



Appeal Decision

Inquiry Held on 28, 29, 30 November and 1 December 2017

Unaccompanied site visit made on 1 December 2017

by C Sherratt DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 March 2018

Appeal Ref: APP/N2535/W/17/3175670

Land west of A1133, Newton-on-Trent, LN1 2JS

- 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 Furrowfresh Limited against the decision of West Lindsey District Council.
 - The application Ref 134411, dated 9 May 2016, was refused by notice dated 17 November 2016.
 - The development proposed is 'Mixed use sustainable village extension comprising; Up to 325 private and affordable dwelling units (Use Class C3); Community meeting and community health rooms (Use Class D1) with ancillary pub / café (Use class A4) and sales area (Use Class A1) and sales area (Use Class A1); new landscaping; public and private open space.'
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 12 February 2018"

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is made in outline with all matters reserved for subsequent approval. At the time of the determination of the application the development plan included the West Lindsey Local Plan First Review (2006). However, on the 24 April 2017 the Central Lincolnshire Local Plan (CLLP) was adopted and the policies cited in the refusal notice were superseded.

Main Issues

3. The main issues are:
 - (a) Whether the development would be a sustainable form of development having regard in particular to:
 - (i) the spatial strategy and settlement hierarchy set out in the CLLP; and
 - (ii) the location of the site and its proximity to services and facilities;

- (b) Whether, having regard to the location of the site within an area identified as being within Flood Zones 2 and 3, the development would satisfy the sequential test set out in the National Planning Policy Framework (NPPF) and, if necessary, whether the exceptions test is satisfied in relation to demonstrating that there are wider sustainability benefits of the proposal which would outweigh the flood risk.

Reasons

4. The appeal site is some 18 hectares and comprises fields which are in use as an organic free range chicken enterprise with associated infrastructure. The proposal comprises an extension to the village of Newton on Trent, intended to meet BREEAM Communities accreditation of 'Excellent / Outstanding' and be based on Garden City principles. The application is accompanied by a Masterplan which indicates that the existing High Street through the village will be extended into the site. A village hub would provide business and community space, including a licensed café and pop-up shops. Outdoor recreational facilities including a village green, allotment pods, a trim trail, cycle and footpaths are to be provided.

Sustainable form of development

Spatial strategy and settlement hierarchy

5. The overarching spatial strategy set out in the CLLP is to concentrate growth on the main urban areas of Lincoln, Gainsborough and Sleaford, and in settlements that support their roles. Remaining growth will be delivered elsewhere in Central Lincolnshire to support the function of other sustainable settlements and to help meet local needs. This approach makes the most of existing services and facilities. Outside of the main urban areas, smaller towns and villages vary in size, demography, accessibility, facilities, issues and opportunities. The CLLP determines how each community can contribute to the delivery of a sustainable Central Lincolnshire. The CLLP was adopted in April 2017 having been found sound. It is therefore consistent with the NPPF.
6. Policy LP2 sets out a spatial strategy and settlement hierarchy. It confirms that development should create strong, sustainable, cohesive and inclusive communities, making the most effective use of previously developed land, and enabling a larger number of people to access jobs, services and facilities locally.
7. Within the settlement hierarchy, Newton on Trent is classed as a Small Village. Unless otherwise promoted via a Neighbourhood Plan or through the demonstration of clear local community support, small villages will accommodate small scale development of a limited nature in appropriate locations and proposals will be considered on their merits but would be limited to around 4 dwellings, or 0.1 hectares per site for employment uses.
8. There is no dispute that the proposed development would not be small scale. It would clearly exceed the quantum of 'up to around 4 dwellings' set out in Policy LP2. The appellant therefore relies upon a demonstration of clear local community support to justify a development of the scale proposed. The term 'demonstration of clear community support' is defined as meaning that at the point of submitting a planning application to the local planning authority there should be clear evidence of local community support for the scheme, with such

support generated via a thorough, but proportionate, pre-application community consultation exercise. If, despite a thorough, but proportionate, pre-application consultation exercise, demonstrable evidence of support or objection cannot be determined, then there will be a requirement for support from the applicable Parish or Town Council.

