housing and therefore contrary to Policy S2. Whilst Policy H1 does not expressly rule out market housing outside of settlement boundaries of smaller villages, as I have found conflict with Policy H1, any suggested discrepancy between Policies S2 and H1 is largely immaterial. Being contrary to Policy S2 also confirms that the proposal is contrary to Policy S1 which indicates that new development should be located in sustainable locations in line with the settlement hierarchy in Policy S2.
40. Policy S3 of the LP addresses strategic housing development, making provision for at least 7,000 dwellings over the period 2011 to 2031. To meet this requirement sufficient land will be identified to accommodate up to 3,549 additional dwellings on new sites. This *'will be met from large sites allocated in Policy H2 and in the Chapel-en-le-Frith Neighbourhood Plan and from small sites which accord with Policy H1 as follows:'*. As the appeal site is not allocated in Policy H2 or in the CNDP it can only comply with Policy S3 if it is a small site which accords with Policy H1 consistent with the qualification provided by Table 4. However, as I have already found that the proposed development would be contrary to Policy H1 of the LP, on this basis it cannot comply with Policy S3.
41. Policy S6 of the LP is concerned with the Central Sub-Area Strategy and supports housing on sites in named built up areas. This does not mean that the policy prohibits development in other locations. However, in the absence of evidence to justify the development of new housing in addition to that on

sustainable sites within the built-up areas of the most sustainable settlements, I find that the proposal is not supported by Policy S6.

42. Policy H1 of the LP addresses the location of housing development. The third part of the policy states that the Council will give consideration to approving sustainable sites outside the defined built up area boundaries, taking into account other policies in the LP and provided that it complies with four listed bullet points. I have already found conflict with the first of these in that the development would not be well related with the existing pattern of development and surrounding land uses and conflict with the second as the development would lead to a prominent intrusion into the countryside.
43. During the Examination of the LP Policy H1 was modified to allow for the development of appropriate windfall sites adjacent to built up area boundaries whether or not there is a five-year supply of housing in order to ensure that the LP's overall housing strategy could be achieved. However, as I have found conflict with other parts of this policy the flexibility which it allows in respect of development outside settlement boundaries is immaterial.
44. My attention was drawn to the High Court decision in the Crane case² which like the current appeal addressed the situation where a neighbourhood plan did not consider large windfall sites. In the CNDP Policy H1 allocates sites for a minimum number of new homes whilst Policy H2 addresses smaller sites, being fewer than six units. The appeal site is not allocated within Policy H1 of the CNDP and does not meet the criteria for Policy H2. However, these policies do not expressly rule out development beyond their scope but the CNDP does not make provision for larger windfall sites. Nevertheless, when Policies H1 and H2 of the CNDP are read alongside Policy H1 of the LP which sets out how applications on non-allocated sites should be addressed there is a clear strategy with respect to larger windfall sites. As I have found, there would be conflict with the housing policies of the development plan when read as a whole and I attach substantial weight to this conflict.
45. I therefore find that the appeal site would not provide an appropriate location for housing and therefore the proposed development would be contrary to, or not supported by Policies S2, S3, S6, H1 and H2 of the LP and Policies H1 and H2 of the CNDP.

Other Matters

46. The appellant drew my attention to a number of decisions made by the local planning authority, other appeal decisions elsewhere within the Borough and appeal decisions from further afield. I have had regard to them in reaching my decision, including any possible relevance to the planning balance which I consider below, but none are of such materiality to alter my findings about the proposed development.

The Planning Balance

47. I have found that the proposals are not in accordance with the development plan because they are in conflict with, or not supported by, Policies S2, S3, S6, EQ2, EQ3, H1, H2 and CF4 of the LP and Policies H1, H2 and C1 of the CNDP.

² Crane v Secretary of State for Communities and Local Government, Harborough District Council [2015] EWHC 425 (Admin)

