



Department for
Communities and
Local Government

Our ref: APP/N2535/W/16/3152022

James Rigby
Globe Consultants Limited
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Greestone Place
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LN2 1PP

06 July 2017

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY JACKSON & JACKSON DEVELOPMENTS LTD
LAND OFF WEIR FARM PADDOCK, SCOTHERN, LINCS, LN2 2XD
APPLICATION REF: 133708**

1. I am directed by the Secretary of State to say that consideration has been given to the report of John Felgate BA(Hons) MA MRTPI who held a hearing on 25 October 2016 into your client's appeal against the decision of West Lindsey District Council ("the Council") to refuse planning permission for your client's application for outline planning permission for the erection of 36 dwellings including provision for 9 affordable homes with all matters reserved except for access, in accordance with application ref: 133708, dated 6 November 2015.
2. On 19 October 2016, this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that planning permission be granted subject to conditions.
4. For the reasons given below, the Secretary of State disagrees with the Inspector's conclusions, except where stated, and disagrees with the Inspector's recommendation. He has decided to dismiss the appeal and refuse planning permission. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Matters arising since the close of the inquiry

5. On 15 February 2017 the Secretary of State wrote to the main parties to afford them an opportunity to comment on the fact that the Scothern Neighbourhood Development Plan (SNDP) had been formally "made" and on the publication of the Proposed Main Modifications to the emerging Central Lincolnshire Local Plan (CLLP). You submitted

representations on behalf of your client on 13 March 2017 and representations were also received from Scothern Parish Council dated 12 March 2017. These were circulated to the main parties on 17 March 2017; and a response from the Council dated 23 March 2017 was circulated on 28 March 2017. The Secretary of State wrote again to the main parties on 13 April 2017 to afford them an opportunity to comment on the publication of the final Inspector's Report on the CLLP. You submitted representations on behalf of your client dated 25 April 2017, and representations were also received from the Council and Scothern Parish Council, both dated 25 April 2017. These were all circulated to the main parties on 4 May 2017.

6. The Secretary of State received a further representation from Scothern Parish Council on 16 May 2017, but he is satisfied that no further issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties.
7. Copies of all the correspondence referred to above may be obtained on written request to the address at the foot of the first page of this letter.

Policy and statutory considerations

8. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
9. In this case the development plan consists of the CLLP, adopted on 24 April 2017, and the SNDP, made on 23 January 2017. The Secretary of State considers that the development plan policies of most relevance to this case are CLLP policies LP2, 3 and 4 and SNDP policies S1 and H1.
10. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance') and the final Report by the CLLP Examining Inspectors.

Main issues

11. The Secretary of State agrees with the Inspector that the main issues are those set out at IR123.

The 5-year housing land supply

12. As the final Examining Inspectors' Report into the CLLP has been published and the CLLP has been adopted since the hearing into the appeal closed, the Secretary of State has given very careful consideration to that Report and to the responses received from the parties to this appeal as described in paragraph 5 above. In particular, he has taken account of the conclusion in paragraph 228 of that Report that, although there is a five-year housing requirement of 10,141 (2,028dpa), there is a good prospect of an up-to-date supply of specific deliverable sites sufficient to provide five years' worth of housing against the requirements of the plan upon adoption. On that basis, the Secretary of State is satisfied that there is a five year housing land supply across the CLLP area, and so he gives no weight to the appeal Inspector's conclusions on the 5 year housing land supply as set out at IR124-132 or the relationship with the now superseded West Lindsey local plan (IR133-138).

Compatibility with policies for the scale and location of development

13. The Secretary of State notes that the appeal Inspector considered that the scheme would conflict with Policies LP2 and LP4 of what was then the emerging CLLP, as it would exceed the proposed size limit for individual developments in a Medium Village (which is what Scothern would become); and that the proposed 10% growth limit in Medium Villages had already been exceeded (IR139). As the CLLP has now been adopted, the Secretary of State considers that adopted Policies LP2 and LP4 should both be given full weight as should the conflict with them; but he agrees with the Inspector (IR142) that any conflict with Policy LP3 would be insignificant and so he gives it less weight.
14. The Secretary of State has gone on to consider whether there is any conflict between the appeal scheme and the SNDP (IR143-146). He notes that the appeal site lies outside the SNDP area, so that it is not one of those identified in policy H1. He also notes the Inspector's argument at IR144 about Policy S1 not implying a presumption against development on unallocated sites. However, having regard to the conclusion in paragraph 12 above on the adequacy of the overall housing land supply position, the Secretary of State gives little weight to that argument.
15. Overall, therefore, the Secretary of State concludes that the appeal scheme would be in conflict with the adopted CLLP and the made SNDP. He has therefore gone on to consider whether there are any material considerations which might outweigh this.

Effects on local services and community vitality

16. The Secretary of State has carefully considered the Inspector's reasoning and conclusions on the adequacy of existing local facilities and services (IR152-157); the development's effects on local facilities and services (IR158-166); and the effects on community vitality and cohesion (IR167-172). The Secretary of State agrees with the Inspector that there is no evidence to support a refusal of planning permission based on any issues with regard to the availability of local services or the effects on such services or on the rural community life in Scothern. He agrees with the Inspector that, if the development were to have any noticeable effect at all in these respects, that would be beneficial in terms of providing support for local community groups (IR173), a factor to which he give moderate weight in favour of the scheme.

Other matters

17. For the reasons given at IR174-176, the Secretary of State agrees with the Inspector that development of the scale now proposed would not appear intrusive in the landscape; that there is no evidence that the development would give rise to any adverse traffic impacts; and that the proposed drainage system is a matter which can be secured by condition. He further agrees with the Inspector that the addition of 36 dwellings, 9 of which would be affordable, would be beneficial, both socially and economically, and that there would be economic benefits in supporting rural communities and building a strong, competitive national economy (IR177-178).
18. The Secretary of State has also taken account of the Inspector's consideration at IR179 of the previous Inspector's objection on grounds of character and appearance. He agrees with the current Inspector that such concerns could be dealt with satisfactorily at the detailed design stage, but he also agrees with the current Inspector that planning circumstances have changed since that earlier decision. Indeed, as set out above, the

proposed development would be in conflict with both the adopted CLLP and the made SDNP.

Planning conditions

19. The Secretary of State has given consideration to the Inspector's analysis at IR115-122, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 206 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 206 of the Framework. However, he does not consider that the imposition of these conditions would overcome his reasons for dismissing this appeal and refusing planning permission.

Planning obligations

20. Having had regard to the Inspector's analysis at IR113-114, paragraphs 203-205 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010 as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given in IR113 that the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 204 of the Framework, and would be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. However, the Secretary of State does not consider that the obligation overcomes his reasons for dismissing this appeal and refusing planning permission.

Planning balance and overall conclusion

21. For the reasons given above, the Secretary of State considers that the appeal scheme is not in accordance with Policies LP2, LP3 and LP4 of the CLLP or policies H1 and S1 of the SDNP and is not in accordance with the development plan overall. Nevertheless the Secretary of State has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.

22. The Framework establishes that the purpose of the planning system is to contribute to the achievement of sustainable development, which includes economic, social and environmental dimensions. In this appeal there would be social and economic benefits from the addition of 36 dwellings, 9 of which would be affordable; and further economic benefits in supporting rural communities and building a strong, competitive national economy. These factors attract significant weight in favour of the proposal.

23. Overall, however, the Secretary of State is satisfied that, as the Council can now demonstrate a 5 year housing land supply, the appeal scheme would conflict with the development plan as a whole and, taking account of paragraph 198 of the Framework, the Secretary of State concludes that the weight to be given to the material considerations considered at paragraphs 16 and 17 above is insufficient to indicate that permission should be granted.

Formal decision

24. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses planning permission for outline planning permission for the erection of 36 dwellings

including provision for 9 affordable homes, with all matters reserved except for access, in accordance with application ref: 133708, dated 6 November 2015.

Right to challenge the decision

25. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.
26. Copies of this letter have been sent to West Lindsey District Council and Scothern Parish Council, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Jean Nowak

Authorised by Secretary of State to sign in that behalf

Report to the Secretary of State for Communities and Local Government

by John Felgate BA(Hons) MA MRTPI

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

Date: 18 January 2017

TOWN & COUNTRY PLANNING ACT 1990

WEST LINDSEY DISTRICT COUNCIL

APPEAL BY:

JACKSON & JACKSON DEVELOPMENTS LTD

Hearing held on 25 October 2016

Land off Weir Farm Paddock, Scothern, Lincs LN2 2XD

File Ref: APP/N2535/W/16/3152022

File Ref: APP/N2535/W/16/3152022

Land off Weir Farm Paddock, Scothern, Lincs LN2 2XD

- 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 Jackson & Jackson Developments Ltd against the decision of West Lindsey District Council.
- The application Ref 133708, dated 6 November 2015, was refused by notice dated 3 June 2016.
- The development proposed is "erection of 36 dwellings including provision for 9 affordable homes".

Summary of Recommendation:

That planning permission be granted subject to conditions

Procedural Matters

1. The application sought outline planning permission with all matters reserved except for access. In so far as the submitted plans include details relating to appearance, landscaping, layout, or scale, it is agreed that these are illustrative.
2. A Section 106 agreement has been entered into by the relevant parties, including the District Council and Lincolnshire County Council. The agreement provides for affordable housing and an education contribution.
3. The appeal was initially to be determined under the written representations procedure, as requested by both the main parties. On 26 August the Planning Inspectorate notified the parties that the procedure would be changed to a hearing, because it was considered that there would be a need for some of the evidence to be tested through questioning by the appointed Inspector.
4. On 19 October 2016, the Secretary of State directed that the appeal was to be recovered for his own determination. The reason for this Direction was that the appeal involved a proposal for residential development of over 25 units in an area where a qualifying body had submitted a proposal for a neighbourhood plan.
5. The hearing sat for one day, on 25 October 2016. I conducted unaccompanied site visits on 24 and 25 October 2016. It was agreed at the hearing that no accompanied visit was needed.
6. In November 2016, after the close of the hearing, the Examiner's Report on the Scothern Neighbourhood Plan (SNP) was issued¹. An opportunity was provided for further written representations on this document.
7. At about the same time, the judgement of the High Court was issued in the case of *Shropshire Council v SoS for Communities & Local Government, BDW Trading Ltd and Others [2016] EWHC 2733 (Admin)*². A further opportunity was provided for written comments in the light of this judgement.
8. On 12 December 2016, the Minister of State for Housing and Planning issued a Written Ministerial Statement (WMS) relating to neighbourhood planning. The parties were again invited to comment on any matters arising from this statement.