9. Notwithstanding the view of the Council, provided such community support is demonstrated, there is no limit set thereafter within this policy on the scale of development that may be permitted. In these circumstances, scale is therefore governed by what will be supported by the community.
10. Policy LP2 also includes a cross-reference to LP4 when referring to Small Villages. Having set out what is applicable to proposals not promoted via a neighbourhood plan or through the demonstration of clear local community support, it states in a separate sentence that Policy LP4 establishes the total level of percentage growth for each Small Village, and further policy requirements in respect of identifying whether a site would be suitable for development.
11. Policy LP4 gives a strategic steer as to what level of growth over the plan period is appropriate in villages. As a starting point the level of growth is set at a 10% increase in the number of dwellings over the plan period. In some that is increased to 15%. In Newton on Trent flood risk is recognised to be a strategic constraint to growth and so here, a 10% growth level remains and will only be supported if flood risk constraints can be overcome¹.
12. Having set out the growth levels, Policy LP4 then stipulates that a sequential test will be applied with priority given to brownfield land or infill sites, in appropriate locations, within the developed footprint of the settlement; brownfield sites at the edge of a settlement, in appropriate locations and greenfield sites at the edge of a settlement, in appropriate locations².
13. In addition, the policy requires that a proposal within or on the edge of a village should be accompanied by demonstrable evidence of clear local community support for the scheme if the proposal would increase the number of dwellings in a village by more than the identified growth level (10%) or for non-dwellings have a floorspace of 1000 square metres or more. Local communities can, through Neighbourhood Plans or other means, deliver additional growth over the levels proposed in this Policy.
14. Again, there is no dispute that the 10% level of growth is exceeded and so, the appellant again relies on demonstrable evidence of clear local community support in this regard. The extent of any departure in growth from 10% is again not restricted by this section of the policy provided the necessary community support is demonstrated for the level of growth proposed.

¹ In terms of supply in the plan period, the CLLP assumes a zero per cent increase to take account of the uncertainty in villages with such constraints.

² An 'appropriate location' is defined as meaning a location which does not conflict, when taken as a whole, with national policy or policies in this Local Plan (such as, but not exclusively, Policy LP26 (Design and Amenity)). In addition, to qualify as an 'appropriate location' the site, if developed, would:

- Retain the core shape and form of the settlement;
- Not significantly harm the settlement's character and appearance; and
- Not significantly harm the character and appearance of the surrounding countryside or the rural setting of the settlement.

15. The main parties do however disagree on whether the sequential test and appropriate location element of Policy LP4 needs to be applied in circumstances where the proposal has community support, a point to which I shall return in due course.
16. Policy LP3 sets out the level and distribution of growth required to facilitate the delivery of 36960 dwellings over the plan period. Most will come forward in the Lincoln Strategy Area, Gainsborough and Sleaford with some 12% (4435) of the total homes and employment needed expected to come forward from 'elsewhere', including Small Villages.
17. I turn first to consider whether there was the necessary community support for the proposal as without such support neither Policy LP2 or LP4 can be complied with. In formulating the masterplan concept, the appellant has followed closely the BREEAM Communities sustainability framework principles of consultation and engagement. Each BREEAM Communities topic has a strict set of criteria that must be achieved to be accredited with the scores available. The topics are based upon national sustainability targets and priorities. The potential scoring of the scheme is set out in the BREEAM Communities Sustainability Assessment (CD1.14). One assessment category is Governance, the aim of which is to promote community involvement in decisions affecting the design, construction, operation and long term stewardship of the development. Governance categories include:
 - 01) 'Consultation Plan' to ensure the needs, ideas and knowledge of the community are used to improve the quality of stakeholder engagement, throughout the design, planning and construction process; and
 - 02) 'Consultation and Engagement' to ensure the needs, ideas and knowledge of the community and key stakeholders are used to improve the quality and acceptability of the development throughout the design process.
18. Prior to submitting the application the appellant commissioned a company "to provide an analysis of the demographic profile of Newton on Trent as well as to establish the priorities and needs of the parish to inform a masterplan proposal for the 42 acre site to the north of the village". The conclusions are set out in Core Document 1.35 'Understanding Newton on Trent'. The various activities undertaken to ensure that the local community were involved are set out in the 'Consultation Plan' (CD 1.36), dated November 2014. It describes the process of a pre-application community involvement programme extending over 6 months. It describes four stages to the consultation for the site.
19. The evidence submitted with the application demonstrates that the goals, needs and priorities of the local community were identified; those comments and suggestions were used to shape the design, carry out research and feasibilities; and that community stakeholder design review workshops were held to help to finalise the masterplan. The description of development and masterplan includes facilities and housing tenures generally identified as being of the highest and medium priority for the village. These include particular types of housing, nature areas, circular walks and cycle paths, new bus stops, a recreation ground, allotments and a community hub.
20. What is lacking in the context of CLLP policies is the evidence to demonstrate further engagement with the community to establish their support for the resultant proposal, prior to the submission of the application. I heard from the