48. The appellant has argued that the Council cannot currently demonstrate a five year supply of deliverable housing sites. This is disputed by the Council. Paragraph 49 of the Framework states that in the absence of a five year supply relevant policies for the supply of housing should not be considered up-to-date.
49. In these circumstances paragraph 14 states that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole, or specific policies in the Framework indicate that development should be restricted.
50. Footnote 9 of the Framework identifies the type of specific policies which would mean that paragraph 14 was not engaged and LGS is explicitly referenced. On this basis paragraph 14 would not be engaged in this case.
51. Policy CF4 of the LP states that in order to outweigh the harm to openness and/or the special character of LGS arising from development it must be demonstrated that VSC exists. Policy C1 of the CNDP also confirms that development will only be allowed in the context of VSC. VSC will occur if the benefits of the development and any other considerations in its favour clearly outweigh any harm that would be caused to the LGS and any other harm.
52. In support of VSC the appellant firstly argued that there were shortcomings in the consultation process and particularly the notification of the landowner of the proposed inclusion of the appeal site within the LGS designation. Moreover, it was claimed that these flaws in the designation of the appeal site as LGS 6 are highly material in determining the weight to be attributed to various factors in the VSC assessment in the circumstances of this case. It was further argued with reference to two legal authorities (ID26 and ID27) that the flaws in the process of designating the appeal site as LGS 6 call into question whether the site should or would ever have been included within LGS 6 if the proper process had been followed. This would affect the weight attached to the extent of any harm or benefits from development on the appeal site.
53. It is clear from the report of the CNDP Examiner and the Consultation Report (ID8) that an extensive consultation exercise was undertaken with which the appellant could have engaged. Irrespective of whether or not he was specifically consulted as the landowner regarding the designation of his land as LGS, I have had regard to the fact that the CNDP is a recently made neighbourhood plan which complies with the advice in paragraph 184 of the Framework. Consequently I attach full weight to the designation of LGS 6 and Policy C1 of the CNDP.
54. The appellant also argued that VSC was demonstrated by a lack of any, or at least any significant harm to the reasons for the designation of the LGS. Even if I were to accept the case that the wildlife, walking/recreational and tranquillity qualities of the appeal site were not as great as the rest of LGS 6 and therefore development would be less harmful than in more sensitive parts of the LGS the absence of harm would at best have a neutral effect rather than a beneficial one.
55. The lack of any other significant harm including in terms of harm to the landscape was also identified as an element of VSC. However, as set out above I have found that the proposed development would adversely affect the

character and appearance of the area and therefore cannot be considered as VSC.

56. It was also argued that the benefits of the development in relation to the reasons for designation as well as other benefits were positive and significant and constituted VSC. Granting permission would result in biodiversity and ecological enhancements with habitats of greater species and structural diversity than are currently present being created and maintained. These would be secured in perpetuity through the provisions of the Section 106 agreement. Biodiversity enhancements would be expected to be provided in line with Policies EQ8 and EQ9 of the LP which address green infrastructure, trees and hedgerows. Nevertheless, notwithstanding the development on the front part of the site I consider these enhancements, together with additional hedgerow and tree planting to be more than simply mitigation and I regard them as moderate benefits.
57. The proposals would also introduce a degree of public access to the site which would enhance the recreational value of the LGS. However, extensive public access to a nature reserve would be harmful. Furthermore, the site would not necessarily be more beneficial as public open space than it is at present in providing passive recreational benefits. Whilst the open space would provide an opportunity for walking, recreation and incidental social meetings there are many other opportunities for such activities locally and therefore the benefit of the proposal in this regard would be limited.
58. The benefits of housing delivery in terms of New Homes Bonus, Council Tax receipts and the economic boost which housing brings would attach to all housing proposals and therefore are not particularly special. The contribution of family sized houses to support the local community through sustaining services is a minimal benefit. As there is no requirement for additional market housing across the Borough during the plan period it is of limited consequence. Even if there was a shortage, the provision of six dwellings would not be significant in the context of paragraph 47 of the Framework. Similarly the provision of two of the houses as live/work units would at best be a very minimal benefit overall.
59. The Section 106 agreement provides for a contribution to affordable housing but this can be seen as necessary to make the scheme acceptable in planning terms. Having found that the proposed development would be harmful to the character of the area the claim that the appeal site would develop the only deliverable infill plot within the settlement also falls away.
60. The appellant proposed that the new houses would achieve energy efficiency standards equivalent to the Code for Sustainable Homes Level 5, thereby exceeding mandatory requirements. In the light of the Written Ministerial Statement of March 2015 I am not convinced that this could be enforced but even if the standard was achieved the overall benefits would be limited.
61. The proposed development would provide for a new dedicated footway along the frontage of the appeal site as far east as the existing bus stop. A footway on the northern side of the road provides reasonable local access and therefore the need for the new footway is largely generated by the proposed development and so would be of limited benefit.