¹ Doc. 6: SNP Examiner's 'fact check' report, issued 4 November 2016; and Doc. 9: final report, issued 7 November

² Doc. 14: Shropshire Council judgement

The Site and Surroundings

9. Scothern is a village with a current population of around 900³, set within gently undulating farmland, about 3 miles (5km) by road from the edge of Lincoln. It has a primary school (the Ellison Boulters Academy), a village hall, the 'Bottle & Glass' public house, two churches, a garden centre, and a recreation ground with football and cricket pitches and a tennis court. Bus services run to Lincoln and other nearby service centres.
10. The appeal site is a roughly rectangular field of just under 2 hectares, on the village's northern edge. Its three outer boundaries are enclosed by trees, hedges and woodland. The land slopes slightly upwards away from the village⁴.
11. On its southern boundary, the site adjoins two existing cul-de-sacs, Weir Farm Paddock and Lime Tree Paddock. To the west is the village playing field. To the east, and beyond the small woodland to the north, are arable fields.
12. Vehicular and pedestrian access is available from Weir Farm Paddock. The existing cul-de-sac is laid out to modern highway standards, with a 5.5m carriageway, radiused kerbs, and footways on either side.
13. A public footpath crosses the site, from the south-west corner to the northern boundary. The present alignment departs slightly from the route marked on the definitive map, but its entry and exit points are correct. The path continues through the woodland, connecting with a wider network of local footpaths beyond.

Planning History

14. A previous appeal relating to the same site was dismissed in March 2016⁵. The proposal on that occasion was for full detailed permission for 33 dwellings, plus outline permission for a further 2 self-build plots.
15. The inspector considered that the main issue was whether the scheme constituted sustainable development, having regard to: the effects on character and appearance; the availability of local services and infrastructure; and the effects on best and most versatile agricultural land.
16. In concluding on these issues, the inspector found that the appeal site was a suitable location for housing, having regard for the availability of local services, and would not have a significant adverse impact on local infrastructure, subject to the mitigation proposed in the submitted undertaking. He also found no conflict with any policies for the protection of agricultural land.
17. However, the inspector found that the design and scale of some of the proposed dwellings would be out of keeping with the village, detracting from its character and appearance, and on this basis he concluded that the development would not be sustainable.

³ In the 2011 Census, the parish population was 860

⁴ Photographs of the site can be seen at Doc. No 5

⁵ APP/N2535/W/15/3138200; appellants' Statement of Case (Sept 2016) - Appendix 2

Planning Policy

The West Lindsey Local Plan First Review (WLLP), adopted June 2006

18. At the date of completing this report, the Development Plan comprises the saved policies of the WLLP.
19. Policy STRAT 3 defines a settlement hierarchy, the purpose of which is stated to be to ensure that developments are appropriately located. Scothern is identified as a Primary Rural Settlement, in the hierarchy's second tier. Such settlements are described as *"key service centres, meeting most of residents' day to day needs, and of those villages in its rural hinterland"*. The appeal site is adjacent to, but outside, the defined settlement boundary⁶.
20. The Council's refusal reason relies on Policies STRAT 9 and STRAT 12. Policy STRAT 9 sets out a sequential approach to the release of land for housing, prioritising previously developed land (categories A-C), then greenfield land which provides for economic regeneration (category D), and lastly other greenfield sites (E). The policy goes on to state that decisions will have regard to the land supply situation, and the need for a balance between greenfield and brownfield sites.
21. Policy STRAT 12 provides that development outside of settlements will not be permitted, except for certain limited exceptions, none of which are relevant to this appeal. Paragraph A96 of the supporting text states that the purpose of the policy is to conserve the open countryside for, amongst other things, its beauty, its landscape, its natural resources and its biodiversity.
22. At the hearing, my attention was also drawn by other parties to various other WLLP policies. Amongst these, Policy NBE 10 gives high priority to conserving the district's landscapes, and their character and amenity value. And Policy NBE 20 seeks to protect the rural character of the edges of settlements, and to ensure that development in such locations respects and maintains their existing character and appearance.

The emerging Central Lincolnshire Local Plan (CLLP), submission draft April 2016

23. The draft CLLP is a joint local plan covering the districts of West Lindsey and North Kesteven, and the City of Lincoln. The plan was submitted in June 2016. As at the date of the present hearing, the examination was in progress, but the examination has subsequently closed⁷, and the Examining Inspectors' report is awaited.
24. Draft Policy LP2 sets out the proposed spatial strategy and settlement hierarchy. Scothern is proposed to be classified as a Medium Village, which is the fifth tier of the hierarchy. Medium Villages are to accommodate a limited amount of development, to support their function or sustainability. Typically, developments will be up to 9 dwellings, or exceptionally up to 25 dwellings where justified by local circumstances.

⁶ Doc. 4: WLLP Proposals Map

⁷ Doc. 23: Council's email dated 16 December 2016

25. Draft Policy LP3 sets out the proposed levels and broad distribution of growth for the period to 2036. About 88% of the new development required is proposed to go to the three largest towns, with the remaining 12% spread between the smaller settlements including Scothern.
26. Draft Policy LP4 states that most Medium and Small Villages (categories 5 and 6), including Scothern, will be permitted to grow by 10% over the plan period (2012-36). The policy goes on to state that cumulative development above this level will require evidence of support from the local community.
27. The draft CLLP does not propose any settlement boundaries.
28. Policies LP 2, 3 and 4 are subject to unresolved objections, including objections made by the present appellants⁸.

The emerging Scothern Neighbourhood Plan (SNP), July 2016

29. The draft SNP was submitted for examination in September 2016. The Examiner's report has now been published⁹, and the recommended modifications have been accepted by the Parish's plan-making body¹⁰. A local referendum is scheduled for 19 January 2017¹¹.
30. The plan's aims are to retain the village's distinctiveness and high quality environment; to meet the housing needs of current and future residents; and to sustain a thriving community.
31. Draft Policy S1, as modified, requires all development to be focussed within the built up area. The plan does not define a settlement boundary, but the supporting text states that the built up area is defined as the village's continuous built form.
32. Draft Policy H1 allocates three sites for housing, with a stated total capacity of 71 dwellings. The supporting text notes that all of these sites now have planning permission¹².

The Appeal Proposal

33. The present proposal differs from the previous appeal in that all detailed matters, except access, are reserved. The proposed access would pass through the existing turning head and parking area in Weir Farm Paddock. It would require some minor alterations to the existing highway layout, primarily relating to footways, kerbing and road markings¹³. These details are not objected to by the Highway Authority or others.
34. The illustrative Block Plan and Scale Parameters Plan show how a development of 36 dwellings, comprising 1 and 2-storey houses, might be accommodated on the site. The dwellings are shown grouped around a central landscaped pond, which would serve to attenuate surface water drainage flows. The

⁸ Appellants' Statement of Case (Sept 2016) - Appendices 8 and 9: objections to draft CLLP policies

⁹ Doc. 9: SNP Examiner's final report

¹⁰ Doc 23: Council's email dated 16 December 2016; and Doc. 25: SNP incorporating Examiner's modifications, Dec 2016

¹¹ Doc.19 (notice of local referendum)

¹² At the time of my site visit, development at the Heath Road site (30 units) was under way; the other allocated sites were not started

¹³ Drawing No. SCP/14942/001 (Appendix 5 to the Transport Statement): proposed site access

suggested layout would also preserve a footpath route through the site, roughly along the line of the designated public footpath.

Agreed Matters

35. The Statement of Common Ground confirms that the Council takes no issue with regard to drainage and flood risk, highway and traffic matters, ecology and protected species, archaeology, residential amenity, or any effects on public rights of way.
36. In its submissions at the hearing, it was also confirmed that the Council takes no issue with regard to any impacts on the character or appearance of the settlement, or of the surrounding countryside or landscape, or with regard to the loss of agricultural land.
37. Some of these issues are however raised in the submissions of other interested parties, and I have addressed them accordingly.

The Case for the Appellants

The appeal site's suitability for development

38. The appellants argue that the appeal site is a good location for the proposed development. The site is within easy walking distance from all of the main facilities within Scothern, including the primary school, village hall, playing field, churches and pub. It is also within cycling distance, or a short bus ride, from a choice of convenience shops, doctors' surgeries, and employment opportunities, which are available in the neighbouring villages of Nettleham, Welton, Dunholme and Sudbrooke, or on the fringes of Lincoln¹⁴. Welton is also the location of the William Farr Secondary School.
39. Bus services on route no 11/11A, connecting Scothern with Nettleham, Welton and Lincoln, run hourly throughout the day, from 06.45. Services linking with other villages also pass through Scothern daily, albeit less frequently. The bus stop in Main Road is convenient for the appeal site¹⁵.
40. The site benefits from a strong existing landscape framework to its outer boundaries, which could be retained and reinforced if necessary. Consequently it is well screened from inward views.
41. The Inspector in the previous appeal found the site suitable for development, and supported that scheme in principle, although not the detailed design as then proposed.