Parish Council witness that the scale of the development was referred to verbally as around 350 dwellings at the workshops. However that is not clearly reflected in the presentation of material from those events. I cannot be confident that others at the workshops, and indeed those that were not involved, would have been aware of the scale of the development and supported it. Some initial comments did express concern that a development might 'swamp the village', suggest that no more houses / development is needed and query the relationship of the site to the village.

21. Whilst an information leaflet was circulated to residents when the application was submitted, at no stage of the process is it apparent to me, from the written or oral evidence I read or heard, that consultation based on the description of development contained within the outline application was carried out before the application was submitted. For example at no time was the community clearly asked to respond to the question 'do you support a proposal for a development of up to 325 private and affordable dwelling units (Use Class C3); Community meeting and community health rooms (Use Class D1) with ancillary pub / café (Use class A4) and sales area (Use Class A1); new landscaping; public and private open space on the identified site?'
22. Whilst the consultation and engagement approach carried out to accord with the BREEAM Communities sustainability framework principles of consultation and engagement must be welcomed and commended and will ensure a high score in this regard, it does not expressly confirm support for the resultant scheme or overall scale of development submitted. That is what the policies require. In my view the exercise that was undertaken, as comprehensive and commendable as it is, could not be described as one which demonstrated community support for the proposal, generated via a thorough, but proportionate, pre-application community consultation exercise, directed at a development of the scale proposed. Rather, it is a comprehensive engagement exercise required as part of the accreditation for BREEAM, to establish the needs, goals and desires of the community so that they could inform the masterplan for development. I therefore find conflict with Policies LP2 and LP4 in this regard.
23. The appellant's Planning Witness made much of the intention to produce a Neighbourhood Plan. However the fact remains that no Neighbourhood Plan was progressed and so policies LP2 and LP4 cannot be met in this regard.
24. Whilst the Parish Council clearly support the proposal, that in itself does not satisfy the requirements of Policy LP2. It is only in circumstances when, despite a thorough, but proportionate, pre-application consultation exercise, demonstrable evidence of support or objection cannot be determined that there will then be a requirement for support from the applicable Parish or Town Council. As it is considered that the exercise undertaken was not a thorough pre-consultation exercise relating to the proposal itself, it follows that this is not a proposal where support from the Parish Council would satisfy the requirements of Policy LP2.
25. Whilst finding conflict with policies LP2 and LP4 for the reasons set out above, I am mindful that these policies were not adopted when the application was submitted or determined by the Council. I shall therefore return to this in considering whether other material considerations exist that should be balanced against such conflict with the development plan.

26. The restrictions on the scale of development set out in Policy LP2 require sites to also be in appropriate locations. This is not repeated as being applicable to proposals where the necessary community support can be demonstrated for the purposes of assessing developments against Policy LP2. Appropriate location is not therefore a consideration in relation to larger scale developments for the purposes of Policy LP2.
27. On this basis, the appellant argues that the sequential test set out in Policy LP4, that requires sites to be in appropriate locations, must also be of no relevance and not applicable when applying policy LP4. I do not agree. Policy LP2 indicates that it is Policy LP4 which not only establishes the level of growth for each village but any further policy requirements in respect of identifying whether a site would be suitable for development. The sequential test is a further policy requirement to be met by all proposals being put forward in Small Villages. There is certainly no expression in either policy to indicate that where there is community support, considerations of whether a location is appropriate or not are of no relevance. I see no inconsistency between the two policies.
28. Furthermore, the policy text in Policy LP4 does not include the word "or" to offer a choice of options that can be met. A straight-forward reading of Policy LP4 would therefore suggest that all aspects of it should be met, including the sequential test. This in turn requires all sites to be in appropriate locations. Supporting text in paragraph 3.4.13 also reiterates that development in villages should follow a sequential approach to growth, making no distinction between proposals with or without community support.
29. I accept the appellant's proposition that where community support has been demonstrated, the sequential test can be confined to Newton on Trent since it would be nonsense to accord with policies requiring community support simply to then go beyond the settlement to search for alternative sites.
30. However, in this case, where a departure from the limited scale and growth normally permitted in Small Villages is not justified through community support, a wider application of the sequential test would be appropriate; the proposal should then be regarded as a housing led scheme to meet the housing requirements of the CLLP area. As the sequential test is not met it is not strictly necessary to consider if the 'appropriate location' criteria linked to the sequential test are satisfied. Nevertheless, the extent of the departure from policy is very apparent when the size of the site is viewed on the site location plan relative to the existing village. The proposal is promoted as a village extension and given its scale, simply cannot be integrated and assimilated within the existing built form of the development in the same way as a development of say 4 dwellings. The masterplan indicates a continuation of the High Street into the appeal site aimed at reflecting and continuing the form of the existing village, although there is no continual flow of development from the existing to the new, resulting in some detachment. The westward projection into the countryside would be far greater than currently exists at the south of the village. It is difficult to reconcile how the core shape of the village can be retained when the extension would occupy a site area not dissimilar to the existing village. On balance, I consider there would also be further conflict with this element of Policy LP4.