62. I find that together, the benefits outlined above would not amount to the VSC required to outweigh the substantial harm arising from development on the LGS and therefore the conflict with Policy CF4 of the LP and Policy C1 of the CNDP. As paragraph 78 of the Framework states that local policy for managing development within a LGS should be consistent with policy for Green Belts and the CNDP is consistent with the Framework I also find conflict with the Framework.
63. The appellant argued that even if I were to find that paragraph 14 is not re-engaged because VSC have not been demonstrated it would still be possible for permission to be granted on the basis that the lack of a five year housing land supply amounted to other material considerations which justified a decision contrary to the development plan.
64. Even if I was to assume that the Council does not have a five year supply of housing sites or a three year supply in the context of the Written Ministerial Statement of December 2016 my conclusion in respect of the applicability of paragraph 14 would not be different. As the appeal site is LGS, in the absence of VSC to outweigh the harm to the LGS paragraph 14 is not engaged.
65. Accordingly I find that the benefits of the proposal do not outweigh the conflicts with the development plan policies to which I attach full weight.

Conclusion

66. For the reasons set out above, and having taken into account all matters presented in evidence and raised at the inquiry, I conclude the appeal should be dismissed.

Kevin Gleeson

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

Giles Cannock, of Counsel

Kings Chambers, instructed by
Nicola de Bruin, Solicitor
High Peak Borough Council

He called:
Gerald Massie,
Robert White,

Keppie Massie
White Peak Planning

FOR THE APPELLANT

John Hunter, of Counsel,

Kings Chambers, instructed by
Rawdon Gascoigne, Emery Planning

He called:
Ben Pycroft,
Lynn Jones,
Una Maginn,
Rawdon Gascoigne,

Emery Planning
Emery Planning
Avian Ecology
Emery Planning

INTERESTED PERSONS

Nigel McGurk

Erimax – Land, Planning and Communities
on behalf of Chapel-en-le-Frith Parish
Council

DOCUMENTS

- ID1. Representation from John and Veronica Saunders, local residents.
- ID2. Site Visit Plan, submitted by the Council.
- ID3. Letter from the Government Legal Department re Richborough Estates Limited and Others v SSCLG, dated 20 January 2017, submitted by the Council.
- ID4. Chart showing Indicative Lead in Times for Development, submitted by the Council.
- ID5. Appendices to Statement, submitted by Mr. McGurk.
- ID6. Opening Submission of the Local Planning Authority.
- ID7. Notice of Application for Costs, submitted by the Appellant.
- ID8. Chapel-en-le-Frith Parish Neighbourhood Development Plan Consultation Statement, submitted by the Appellant.

- ID9. Email regarding Update in the Chapel Parish Neighbourhood Plan, originally dated 24 February 2015, submitted by the Appellant.
- ID10. Cheshire West and Chester Borough Council v SSCLG and Others, submitted by the Appellant.
- ID11. Submissions re Neighbourhood Planning, submitted by the Council.
- ID12. Email from the Council's Executive Director – Regeneration re Granby Road, dated 9 February 2017, submitted by the Council.
- ID13. Response to Inspector's Question re Mr Massie's Proof Tables 8.1 and 8.2, submitted by the Council.
- ID14. Background Material re Waterswallows and Fairfield Link Road, submitted by the Council.
- ID15. Draft CIL Regulation 122 and the Framework paragraph 204 tests for Section 106 Agreement, submitted by the Council
- ID16. Sustainability Appraisal of Potential Housing Sites, submitted by the Council.
- ID17. Table of Disputed Sites at 14 February 2017, submitted by the Appellant.
- ID18. High Peak Local Plan Policies Map, Buxton and Central Area South, submitted by the Council.
- ID19. Updated schedule of Draft Conditions, submitted by the Council.
- ID20. Environment Agency Reservoir Flood Map: Combs Reservoir Inundation Zone, submitted by the Council.
- ID21. Witten Ministerial Statement re Plan Making dated 25 March 2015, submitted by the Council.
- ID22. Further Information Relating to Disputed Site 05: Waterswallows, Buxton, submitted by the Council.
- ID23. Signed and Dated Section 106 Agreement, submitted by the Appellant.
- ID24. Closing Submission of the Local Planning Authority.
- ID25. Closing Submissions on behalf of the Appellant.
- ID26. Delaney v Secretary of State for Communities and Local Government [2013] EWCA Civ 585, submitted by the Appellant.
- ID27. R (Leckhampton Green Land Action Group Limited) v Tewkesbury Borough Council [2017] EWHC 198 (Admin) submitted by the Appellant.