The merits of the scheme

42. In the appellants' view, the Inspector's concerns regarding the previous scheme were centred on certain specific plots and proposed units, and in particular their height, scale and roof forms. It is contended that the present outline proposal overcomes these concerns, by showing how the site could be developed using only one-and two-storey buildings, including 'dormer bungalows', of more modest proportions¹⁶.

¹⁴ Appellants' Statement of Case, paras 5.6.2 – 5.6.6

¹⁵ Appellants' Statement of Case, para 5.6.8

¹⁶ Appellants' Statement of Case, paras 6.0.1 – 6.0.7; and Appendices 3 and 4 (application correspondence); and Appendix 5 (Integrated Planning Statement); and illustrative plans Nos 8001, 8100 and 2220A

43. These types of dwellings could be sympathetically designed, using local vernacular styles, and traditional design features. The individual building heights could be kept to less than 8.1m for the 2-storey houses, and no more than about 6.2m for those with a single-storey.
44. It is also stated that the illustrative plans show how the development could be laid out to create an attractive and high quality residential environment, respecting the local context. In this way, it would enhance the village's character, by creating a sympathetic transition from the existing low-rise development and presenting a soft edge to the countryside.
45. The existing public footpath could be accommodated, without the need for any diversion.

Housing land supply

46. The appellants submit that the Council's assessment of housing land supply is based on figures which have yet to be tested in the CLLP Examination¹⁷. Although the Council's 'objectively assessed need' figure has some regard to the Strategic Housing Market Assessment (SHMA) published in July 2015¹⁸, the actual figure chosen by the Council is towards the lower end of the range suggested in that document¹⁹. In any event, the housing requirement figure also needs to be considered against alternative economic projections and the duty to co-operate with neighbouring authorities.
47. Furthermore, the 20% buffer should be applied to the backlog as well as the basic requirement figure. This adjustment alone would add around 570 dwellings to the requirement, pushing it well above 12,600²⁰.
48. On the supply side, a large proportion of the sites do not have planning permission and are dependent on draft allocations in the emerging CLLP. Their deliverability is therefore open to question²¹. This especially applies to those that are still subject to unresolved objections, understood to be around 1,830 dwellings²². In particular, the appellants voice doubts about the proposed Sustainable Urban Extensions and other strategic sites²³.
49. The relevant CLLP policies are subject to objections, not only by the present appellants but also from many others²⁴. In the case of draft Policy LP3, which proposes to set the level and distribution of housing growth, there were a total of 112 objections at the previous consultation stage in October/November 2015, and a further 44 at the submission draft stage in May 2016. The Inspectors' note in September 2016 raises a large number of questions that are relevant in this context²⁵. In particular, attention is drawn to Matters 2-6, dealing with objectively assessed housing needs, the spatial strategy and housing distribution, proposed housing allocations and land supply.

¹⁷ Appellants' Statement of Case, paras 5.2.6 – 5.2.10

¹⁸ Doc. 17 (the SHMA)

¹⁹ Doc. 16 (Appellants' letter dated 7 December 2016)

²⁰ Oral submissions at the hearing

²¹ Appellants' Appendix 6 (legal opinion)

²² Oral submissions at the hearing

²³ Doc. 16 (Appellants' letter dated 7 December 2016)

²⁴ Appellants' Statement of Case, paras 5.2.14 – 5.2.15 and Appendices 8 and 9 (objections to CLLP)

²⁵ Appellants' Statement of Case, Appendix 25 (Inspectors' list of Matters, Issues and Questions, Sept 2016)

50. The appellants contend that where the requirement figure has not yet been established through the Local Plan process, the weight that is given to it should take account of the quality of the evidence base, the stage that the local plan has reached, and the number and nature of any objections. In this context, attention is drawn to relevant advice in the Planning Practice Guidance (PPG)²⁶, and to the *Wainhomes* judgement²⁷. In the latter case, the Court held that where sites did not benefit from planning permission, and in the absence of other compelling evidence, it was not safe to assume that all such sites would be deliverable.
51. A series of other appeal decisions, spanning the last 12 months, have all found that the Central Lincolnshire area does not have a 5-year land supply²⁸.
52. Overall, it is argued that no robust evidence has been produced to support the Council's land supply assessments. As the CLLP examination progresses, and more detailed evidence is brought forward, the appellants suggest it is likely that the housing requirement will increase, and the deliverable supply will reduce. An adequate 5-year supply has therefore not been demonstrated.

Policy considerations

53. In the light of their submissions as to the lack of a 5-year supply, and having regard to paragraph 49 of the National Planning Policy Framework (the NPPF), the appellants contend that the housing supply policies of the adopted WLLP are out of date, and carry limited weight. These include Policies STRAT 9 and 12, and the plan's spatial strategy. Similar conclusions have been drawn by other inspectors in many of the appeals referred to above²⁹.
54. In any event, the appellants point out that the WLLP has reached the end of its intended plan period, which was to 2016. The plan does not address any development requirements arising after that date, and there is therefore a need to look outside the settlement boundaries as currently defined, if the present and future needs are to be met. Policies STRAT 9 and 12 imply a degree of blanket protection which in these circumstances is not compatible with meeting housing needs. On this basis, the appellants contend that the adopted plan is out of date and inconsistent with the NPPF, irrespective of the current housing land supply position.
55. With regard to the CLLP, in addition to their reservations about housing supply matters, the appellants have made objections to Policies LP2 and LP4, regarding the spatial strategy, housing distribution, and growth levels in villages³⁰. In their view, these objections raise valid questions as to whether the draft policies are consistent with the NPPF, and whether they will be effective in delivering sufficient new housing. If there is not an adequate land supply in the district, it cannot be reasonable to put an arbitrary limit on growth in sustainable locations such as Scothern, as proposed in Policy LP4.

²⁶ PPG 3-030-20140306

²⁷ Appellants' Statement of Case, paras 5.2.10 – 5.2.14; and Appendix 7 (*Wainhomes SW Holdings v SoS* [2013] EWHC 597 (Admin))

²⁸ Appellants' Appendices nos 10 -14, 18, 19, 21, 26 and 27; and Docs 1 and 2

²⁹ As in Footnote 19

³⁰ Appellants' Appendices 8 and (objections to the CLLP)

56. Draft CLLP Policy LP2 is also subject to a large number of other unresolved objections by other parties³¹. All of these objections to Policies LP2 and 4 remain to be considered by the Examining Inspectors. Having regard to NPPF paragraph 216 therefore, these CLLP policies should carry limited weight.
57. Regarding the emerging Neighbourhood Plan, the draft SNP has been examined for conformity primarily against the adopted WLLP, because the emerging CLLP is not yet part of the development plan. In the appellants' submission, if the WLLP is out of date, so must be the SNP. In any event, under NPPF paragraph 49, the SNP's housing policies cannot be up to date if there is not a proven 5-year land supply. These housing policies include Policies S1 and H1. Consequently, limited weight can be attached to these policies.
58. All of the sites allocated in Policy H1 already had planning permission before the Neighbourhood Plan completed its consultation stages. Furthermore, none of the SNP policies defines the approach to be taken to windfall sites, and so the plan does not provide any means of making up a housing shortfall. This further undermines its credibility, and the weight that it can command. But notwithstanding this, both S1 and H1 are primarily permissive, and neither policy rules out development on additional sites such as the appeal site.
59. The principle that even a brand new neighbourhood plan can be out of date as soon as it is made, if it is not based on an up-to-date local plan, has been established in High Court judgements, including the *Woodcock* and *Richborough* cases³². Various SoS appeal decisions have also established that conflict with a neighbourhood plan is not necessarily decisive, where there is an unmet housing need³³.
60. The WMS of December 2016 is noted, but it conflicts with NPPF paragraph 49, in terms of the requirement for a 5-year supply, and with the NPPF aim of boosting housing supply. In addition, the WMS has not been subject to any public consultation. In the appellants' view these shortcomings render the WMS unlawful and vulnerable to legal challenge³⁴.
61. In any event, the SNP is not yet made, and therefore cannot carry full weight.

Benefits and other effects of the proposed development

62. The appellants contend there is no evidence that the development would exceed the capacity of local services, or harm community vitality. Rather, it would help to support the viability of local enterprises. A letter from the proprietor of the local pub supports this view³⁵.
63. The development would also help to meet the District's unmet housing needs, including the provision of 9 units of affordable housing. Letters from potential purchasers and local estate agents confirm that the development would find a ready market³⁶.

³¹ Appellants' Statement of Case, para 5.2.15

³² Appellants' Appendices 28 and 29 (*Woodcock Holdings and Richborough Estates* judgements)

³³ Appellants' Appendices 20 and 30 (*Earls Barton and Lydney* SoS decisions)

³⁴ Doc. 22: appellants' email dated 16 December 2016 re the WMS

³⁵ Appellants' Appendix 15 (Letter from landlord of the 'Bottle & Glass')

³⁶ Appellants' Appendices 16 and 17 (Letters from potential purchasers and agents)

64. The scheme would also have economic benefits in terms of construction jobs, investment, the multiplier effect, Council Tax receipts and new household expenditure. It is argued that most of these sums would stay within the local economy.
65. The appellants argue that the development would protect the character and appearance of the countryside, due to the existing boundary vegetation and topography. It also need cause no harm to the character of the village, if carried out in accordance with the indicative layout and other illustrative details.
66. The development's impact on local education services would be fully mitigated by the proposed contribution, which would provide for additional classroom space at both the local primary and secondary schools. There is no evidence of any other impacts requiring mitigation.
67. Consequently, the appellants suggest the development's benefits outweigh any harm, and any policy conflict, and the presumption in favour of sustainable development therefore applies.