31. Finally, in relation to Policy LP3, it was agreed that a proposal of 325 homes would provide over 7.2% of the housing proposed to come forward during the plan period in the 'elsewhere category'. The Council assert that this would be a significant departure from the spatial strategy and have clear implications for the growth strategy set out in the CLLP, disproportionately skewing the level and distribution of growth in the 'elsewhere' category to Newton on Trent.
32. The proposal would indeed be a significant departure in the context of the scale and percentage growth considered to be sustainable in Newton on Trent in the context of the spatial strategy and settlement hierarchy, where there is no community support. However, in the context of Policy LP3, whilst provision of 7.2% of the housing expected to be delivered in the 'elsewhere' settlements in one location is not insignificant, the overall housing requirement figure of 36960 is not to be seen as a ceiling and the percentage distribution of that housing is defined as 'around' that percentage rather than a maximum figure. The percentage growth criteria in Policy LP4 is only concerned with the quantum of development in a particular village not a combination of all. Accordingly, if permitted, the development would not restrict appropriate growth in other settlements within the 'elsewhere' category. I find no conflict with Policy LP3.
33. To conclude on this first point, I find that the development would conflict with the spatial strategy and settlement hierarchy set out in policies LP2 and LP4, in that the requirement for demonstrable community support is not met nor the sequential test satisfied.

Proximity to services and facilities

34. As suggested on behalf of the appellant, the level of services and facilities available in a village would not be comparable to those in towns. Some greater reliance on the private car is therefore inevitable. That is clearly reflected in the overall strategy and settlement hierarchy.
35. Newton on Trent has only a limited amount of services and facilities which include a Post Office and small shop attached to it, an outdoor recreation area and a primary school. That is commensurate with its low ranking in the settlement hierarchy. Additional facilities as previously described are proposed and could be secured through suitably worded conditions and the section 106 agreement. At 1 March 2015, Newton on Trent contained 167 dwellings. The proposal could add a further 325 dwellings to the village. As a starting point, car ownership levels for new households are predicted to be in line with current levels in the village.
36. Where community support has been demonstrated for the scale of a development, consideration of the proximity of the site to services and facilities is somewhat academic irrespective of the lower settlement hierarchy ranking of Small Villages, as clear policy support exists in any event. Nevertheless, that is not the case here.
37. Various measures are proposed by the appellant to reduce transport carbon emissions. These include the provision of new bus stops and contributions to improve bus services, Travel Plans, provision of new footpaths and cycleway routes including a link to Laughterton, provision of broadband to encourage home working together with the availability of rentable business space. Such measures that seek to reduce pollution associated with car use and provide

alternatives to car ownership are of course to be welcomed in the design of developments generally and help secure BREEAM accreditation. Public transport services link the village with Gainsborough and Lincoln. In addition there is a school bus to Tuxford Academy and a CallConnect service operates in the area.