The Case for the District Council

Housing land supply

68. The September 2016 Housing Land Supply (HLS) report for Central Lincolnshire shows a deliverable supply of 5.26 years³⁷.
69. The housing requirement figure is derived from the July 2015 SHMA³⁸, which includes an assessment of full objective need. The requirement includes an allowance for a 20% buffer, due to past under-delivery, and provides for the backlog to be made up within the next five years, in accordance with the 'Sedgefield method'³⁹. On this basis, the Council calculates a 5-year requirement figure, for the period 2017-22, of 12,092 dwellings. Further justification for this level of growth is contained in the 'Level and Distribution of Growth' report, prepared for the CLLP examination⁴⁰.
70. The available supply is set out in Appendix 1 to the September 2016 report, and this shows a 5-year supply of 12,712 units. A large number of these sites, amounting to 7,314 units, have planning permission⁴¹.
71. In addition, the Council has tabled a document entitled 'Update on Sites'⁴². This was produced in response to the Examining Inspectors' questions dated September 2016, but pre-dates the September 2016 HLS report⁴³. It contains a breakdown showing which sites were, or were not, subject to unresolved objections in the CLLP examination. This shows that at that time a further 2,341 units, over and above those with planning permission, could be

³⁷ Council's Appendix C (Housing Land Supply report, Sept 2016).

³⁸ Doc. 17 (the SHMA)

³⁹ The Land Supply report also includes an alternative calculation using the 'Liverpool method', but at the hearing, the Council made it clear they did not wish to rely on that figure

⁴⁰ Council's Appendix D: Policy LP3 Level and Distribution of Growth evidence report, April 2016

⁴¹ Council's Appendix C, Appendix 1: 6,763 units on sites with permission at March 2016, plus 371 permitted since.

⁴² Doc. 3 ('Update on Sites')

⁴³ Doc. 15 (Council's email explaining status and timing of Doc 3)

delivered from draft allocation sites which were uncontested in terms of local plan objections.

72. The Council also anticipates 748 units from windfall sites. In total, the Council estimates that permissions, uncontested sites and windfalls together could provide around 85% of the 5-year requirement.
73. The PPG allows weight to be given to policies in emerging plans, and this must apply equally to draft allocations. All of the sites in this category that the Council relies on have been subject to sustainability appraisals.

Policy considerations

74. Irrespective of the housing supply position, the Council accepts that the adopted WLLP's spatial strategy is out of date, because departures from it are inevitable if housing needs are to be met. This means that some saved policies, including Policy STRAT12, are no longer up to date⁴⁴. Nevertheless, it is argued that while the WLLP remains in force, even those policies which are out of date should still carry some weight, in accordance with the *Hopkins* judgement⁴⁵. Policy STRAT 12 is regarded as consistent with the NPPF's core principles, in so far as it seeks to recognise the countryside's character and beauty, and this partly mitigates any reduction in weight.
75. Policy STRAT 9 is seen as consistent with the NPPF with regard to its emphasis on brownfield land and regeneration.
76. The draft CLLP has been tested through three rounds of public consultation, and several of its housing proposals have now been tested further through planning applications. As such, it is contended that the draft plan carries as much weight as is possible for any plan prior to full adoption.
77. Draft Policy LP2 better reflects the facilities now available at Scothern than the equivalent policies of the adopted WLLP. The village has very limited facilities. The closure of the village shop and Post Office in 1999 has weakened the service base, to the point where the existing village facilities meet few of local residents' everyday needs. Further justification for downgrading the village is contained in the Spatial Strategy and Settlement Hierarchy report⁴⁶. This enhances the weight to be given to LP2.
78. Similarly, draft Policy LP4 is the most up to date guidance available in terms of the appropriate level of growth to maintain and enhance the vitality of rural communities. The justification for this approach is further explained in the 'Growth in Villages' evidence report⁴⁷. In this respect, Policy LP4 reflects the advice in NPPF paragraph 55, and should be afforded weight accordingly.
79. The emerging SNP should also be given significant weight. The allocation of three sites in Scothern under Policy H1 is consistent with its status under the relevant CLLP policies. The plan does not prevent further development in Scothern, but is designed to provide some flexibility for future needs. To this extent the SNP is compatible with the relevant strategic and national policies.

⁴⁴ Council's statement paras 5.14 and 5.15.7; and oral evidence at hearing.

⁴⁵ Council's Appendix E: *Suffolk Coastal DC v Hopkins Homes etc [2015] EWHC 410 (Admin)*

⁴⁶ Council's Appendix D (Spatial Strategy and Settlement Hierarchy evidence report, April 2016)

⁴⁷ Council's Appendix D (Policy LP4 Growth in Villages evidence report, April 2016)

80. Even if it were considered that a 5-year housing supply has not been proven, for recently made neighbourhood plans the WMS only requires a 3-year supply, and this requirement is easily met here⁴⁸. Consequently the SNP policies should carry full weight, even if the 5-year supply were found to be in doubt.

The proposed development's effects

81. The Council argues that the proposed development would be outside the adopted settlement boundary, and thus contrary to WLLP Policies STRAT 3 and STRAT 12. It would also take greenfield land, which is in the lowest priority category in Policy STRAT 9.
82. In relation to draft CLLP Policy LP4, the development would also exceed the proposed 10% maximum village growth level, and the size limit of 9 units on any single site. In Scothern, 10% would amount to about 36 new dwellings⁴⁹. However, since April 2012, planning permissions have already been granted for 75 dwellings, on five sites⁵⁰. This is already double the level of growth regarded as sustainable. The appeal proposal would increase this to triple.
83. The Council asserts that the 10% growth level was intended to be enough to ensure that village vitality is maintained, but also to ensure that developments are proportionate to the scale of existing communities. In granting permissions for 75 dwellings, the Council has already done what is necessary to maintain vitality. Exceeding that level would result in excessive housing development in a settlement with limited services, and which has already reached its desirable growth limits. Further development, such as that now proposed, could not be serviced and would put a strain on local facilities and infrastructure.
84. Residents of the proposed development would need to travel, for work, secondary schools, shopping, doctors and many other purposes. Many of these journeys would be by car. This would be contrary to the settlement strategy in both the adopted and emerging local plans, and would undermine the emerging plans' aims for sustainability of new development.
85. Further development would also threaten to overdevelop the village and damage its rural character.

Other Oral Submissions

Councillor Curtis

86. Cllr Curtis is the local ward member on West Lindsey District Council. At the hearing, he emphasised that planning permissions granted in Scothern already exceed the level of growth envisaged in the emerging CLLP and SNP. In his view, these emerging plans should carry more weight now than they were given in the last appeal, because they have progressed further towards adoption.
87. Further housing development would go beyond what is necessary to maintain vitality, and would risk over-developing the village. There are particular

⁴⁸ Doc. 23: Council's email dated 16 December 2016 re WMS

⁴⁹ Council's Statement, para 5.19.3

⁵⁰ Council's Appendix F (existing commitments in Scothern); Cllr Nicoll states that this is now 76 on 6 sites (Doc. 18)

concerns regarding the capacity of the local schools and doctors' services. The health centre in Welton has limited scope to expand.

88. Cllr Curtis also drew attention to various additional policies in the WLLP, over and above those cited in the Council's refusal reasons. These included Policies NBE10 and NBE 20⁵¹ relating to landscape and character, STRAT 1 requiring safe access to the road network, and STRAT 19 relating to infrastructure. In his view the proposal would conflict with these.

Councillor Mrs Nicoll

89. Cllr Nicoll is the Chair of Scothern Parish Council, and spoke on behalf of that Council. In her view the problems of building height and scale identified by the previous inspector would not be fully overcome by the present scheme.
90. Within the last year or so, a pre-school playgroup, a 'Rainbows' group, and a Women's Institute group have all ceased operating in Scothern, due to a lack of demand. These losses illustrate that the village does not have the facilities for higher levels of housing growth.
91. Although the proposal includes affordable housing, this should not be seen as a benefit, because Scothern was assessed in 2013/14 as needing only 10 affordable units, and this will be more than met by the other developments already approved. If more homes are needed at a later date, the SNP provides some flexibility to allow them then.
92. Access from the site to the primary school is difficult because of a lack of parking. Many parents park at the village hall and walk, but safety is a concern.
93. Government ministers have promised that the views of local people will be given weight in planning decisions.
94. Cllr Nicoll also made a post-hearing written submission which draws attention, amongst other things, to WLLP Policies STRAT6 (windfall and infill in Primary Rural Settlements), RES2 (range of housing), RES3 (backland and tandem development), RES6 (affordable housing), and RES7 (rural exceptions)⁵².

Steven Taylor

95. Mr Taylor is a Trustee of the Scothern Village Hall charity. He stated that he was neither for nor against the proposed development. His concern was that any development should be required to make a financial contribution to the upgrading of the Hall. The Hall is used daily for a range of activities, including an after-school children's club, scouts and guides, a drama group, a choral society, a cricket academy, indoor bowls, public meetings, social functions and private hirings, and changing facilities for football and cricket teams. The Hall already needs money spent on it, and this will become more pressing as the village population increases. Mr Taylor sees this as a greater priority than providing any more affordable housing.
96. There is also a need to extend the existing playing field. The only way to do this would be by utilising part of the present appeal site, but the proposal does

⁵¹ Policies NBE 10 and NBE 20 are summarised in para 22 above, together with the other principal WLLP policies

⁵² Doc. 20 (WLLP policies, attached to Cllr Nicoll's email doc. 18)

not allow for this. WLLP Policy RES5 requires on-site open space to be provided.

Robert Creaser

97. Mr Creaser, a local resident, was concerned that the development would breach the draft CLLP's proposed limits on village growth, and on the size of individual developments. The development would add to the demands on local services and facilities, without providing any new capacity. It would go against the wishes of local people.
98. Concern was also expressed about the safety of children playing in Weir Farm Paddock. The route that vehicles would need to take to access the development, through the end of the existing cul-de-sac, is not currently delineated, and this would be a potential danger area.

William Payne

99. Mr Payne, another local resident, voiced concerns about the development's impacts on the rural character of the village, and on surface water drainage. In heavy rainfall, run-off from the appeal site causes ponding in Lime Tree Paddock, and at its junction with Main Street, and the development could exacerbate this.
100. He also made the point that many of the shops and facilities that serve Scothern are located in other nearby villages, so the benefits of any extra custom do not necessarily go to Scothern itself.

Peter Dray

101. Mr Dray, also a local resident, expressed concerns about the effects on flooding and on the village school. With regard to the latter, his view was that the school cannot currently accommodate all of the demand from within Scothern, and he doubted whether the proposed contribution would be enough to remedy this.
102. Scothern should not have to bear the brunt just because housing supply elsewhere in central Lincolnshire was deficient.

Other submissions

103. Most of the other oral submissions involved some reiteration of the above arguments, and these are not repeated here.
104. Mrs Raby made the point that the local roads connecting to neighbouring villages are mostly country lanes with no footpaths or lighting, and thus are not suitable for journeys on foot.
105. Mrs Housego pointed out that traffic generated from the appeal site would have to pass through village centre, with consequential impacts on the environment and safety.
106. Mr Newborough asserted that views from the north-east towards Lincoln Cathedral would be affected.
107. Mr Dray doubted whether houses offered for sale at market prices would be affordable to local people.

Written Representations

108. Many of the written representations cover similar ground to the oral submissions, and again these are not repeated.
109. There is photographic evidence of flooding at the entrance to Weir Farm Paddock in June 2016, and also regarding a traffic accident at the same spot in August 2016.
110. A number of respondents refer to developments recently permitted at other nearby villages, including Welton, Dunholme, Sudbrooke and Hemswell Cliff, and the potential cumulative effects of the present proposal in combination with these.
111. The local Member of Parliament draws attention to concerns regarding lack of amenities, traffic, car parking, and the capacity of local health services⁵³.
112. The representations also include a number from respondents who support the proposed development, and who express interest in opportunities to purchase a property at the appeal site. These include some from persons currently living outside Scothern, but with local connections to the village.

Obligations and Conditions

The Section 106 agreement

113. The S.106 agreement requires 9 of the proposed dwellings to be provided as affordable housing. This level of provision accords with Policy RES6 of the WLLP. To this extent, it seems to me that the obligation is necessary and reasonable, and meets the relevant legal and policy tests set out in Regulation 122 of the Community Infrastructure Regulations 2010 (the CIL Regulations) and NPPF paragraph 204.
114. The agreement also provides for an education contribution of just under £200,000, which would be used to provide an additional classroom at Ellison Boulsters Primary Academy, and to provide additional secondary and sixth-form capacity at William Farr School. The need for this contribution is set out in the consultation response from the County Council dated 7 December 2015. On this basis, I am satisfied that the contribution is necessary to meet WLLP Policy STRAT 19, and consequently that it satisfies Regulation 122. The same letter also confirms that the pooling restriction in Regulation 123 of the CIL Regulations is met.

Conditions

115. An agreed set of draft conditions is contained in the Statement of Common Ground, and these were discussed at the hearing. If permission is granted, in addition to the standard conditions relating to reserved matters and time limits for submission and commencement, a condition will be needed to ensure that the proposed access to the site is constructed in accordance with the relevant approved plan, since access is not a reserved matter.

⁵³ Letter dated 22 February 2016 from Sir Edward Leigh MP (in Questionnaire bundle)

116. The Council proposes that a construction method statement is needed, and given the proximity of neighbouring properties, I agree. The condition is necessary to ensure that the impacts during construction are adequately managed. In response to concerns raised by Cllr Curtis, I have modified this condition to include a requirement relating to the treatment of the existing public footpath during construction. However, there is no need for any further condition relating to this path, because its status is fully protected by rights-of-way legislation, and there is no apparent reason why any other details relating to it cannot be dealt with as part of the reserved matters.
117. A requirement is needed for an initial short section of road within the site to be provided in advance of the rest of the development, to ensure that construction vehicles do not cause obstruction in any of the adjoining residential streets. A further condition is needed to secure the satisfactory provision of the remaining estate roads, and to control the details of these, in the interests of highway safety and the appearance of the development, and for the convenience of occupiers. At the hearing it was agreed that these conditions should allow construction initially to base course only, with completion to follow in accordance with an agreed programme. However, it is not necessary for either of these to require full engineering or construction details, as these matters can be controlled under highway powers.
118. A condition relating to surface water drainage is necessary, to protect occupiers of the development and the surrounding area from any risk of flooding. The condition need not specify the requirements for the drainage system in detail, as further details will remain to be approved; in this respect a reference to the submitted drainage report⁵⁴ would suffice. In this context, Mr Thomson raised a question as to whether the appellants have sufficient legal rights to connect into the drains in Weir Farm Paddock. However, it was confirmed at the hearing that this could be dealt with by means of an application for adoption by the water authority. In the circumstances, I am satisfied that a negatively-worded condition is appropriate.
119. Although only low risks of ground contamination have been identified⁵⁵, nevertheless a condition in this respect is justified, to ensure adequate protection for construction workers and future occupiers.
120. Whilst the development does not require the removal of any existing trees or hedges, a condition requiring their retention is justified, to protect the character of the landscape, and the appearance of the settlement edge, during and after development. To this I have added provision for replacement planting in default. However, I have also modified the condition further, to limit its effect to a period of up to five years after completion, since permanent protection would require a preservation order. I have also omitted the Council's proposed condition relating to works during the nesting season, as it lacks precision, and is covered by other legislation.
121. In addition to the above, Mr Newborough questioned whether a condition might be needed in relation to the existing power lines that cross the site. However, these appear to be low-voltage lines on wooden poles. They are not

⁵⁴ 'Flood Risk Assessment in Accordance with NPPF, and Drainage Strategy': Ward & Cole, Dec 2014

⁵⁵ Phase 1 desk Study report, by Delta-Simons Environmental Consultants, Oct 2014

unduly intrusive, and there is no evidence to suggest that they are harmful. I see no necessity for any conditions in this respect.

122. Based on the above, I have attached at Appendix 1 to this report a list of recommended conditions, which I consider should be imposed if planning permission is granted. In doing so, I have undertaken some further minor editing and rationalisation of those proposed by the Council, in the interests of precision and clarity. I have also limited the number of pre-commencement clauses to those cases where this is essential for the condition to achieve its purpose.

Inspector's Reasoning and Conclusions⁵⁶

Main Issues

123. In the light of all the evidence and submissions, and the other matters set out above, I find that the main issues in the appeal are as follows:

- (i) Firstly, whether there is an unmet need for more housing land in Central Lincolnshire, in terms of the 5-year supply;
- (ii) Secondly, whether the proposed development would be compatible with either the current or emerging planning policies regarding the scale and location of housing growth in West Lindsey;
- (iii) And thirdly, whether the development would be adequately served by local facilities and services; and its effects on those services and on the vitality and cohesion of Scothern as a rural community.

(i) The 5-year housing land supply

124. Looking first at the requirement side, the basic annual rate which the Council have used as the starting point for their housing calculations is 1,540 dwellings per annum. This figure has its basis within the estimates of full objective need in the SHMA [69]. It is true that the figure is towards the lower end of the range; and indeed in relation to the alternative higher job-growth forecasts, it represents the very bottom end [46]. And other factors, such as the extent of inter-authority co-operation, may also come into the equation. As such, the figure that finally emerges from the CLLP Examination could well be different. But even so, the Council's figure has a credible basis, and as far as their evidence to this appeal is concerned, the appellants have not put forward any specific alternative. For the purposes of the appeal I see no reason not to accept 1,540 p.a. as the starting point.
125. The backlog of 2,852 dwellings over the period 2012-17 is apparently not disputed⁵⁷. Nor is the applicability of the higher, 20% buffer level, or the 'Sedgefield' method [69]. However, I agree with the appellants that the decision as to whether to apply the buffer before or after adding in the backlog is a significant one [46], which could potentially make a difference of around

⁵⁶ In this section, the numbers in square brackets [] refer to earlier paragraphs of this report.

⁵⁷ Council's Appendix C (HLS report), Table 2: 2,425 units shortfall for 2012-16, plus 427 units estimated undersupply 2016-17

- 570 units⁵⁸. On this, the two main parties have opposing approaches, but neither has provided any convincing justification. Hence, I find no reason to prefer one over the other, and based on the evidence before me, the 5-year requirement could be either 12,092 or 12,662 units, depending on this point.
126. Turning to the supply side, based on the September 2016 HLS report, the Council claims a land supply capable of delivering 12,712 dwellings [70]. However, the same report shows that 4,830 of these do not have planning permission, and are dependent on their status as proposed allocation sites in the draft CLLP [48]. Whilst some of the sites in this category are unopposed, the 'Update on Sites' report⁵⁹ also shows a residual figure of 1,831 units which are subject to unresolved objections. Although the two sets of data relate to different dates, they appear broadly comparable, and both are part of the Council's case [71]. There is nothing to suggest that the 1,831 has reduced since the 'Update' report was produced⁶⁰. Consequently, it seems that something in the order of around 1,800 dwellings out of the Council's claimed supply are likely to be dependent on the outcome of the CLLP Examination.
127. It is possible that many of these sites will survive the Examination and be confirmed as allocations in the adopted CLLP. But the requirement in NPPF paragraph 47 is for a supply of sites that are deliverable, within the terms of Footnote 11 to that paragraph. Based on the evidence before me, this particular group of sites, lacking either a planning permission or any certainty of being carried forward into the adopted plan, cannot be said at the present time to have a realistic prospect of being delivered within the requisite period. As such, it seems to me that they should not be counted as part of the deliverable supply for the purposes of this appeal.
128. In round figures, subtracting 1,800 dwellings from the Council's figure of just over 12,700, brings the supply down to around 10,900 units. Compared to a 5-year requirement of either 12,092 or 12,662 units, this would represent only about 4.5 years or 4.3 years' worth respectively. To my mind, this range represents the most realistic assessment of the 5-year supply that can be made based on the evidence before me. In the light of this finding, it is evident that the area does not have a 5-year supply, irrespective of any disputed issues relating to the 20% buffer.
129. The appellants have also alluded to more detailed criticisms of the Council's assumptions relating to various individual sites [48]. As I understand it, these comments are based on more detailed evidence which was to be put to the CLLP Examination. In the present appeal no such evidence is before me, and I therefore cannot form any view on those matters. Nevertheless, in the light of my findings as set out above, it is not necessary for me to pursue this any further.
130. I am conscious of the fact that when the Examining Inspectors report their findings on the CLLP, having considered a great deal more evidence, from

⁵⁸ 20% x backlog of 2,852 = 570 units

⁵⁹ Doc. 3: 'Update on Sites'

⁶⁰ In the Update on Sites, the total number of dwellings without planning permission (draft allocations) is 4,172 (2,341 uncontested, plus 1,831 contested). In the September 2016 HLS report, which came later, the total number without permission is 4,830. The breakdown between contested and uncontested draft allocations is not given, but given the increase of 658 in this category as a whole, the number of contested sites seems unlikely to have reduced.

many more parties than those involved in the present appeal, it is quite possible that they may come to conclusions on these matters which differ from mine. Nonetheless, following the approach set out in the *Shropshire* judgement⁶¹, I have formed my view on the evidence before me in this case.