38. However, the proposed village extension would accommodate almost double the number of dwellings of the existing village. Even assuming the success of measures to reduce the average number of car trips made, the development would still significantly increase the number of households and in turn, the number of car journeys overall to and from the village. Any reduction in the reliance on the private car achieved for existing residents would be more than offset by the overall increase in car travel resulting from the new development. The BREEAM accreditation is concerned with the measures included within a scheme to reduce carbon emissions relative to that development. It does not seek to compare and contrast whether the same development, if located closer to urban areas and settlements with a good range of employment, services and facilities easily accessible by means other than the private car would enable a larger number of people to access jobs locally, in accordance with the objectives of policy LP2. It was accepted that it is not a site selection tool³.
39. Furthermore, the appellant has provided evidence which concludes that there is little demand for affordable rented, social rented and intermediate affordable housing. It is notable that both the local planning authority and registered provider do not regard the village as an appropriate location for investment in social rented housing, at least in part due to its poor accessibility.
40. To conclude on the first issue, the proposed development is clearly contrary to policies LP2 and LP4 of the CLLP that underpin the overall spatial strategy and settlement hierarchy for the Central Lincolnshire area. It would not be a sustainable form of development having regard in particular to the spatial strategy and settlement hierarchy set out in the CLLP and the location of the site and its proximity to services and facilities.

Flood risk

41. In Newton on Trent flood risk is identified as a strategic constraint to growth in the village. The site is situated in an area identified as Flood Risk 2 and 3. The NPPF explains that when determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:
- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
 - development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

³ Kate Hiseman in cross-examination

42. Policy LP14 contains a number of criteria that proposals should satisfy. It is common ground that a satisfactory flood risk assessment has been carried out which demonstrates that subject to mitigation measures, that there will be no unacceptable increased risk of flooding to the development site or existing properties. These mitigation works involve raising the ground levels across the site. To achieve this, a substantial volume of material will need to be imported to the site. The measures proposed would lessen the risk of flooding to the whole village.
43. Paragraph 101 of the NPPF states that the aim of the Sequential Test is to steer new development to areas with the lowest probability of flooding. Development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. A sequential approach should be used in areas known to be at risk from any form of flooding. The Planning Practice Guidance advises that the aim is to steer new development to Flood Zone 1 (areas with a low probability).
44. The area to apply the sequential test across will be defined by local circumstances relating to the catchment area for the type of development proposed. The appellant argues that as this is a development serving the needs of Newton on Trent, it is wholly appropriate that the sequential test should be confined to Newton on Trent.
45. Part of the rationale for the appellant's assessment on the catchment area is that a search for sites in a Neighbourhood Plan would clearly only consider sequentially preferable sites within the plan area. As clear community support for a development or support for a site in a Neighbourhood Plan both have the same outcome in allowing a greater level of growth than would normally be permitted in a Small Village, the appellant argues the same principle must apply. The development cannot provide the community benefits if located elsewhere.
46. As a matter of fact, the appeal site is not a site promoted through a Neighbourhood Plan. It is not a development that I have found to benefit from demonstrable community support and so the scale of the development is a significant departure from the development plan. It is not a settlement relied upon to contribute to the supply of housing in Central Lincolnshire⁴. Accordingly, it is not considered that the catchment area for the application of the sequential test is one that should be confined to Newton on Trent. The catchment area for the proposal in these circumstances would be wider and most probably be the area defined by the CLLP.
47. On the basis of a wider catchment area, the sequential test is not satisfied. There are allocated sites available elsewhere that have already satisfied a sequential test through the local plan process. To conclude on this issue the development would conflict with both national policy and Policy LP14 in that the sequential test is not satisfied. It is not therefore necessary to consider whether the exceptions test is met.

⁴ The location of the site can be distinguished from that referred to in appeal decision reference APP/R3650/W/15/3129019 within which it was accepted that the current policy was out of date; that greenfield sites around Cranleigh were likely to be released to meet future housing needs; and, Cranleigh was identified as a location for housing growth and one of four largest settlements in the Borough requiring homes in the emerging plan.

Other Matters

48. The proposal will provide a mix of housing types including retirement bungalows and smaller family houses in accordance with Policy LP10. Policy LP11 requires a 20% affordable housing contribution. There is agreement between the parties that the viability of the scheme is not a barrier to this being met. The existing primary school cannot accommodate the likely need for school places that would be generated if the development were to proceed. However the appellant has tailored solutions to extend the school which could be secured. It is not considered these are matters that would justify planning permission being withheld.