131. In coming to this view, I am also very aware of the efforts that the Council has made in recent times, to rectify the shortfall in the housing supply identified by inspectors in other appeals [51], and the considerable progress that has been achieved towards that aim. It may well be that there is little more that the Council could have done during this time. Nevertheless, I must judge the land supply situation as it is now, based on the approach advocated in the NPPF and Planning Practice Guidance. Whilst the Council has presented considerable evidence to show how a 5-year supply might potentially be achievable, it has not been able to show that sufficient numbers of units have yet reached the point where they can properly be counted as deliverable within the parameters of national policy.
132. On this basis, I find that for the purposes of this appeal it has not been demonstrated that a 5-year supply of housing land currently exists in the Central Lincolnshire area. At the hearing, it was confirmed that the appeal site is available for immediate development, and that if planning permission is granted, there are no impediments to early delivery. The site could therefore make a worthwhile contribution to meeting part of Central Lincolnshire's unmet housing needs, and this carries significant weight in the planning balance.

(ii) Compatibility with policies for the scale and location of development

Relationship to the adopted WLLP

133. As set out above [19-21] the most relevant policies in the adopted WLLP are Policies STRAT 3, 9 and 12, which seek primarily to direct most new housing to the most sustainable locations in the settlement hierarchy, and as far as possible to contain such development within settlement boundaries. Thereafter, the strategy seeks to exhaust brownfield sites and economic regeneration opportunities, before turning to 'other greenfield' land.
134. Given Scothern's status as a Primary Rural Settlement, development at the appeal site would accord in general terms with Policy STRAT 3. However, in being outside the village boundary, it would conflict with STRAT 12. With regard to Policy STRAT 9, although the latter does not preclude development on unallocated greenfield sites such as this one, it equally provides little or no support, especially since no particular regeneration benefits have been identified. Taking the WLLP plan as a whole therefore, the proposed development would not accord with the main relevant policies.
135. However, Policies STRAT 9 and 12 relate to the supply of housing. Consequently, in the light of my finding on the 5-year supply, and having regard to NPPF paragraph 49, these can no longer be regarded as up-to-date.
136. In addition, in the case of Policy STRAT12, the Council accepts that reduced weight is due in any event, irrespective of the land supply position, because

⁶¹ Doc. 14 (the *Shropshire* judgement)

the planning strategy embodied in the WLLP is unable to provide for future housing needs beyond 2016 [74]. I agree with this view. Indeed, having regard to NPPF paragraph 215, it seems to me that the same must apply to Policy STRAT 9, since it is clear from the evidence that the national policy aims of boosting the District's housing supply and meeting future needs cannot be met without taking greenfield land.

137. In the light of the *Hopkins* judgement [74], the Council's argument that reduced weight need not mean no weight, is correct. The Council also makes a fair point in arguing that STRAT 12 still serves another purpose in helping to safeguard open countryside. But in seeking to do so in a 'blanket' fashion, it goes beyond what is required merely to recognise intrinsic character and beauty, as required by NPPF paragraph 17. Given the combination of the lack of a 5-year supply, an out-of-date planning strategy, and a policy which imposes an unnecessary degree of restraint, I consider that Policy STRAT 12 should carry little weight in this appeal.
138. With regard to Policy STRAT 9, the policy's aim of steering development to sequentially preferable sites is generally consistent with the NPPF [75]. However, there is no evidence of any further brownfield or regeneration-linked sites, outside of those already included in the Council's figures, which could be substituted for the appeal site. Consequently, I afford only limited weight to Policy STRAT 9, in the context of this appeal.

Relationship to the draft CLLP

139. Turning to the emerging CLLP, if the plan is adopted in its present form, Scothern would become a Medium Village [24]. In that case, the proposed development would conflict with draft Policy LP2, by exceeding the proposed size limit for individual developments. Also, with regard to draft Policy LP4, in Scothern's case the proposed 10% growth limit in Medium Villages has already been exceeded, at least in terms of outstanding permissions granted since April 2012 [26, 82]. In that context, the development now proposed would exacerbate the policy conflict that has already occurred.
140. The CLLP has passed through several stages of consultation, and can therefore be afforded some weight. However, having regard to NPPF paragraph 216, Policies LP 2 and 4 are subject to significant unresolved objections [55, 56], the outcome of which remains to be seen. And whilst it is not my intention to prejudge the merits of the policies themselves, the approach that is taken, in terms of size limits for settlements and individual developments, does not appear to align directly with anything actually advocated in the NPPF. In the circumstances, having regard to NPPF paragraph 216, the weight that can be given to draft Policies LP 2 and 4 at this stage is limited, and the potential conflict with them is not determinative.
141. In addition, both of these policies potentially affect the supply of housing, and thus any weight that may be given to them at this stage is further reduced somewhat by this consideration.

142. In the case of draft CLLP Policy LP3 [25], although the Council alleges conflict⁶², there is no quantified evidence as to the breakdown of future housing between the larger towns and the smaller settlements. There is thus nothing to substantiate any conflict with LP3. Given the size of the appeal scheme compared to the overall numbers in the emerging plan, it seems unlikely that any such conflict would be significant.

Relationship to the draft SNP

143. I now turn to the emerging Neighbourhood Plan. Draft Policy S1 seeks to focus new development within the existing built-up area, and to support developments within that area [31]. The appeal site is outside that area. But nonetheless, the intention to focus and support development in one part of the plan area, does not necessarily mean excluding all other sites [58]. Indeed none of the sites which the SNP itself allocates for housing could be said to be within the existing built up area; all three are outside the village boundary⁶³ as defined in the WLLP, and all are very much towards the village's outer peripheries. In contrast, the appeal site is adjacent to the central core, and close to all of the village's main facilities [38]. As such, the development now proposed would be well located and well-focussed in the context of the particular settlement.
144. I appreciate that the intention may have been to strictly limit any further development, over and above the allocated sites, to within the existing built up area. But that is not the way that Policy S1 is expressed. To interpret the policy in that way would be to imply a presumption against development on unallocated sites, which would not sit comfortably with the general thrust of national policy, and particularly the presumption in favour of sustainable development. In the circumstances of this case, I find no clear evidence of any conflict with Policy S1.
145. With regard to draft Policy H1, the appeal sites is not one of those allocated, but again the policy does not preclude development on other sites, and there is thus no conflict.
146. For the purposes of the NPPF, both Policies S1 and H1 are housing supply policies. However, in the light of my finding that there is no conflict with these two policies, it is not necessary for me to consider the consequent effects of either paragraph 49 or the December 2016 WMS.
147. In any event, at the time of writing, the SNP has yet to be endorsed in a referendum, and the result of that referendum clearly cannot be prejudged. For this reason, the SNP does not yet command full weight.

Conclusions on relationship to policies

148. For the reasons set out above, I conclude that although the proposed development is contrary to policies STRAT 12 and STRAT 9 of the adopted WLLP, those policies carry significantly reduced weight.

⁶² Policy LP3 is cited in the Council's refusal notice

⁶³ Doc. 4 (WLLP Proposals Map inset for Scothern)

149. I further conclude that although the proposal conflicts with Policies LP 2 and 4 of the emerging CLLP, those policies cannot be decisive while the CLLP remains subject to the outcome of the examination process.
150. Although the development is not specifically envisaged in the emerging SNP, neither is it precluded, and in any event that plan too has yet to complete the plan-making process.
151. Consequently, although the proposed development is not directly supported by any of the adopted or emerging plans, neither does any of these plans provide a clear-cut basis for refusal.

(iii) Effects on local services and community vitality

The adequacy of existing local facilities and services

152. The Council and others argue that the existing facilities in Scothern [9, 38], are inadequate to serve any further development beyond that already permitted [77, 90]. However, while those facilities are not very numerous, they are not insignificant. Indeed the fact that the village has, amongst other things, a primary school, a village hall, two churches and a functioning pub, gives it an advantage over many other similarly sized settlements. Furthermore, from the evidence presented, it is clear that the village hall in particular provides for a wide range of leisure and other activities, which contribute to the vitality and viability of the rural community [95].
153. Within the village itself there is no convenience shop or doctors' practice, nor does it have a secondary school or a designated employment area. However, all of these facilities are available within a relatively short distance, at neighbouring villages or on the fringes of Lincoln [38]. These facilities are beyond normal walking distance but not beyond cycling range, and all can be accessed by a reasonable range of bus services [39]. The village is therefore not in any sense remote or isolated. Clearly residents are likely to also make journeys to other destinations, including some which require the use of a car, but this would be equally true of almost any location.
154. Scothern's position as one of the better served and more sustainable villages in West Lindsey is indicated by its status as a Primary Rural Settlement in Policy STRAT 3 of the WLLP [19]. The adoption of that policy in 2006 came well after the loss of the village post office in the 1990s [77], and there is no evidence that any other significant change has occurred since then. Although the draft CLLP proposes to reduce Scothern's position in the hierarchy [24], that change has not yet been adopted, and as far as this appeal is concerned, the evidence supporting such a change is limited [77]. For the present, STRAT3 remains the statutory development plan policy on this point.
155. Whilst I have found certain other policies of the WLLP to be out of date or inconsistent with the NPPF, the logic behind that reasoning does not support treating Policy STRAT 3 in the same way. Indeed, in the case of the Primary Rural Settlements, giving reduced weight to STRAT 3 would be likely to further inhibit the provision of sufficient new housing. For the purposes of this appeal therefore, I give the adopted policy full weight.

156. I note that the Inspector in the March 2016 appeal on the same site concluded that the proposal would provide a suitable location for housing, having regard to the availability of local services⁶⁴. I find no reason to disagree.
157. I conclude that, for the population that it serves, and for a development of the size now proposed, Scothern is a reasonably accessible location, with an adequate range of facilities and services.

The development's effects on local facilities and services

158. The Council and local residents argue that the proposed development would lead to adverse impacts on various existing local services and facilities **[83, 87, 95, 97]**. In terms of school provision, the development is estimated to generate 7 children needing places at primary schools, plus 6 at secondary schools, and one school-based 6th-form place⁶⁵. Both the village school and the nearest secondary school are either already at capacity, or are projected to reach that point by September 2018. However, the S.106 agreement in the present appeal provides for a financial contribution of £199,427.00, which is intended to enable the provision of additional places at these schools.
159. I note the views of local residents who consider this sum inadequate, or that there is insufficient space available to provide the required capacity **[101]**. But that view is evidently not shared by the Education Authority, and the sum agreed accords with that which the Authority itself requested. I appreciate that other housing developments are planned in the area too **[110]**, but I have no reason to doubt that these have been taken into account by those responsible for managing school capacities. I am aware that the Ellison Boulsters School currently serves other villages as well as Scothern, but catchment areas can be adjusted to take account of new development. None of these matters causes me to doubt that the proposed contribution would adequately mitigate the development's effects on education provision.
160. The development would also give rise to additional demands for healthcare services, including doctors. The view of several objectors is that the local GPs are already overstretched, and some doubt whether any expansion is feasible **[87, 97, 111]**. I appreciate the strength of feeling behind these concerns. However, the responsibility for identifying future healthcare needs and making adequate provision rests with the service provider, NHS England. In this case, that body has had the opportunity to comment on the appeal proposal, and has expressly declined to do so⁶⁶. As such, it has consciously chosen not to object to the development, nor to seek any financial contribution or other mitigation.
161. I am mindful of local residents' concerns in this regard, but these are not unique to Scothern. Nor is it unusual for enhanced health service provision to follow after population growth, rather than to precede it. In any event, the development now proposed would be fairly modest in relation to the likely population in a typical GP surgery catchment area. In the circumstances, I find no convincing grounds for a refusal of planning permission on this basis.

⁶⁴ Appellants' Appendix 2 (March 2016 appeal decision - para 34)

⁶⁵ Consultation response from S Challis, LCC Corporate Property Service, dated 7 Dec 2015

⁶⁶ Email dated 17 December 2015 from Brenda Clayton, Primary Care Support Officer (questionnaire bundle)

162. Any further development in Scothern would be likely to contribute to some further wear and tear on the village hall [95]. But additional usage could reasonably be expected to be accompanied by increased revenues from users. And in any event, whilst it might sometimes be reasonable to expect a development to mitigate its own impact, this would not include making good any previously existing deficiencies. In the present case there is no clear evidence as to the nature and scale of the works envisaged at the village hall, and thus no means of establishing to what extent, if any, the proposed development should be liable to pay a share of the cost. Neither is there any apparent support from the District Council for requiring such a contribution. Similar considerations apply to the village recreation ground [96].
163. There is no suggestion that any other facilities or services would come under excessive pressure, and in the circumstances I consider that this is not a factor that should weigh heavily in the present decision.
164. On the contrary, it seems to me that it is more likely that some existing facilities and services could benefit from an increase in the local population. The evidence regarding the recent closure of some local voluntary groups [90] suggests that the main risk is from too little rather than too much demand. In this context I note that the proposed development is supported by the landlord of the local pub⁶⁷. At a time when many rural businesses and services are under threat of closure, it seems to me that the prospect of increased support for some existing facilities in Scothern is a consideration in favour [62].
165. I again note the finding of the Inspector in the previous appeal on the site, that the proposal would not have a significant adverse impact on local infrastructure, subject to the mitigation proposed⁶⁸. Again, I find no reason to disagree in this case.
166. I conclude that there is no evidence that the proposed development would have any adverse effect on existing village services or facilities, and indeed if anything, its net effect would be beneficial.

The effects on community vitality and cohesion

167. Both the Council and other objectors refer to adverse impacts on the vitality of the rural community, and some local residents fear an effect on community cohesion. The Council also argues, in the alternative, that the proposed development is not necessary to maintain community vitality. However, none of these submissions are supported by any evidence, nor indeed by any cogent reasons.
168. As already noted, in so far as it would be likely to add further support for local community groups and for commercial services such as the village pub, the proposed development could be expected to enhance the village's vitality rather than damage it. Despite my questioning on this point at the hearing, no party has identified any aspect of local vitality which could reasonably be expected to suffer any adverse impact.

⁶⁷ Appellants' Appendix 15 (Letters of support)

⁶⁸ Appellants' Appendix 2 (March 2016 appeal decision - para 34)

169. The points made regarding cohesion are understood. The concern expressed is not only about the appeal proposal itself, but the cumulative increase in Scothern's population, taking account of the other committed sites. But nevertheless, neither the numbers of dwellings involved nor the percentage increase are particularly unusual. In these kind of circumstances, it would be rare to find any significant issues of community cohesion or assimilation arising from development on this relatively limited scale, especially where that development is spread between a number of small-to-medium sized sites in different parts of the village, as would be the case here.
170. Although draft CLLP Policy LP4 proposes a 10% ceiling on village growth, none of the evidence before me suggests that this figure is based on any empirical evidence. Consequently, irrespective of whether Policy LP4 becomes adopted in its present form, the fact that in Scothern's case the cumulative increase would exceed this threshold is not in itself evidence of any likely adverse effects on either vitality or cohesion.
171. In this context the further question raised by the Council as to whether the development is unnecessary for vitality, seems to me to have no bearing.
172. I therefore find nothing to support the concerns expressed regarding community vitality or community cohesion.

Conclusions on local services and community vitality

173. I conclude that there is no evidence to support a refusal of planning permission based on any issues with regard to the availability of local services, or the effects on such services, or on rural community life in Scothern. As noted above, it seems to me that if the development were to have any noticeable effect at all in these respects, that effect would be beneficial, in terms of providing added support for local community groups.

Other matters

174. I saw on my visits that the appeal site comprises a visually unremarkable small field, with no significant landscape qualities. This judgement is not disputed by any party. Although slightly elevated above Weir Farm Paddock and Lime Tree Paddock, the site is well contained by the existing boundary trees and hedges. Development of the scale now proposed would therefore not appear intrusive in the landscape, and would not unduly detract from the rural character of the settlement edge. On my final visit I took careful note of the distant views towards the Cathedral **[106]**, but given the distance, and the extent of the intervening vegetation and other buildings, to my mind the proposed development would have little impact on these views. In all these respects, I find no conflict with WLLP Policies STRAT 6, NBE 10 or NBE20.
175. There is no evidence that the development would give rise to any adverse traffic impacts, in terms of safety, noise, or any other environmental effects **[88, 92, 98, 105 and 109]**. The number of vehicles generated by 36 dwellings would be fairly low, and well within the physical and environmental capacity of the existing highway network. In percentage terms, the increase in traffic through the village would not be especially significant. The proposed access details include provision to improve the definition of the carriageway and footway areas in Weir Farm Paddock, which mitigates any concerns about safety for children or other pedestrians in that area. I saw on my visit that

visibility at the junction with Main Street is adequate. Despite the evidence of one particular incident, there is nothing to suggest that this section of Main Street has a bad accident record generally. Pedestrian access to the primary school also appears adequate. The Highway Authority does not object⁶⁹. In all these respects I find no conflict with WLLP Policy STRAT 1, or any other relevant policies relating to traffic or highway matters.

176. With regard to drainage and flooding, I appreciate the concerns expressed **[99, 109]** and am mindful of the photographic evidence regarding past events. However, the proposed drainage system as set out in the Drainage Strategy report⁷⁰ seeks to limit surface water run-off to no more than the equivalent greenfield rate, and this is a matter that can be secured by condition.
177. The addition of 36 dwellings to the housing stock would be beneficial, both socially and economically, irrespective of the whether there is currently a 5-year land supply. The fact that 9 of these dwellings would be provided as affordable housing, in accordance with the S.106 agreement, increases that benefit. Notwithstanding Cllr Nicoll's submissions regarding the 2013 survey **[91]**, the most up to date evidence of the need for affordable housing is that in the SHMA. Across Central Lincolnshire as a whole, this indicates a substantial backlog of unmet need, which will require 911 units per annum for the next 5 years, and an on-going need of 676 units pa after that⁷¹. The provision of 9 affordable units at Scothern would help towards meeting this need, and would more than meet the requirement in WLLP Policy RES6. The terms of the S.106 agreement also give priority to occupiers with local connections. In the light of these matters I give significant weight to the benefits accruing from the provision of housing on the site, and especially the proposed affordable element.
178. The development's economic benefits **[64]** also attract some weight, in view of the importance that the NPPF attaches to supporting rural communities and building a strong and competitive national economy.
179. The previous Inspector's sole objection, on grounds of character and appearance, was confined to details of height and scale on certain proposed plots **[17]**. The present appeal proposal overcomes this by omitting those details. There seems no reason to doubt that a satisfactory scheme can be devised without exceeding one or two storeys. The submitted illustrative scheme indicates one way, although not necessarily the only way, that this could be achieved **[34, 42-44]**. Although the planning circumstances have changed since that decision, in terms of the progress of the CLLP and SNP, the elapse of time has been short. All other things being equal, granting permission for the present scheme would be in the interests of consistent decision making. Whilst this is not an overriding consideration, it carries some weight nonetheless.
180. I note the further submissions made by Cllr Nicoll **[94]** with reference to other policies of the WLLP, including RES2, RES3 and RES7. But the proposed development is neither a backland nor a tandem site, nor is it advanced as a

⁶⁹ Consultation response dated 5 February 2016 from J Clifton, Lincs County Council

⁷⁰ 'Flood Risk Assessment in Accordance with NPPF, and Drainage Strategy': Ward & Cole, Dec 2014

⁷¹ Doc 17 (the SHMA), paras 7.95 – 7.96

rural exception site, and the range of house types and sizes is not for determination. I therefore find little in any of these policies to influence my recommendation.