Other Considerations

49. The policies, by virtue of the definition of 'demonstration of clear community support', require such support to be demonstrated at planning application stage. However the CLLP was not adopted at the point that the application was submitted. It was not therefore a requirement of an adopted plan at that time. Nevertheless, a considerable amount of engagement and consultation has been carried out to ensure any development incorporates features identified as being of priority and needed, that would be welcomed by the community. This is a consideration weighing in favour of the development that I afford great weight. So too is the support of the Parish Council.
50. The appellant owns the land and is a main employer in the village. The site owners live in the village and are part of the community. It is their intention to manage some of the facilities. It is notable that a development of the scale proposed has generated only minimal objection. However, in terms of understanding the level of support, the lack of objection by a person or household living in the community, does not necessarily equate to an indication that they are in favour of the development; rather it might indicate a neutral or indifferent view whether it goes ahead or not. In the context of a policy requiring a 'demonstration of clear community support', insufficient evidence is before me, even at appeal stage, to determine that clear community support exists.
51. The appellant's Planning Witness suggested that for the purposes of the policies the requirements could be applied as if a Neighbourhood Plan were in place and that the consultation responses could be compared to a referendum. However the fact remains that no Neighbourhood Plan was progressed, and none is currently emerging. It would be wrong to presume with any certainty that had such a plan progressed, that it would have included this particular site for development. Such an approach would simply not reflect the requirements of the relevant policies and undermine the examination process a Neighbourhood Plan is subjected to. It is an argument to which I give no weight.
52. The appellant argues exemplary sustainability credentials of the appeal proposal, derived primarily from BREEAM accreditation and that the Government's own assessment criteria for the designation of Garden Villages in the UK are exceeded. From a design perspective, the commitment of the appellant to such highly sustainable building methods and community-led design are extremely commendable and to be welcomed in any proposal. This is a material consideration to be afforded significant weight in the planning balance.

53. The appellant explains that the ethos of the development is to make the village more resilient to some of the common issues found in rural villages, namely a decline in village infrastructure and an exodus of young adults and the elderly. It was suggested, on behalf of the appellants, that the policies could never deliver strong, sustainable, cohesive and inclusive communities because 10% growth is simply not enough. However the spatial strategy was considered as part of the CLLP, having regard to the NPPF, and included consideration of the appropriate level of growth in villages having regard to such common issues. The development plan allows considerable flexibility but only in circumstances where the requirement to demonstrate community support is satisfied. The CLLP is up-to-date and I find no reason to give weight to an alternative strategy or to re-visit the distribution of housing in relation to the Torksey Ward. To do so would undermine the CLLP.
54. The proposal would result in less risk of flooding to the village as a whole, a consideration that carries great weight.

Balancing exercise

55. The proposed development represents a significant departure from the scale of development that will generally be supported in Small Villages. To allow the scale of development proposed, where clear community support has not been demonstrated, would clearly conflict with and undermine the overall strategy for the distribution and scale of development within the settlement hierarchy set out in the CLLP. The proposed development does not accord with the development plan overall.
56. On the other hand, the engagement and consultation with the local community, the layout and design principles to gain BREEAM Communities Accreditation and improvements to reduce the risk of flooding in the village all weigh in favour of the development. However, these considerations are not of such cumulative weight, when balanced against the conflict with the development plan, to indicate that planning permission should nevertheless be granted.

Overall Conclusion

57. For the reasons given above I conclude that the appeal should be dismissed.

Claire Sherratt

Inspector

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Stephanie Hall of Counsel	Instructed by Solicitor for West Lindsey District Council
She called George Backovic BA(Hons)BTP MRTPI	Principal Development Manager for West Lindsey District Council

FOR THE APPELLANT:

D E Manley QC	Instructed by Neil Boughey, Director of Acorn Planning
He called: Mr Pilgrim	Clerk to Newton on Trent Parish Council
Kate Hiseman	BREEAM License Assessor
Joanna Posnett BA (Hons) MCIHT	Principal Transport Planner for BSP Consulting
Chris Broughton	Director of arc ⁴
Neil Boughey BA(Hons) LLB Laws DipTP MRTPI	Director of Acorn Planning Ltd

INTERESTED PERSONS:

Mr Maddison	Local resident
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DOCUMENTS RECIVED AT / AFTER THE INQUIRY

- 1 Addition to Core Document 4.4 (Planning Practice Guidance extract).
- 2 Errata sheet to proof of Mr Backovic.
- 3 Opening submissions for the local planning authority.
- 4 Draft Planning Obligation by way of Unilateral Undertaking.
- 5 Draft Planning Obligation by way of section 106 agreement.
- 6 Schedule of Suggested Conditions.
- 7 Plan showing neighbour notification of planning application.
- 8 Closing submissions on behalf of local planning authority.
- 9 Closing submissions on behalf of appellant.
- 10 Completed Unilateral Undertaking.
- 11 Completed Section 106 agreement.