Overall planning balance and conclusions

181. The proposed development would conflict with the provisions of the adopted WLLP, and in particular Policies STRAT 9 and STRAT 12, because it would represent a loss of undeveloped countryside outside the village boundary. Permission should therefore be refused unless other material considerations indicate to the contrary.
182. However, these two policies can no longer be regarded as up to date, because they do not allow for current or future development needs in the District, and there is not currently a 5-year housing land supply.
183. Furthermore, the development would add to the supply of housing, including 9 affordable units. In the light of the shortfall in the overall supply, and also the particular need in the affordable sector, this is a factor that commands considerable weight. The scheme would also bring significant benefits to the local and national economy, to which I give some further weight, and would provide added support for the vitality of a small rural community. Against these social and economic benefits, no significant harm of any tangible nature has been identified.
184. Having regard to NPPF paragraph 14 therefore, the benefits of the development would not be significantly and demonstrably outweighed by the adverse effects. It follows that the proposed development would be sustainable, and should benefit from the presumption in favour of such development.
185. Although the scheme would conflict with the emerging policies of the draft CLLP, by exceeding the proposed limits on village growth and the size of individual developments, those policies carry only limited weight, because they have not completed the examination process. The development would not conflict in any material way with the emerging Neighbourhood Plan.
186. Taking all these matters into account, I conclude that the conflict with the development plan is outweighed by the other material considerations that I have identified. For these reasons, the appeal should succeed.

Recommendation

187. I recommend that the appeal be allowed, and outline planning permission be granted, subject to the conditions set out in the attached Appendix 1.

John Felgate

INSPECTOR

APPENDIX 1: SCHEDULE OF RECOMMENDED CONDITIONS

- 1) No development shall be commenced until details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") have been submitted to the local planning authority and approved in writing. The development shall thereafter be carried out in accordance with the details thus approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) The access to the site shall be constructed in accordance with the submitted plan 'Proposed Site Access', Drawing No. SCP/14942/001.
- 5) No development shall take place until a Construction Method Statement has been submitted to the local planning authority and approved in writing. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - i) the routeing and management of construction traffic;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in constructing the development;
 - v) the erection and maintenance of security hoardings;
 - vi) wheel cleaning facilities;
 - vii) measures to control the emission of dust and dirt during construction;
 - viii) the control of noise arising from the construction works;
 - ix) a scheme for recycling or disposing of all construction wastes;
 - x) controls over the hours during which construction work, deliveries, vehicle movements and the operation of machinery may take place;
 - xi) measures for the safety of users of the existing public footpath across the site during construction.
- 6) No other development shall commence until the first 60m of an estate road into the site has been constructed, at least to base course level, in accordance with the layout details to be approved as a reserved matter under Condition 1. During construction, this section of road shall be kept open and unobstructed during the working hours agreed under Condition 5.
- 7) No dwelling on the site shall be occupied until the estate road or roads serving that plot have been provided, at least to base course level, in accordance with an estate roads scheme to be submitted to the local planning authority and approved in writing. The scheme shall include details of routeing, surfacing materials, lighting, drainage, footways and street furniture, and a phased programme for the implementation of these works. Thereafter, all of the estate roads, including that to be provided under Condition 6, shall be completed in accordance with the approved programme.
- 8) No dwelling on the site shall be occupied until it has been provided with the surface water drainage infrastructure needed to serve that plot, in accordance with a detailed drainage scheme to be submitted to the local planning authority and approved in writing. The scheme shall follow the general proposals set out in the submitted Drainage Strategy, and shall be designed to ensure that the existing run-off rate is not exceeded, including the rate for a 1 in 100 year critical storm event, plus an allowance for climate change. The scheme shall also include details of the arrangements for the future management and maintenance of the drainage system, and thereafter the system shall be managed and

maintained in accordance with these agreed details throughout the life of the development.

- 9) If during the course of development contamination is found to be present on the site, no further development shall be carried out until a Contamination Method Statement has been submitted to the local planning authority and approved in writing. The Method Statement shall contain details of any measures necessary to deal with the contamination, and a timetable for these to be carried out. The works specified in the Statement shall then be implemented in accordance with the details and timetable thus approved.
- 10) During the course of the development, and within a period of five years after its final completion, no existing tree or hedge on or adjoining the site shall be felled or removed, other than in accordance with details that shall first have been submitted to the local planning authority and approved in writing. Notwithstanding this condition, if during this period any tree or hedge is felled or removed, or damaged beyond recovery, or dies for any reason, it shall be replaced with another of similar species, of a size to be approved by the local planning authority in writing.

APPENDIX 2: APPEARANCES

FOR THE APPELLANT:

Mr James Rigby, BSc MRTPI	Globe Planning Consultants
Mr Will Thomas, BA(Hons) LLB	Browne Jacobson Solicitors
Ms Sarah Howe, CMLI	'Influence' Landscape Architects
Mr Wayne Hansard, BSc(Hons) CEng MStructE	Ward Cole Engineers
Mr Geoff Bowman, BEng CEng MICE MIHT	WSP Transport
Mr Andrew Brown,	STEM Architects
Mr Dominik Jackson	Jackson & Jackson Developments Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mr George Backovic, BA(Hons) BTp MRTPI	Principal Development Management Officer
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OTHER INTERESTED PERSONS WHO SPOKE AT THE INQUIRY:

Cllr Stuart Curtis	District Council ward member for Scothern
Cllr Cathryn Nicoll	Chair and acting Clerk of Scothern Parish Council
Mr Steven Taylor	Trustee of Scothern Village Hall Charity
Mr Robert Creaser	Local resident
Mr Michael Thomson	Local resident
Mr William Payne	Local resident
Mr Peter Dray	Local resident
Mrs Doreen Raby	Local resident
Ms Karen Raby	Interested person
Mrs Kathleen Housego	Local resident
Mrs Janet Dray	Local resident
Mr Rod Newborough	Local resident
Mrs Lorraine Thomson	Local resident

APPENDIX 3: DOCUMENTS TABLED AT THE INQUIRY AND SUBSEQUENTLY

- 1 Appeal decision APP/N2535/W/16/3152199: Church Road, Laughton
- 2 Appeal decision APP/R2520/W/16/3151360 etc: station Road, Waddington
- 3 'Update on Sites': detailed breakdown of sites included in Council's 5-year housing land supply calculations
- 4 Proposals Map extract, from West Lindsey LP First Review, June 2006
- 5 Appellants' photographic views nos 1 – 4 (enlarged to A3 size)
- 6 Scothern Neighbourhood Plan: Examiner's 'Fact Check' report, Nov 2016
- 7 Email from the Council dated 17 November 2016, re the Scothern Neighbourhood Plan
- 8 Letter from Scothern Parish Council received 22 November 2016, re the Scothern Neighbourhood Plan
- 9 Examiner's final report into the Scothern Neighbourhood Plan, dated 7 November 2016 (enclosed with Doc. 8 above)
- 10 Email from Council dated 15 November 2016, re the Scothern Neighbourhood Plan (enclosed with Doc. 8 above)
- 11 Appellants' statement in response to Scothern Neighbourhood Plan Examiner's report, received 23 November 2016
- 12 SoS appeal decision APP/R0660/W/15/3128707 – Sandbach (Appendix 1 to Doc. 11 above)
- 13 SoS appeal decision APP/R0660/W/15/3100555 – Holmes Chapel (Appx 2 to Doc.11 above)
- 14 Shropshire Council v BDW Trading Ltd and Others: [2016]EWHC2733(Admin)
- 15 Email from Council dated 8 December 2016, re status of Doc. 3 'Update on Sites', in response to Inspector's request.
- 16 Letter from the appellants dated 7 December 2016, re Doc. 14 *Shropshire* judgement, in response to Inspector's query
- 17 Strategic Housing Market Assessment, July 2015 (attachment to Doc. 16 above)
- 18 Email from Cllr Nicoll dated 9 December 2016, in response to Inspector's question re Doc.14.
- 19 Notice of local referendum to be held on the Scothern Neighbourhood Plan (attachment to Doc. 18 above)
- 20 Extracts from WLLP, supplied by Scothern Parish Council (attachment to Doc. 18 above)
- 21 Email from the appellants, received 16 December 2016, responding to SPC comments
- 22 Email from the appellants, dated 16 December 2016, re the Written Ministerial Statement on neighbourhood plans issued in December 2016
- 23 Email from the Council, dated 16 December 2016, re the WMS
- 24 Email from Scothern Parish Council, dated 17 December 2016, re the WMS
- 25 Scothern Neighbourhood Plan (incorporating Examiner's recommended modifications), December 2016Dec



RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.