
Appeal Decision

Inquiry Held on 27-29 November 2019

Site visit made on 26 November 2019

by David Wallis BSc (HONS) PG DipEP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th December 2019

Appeal Ref: APP/K2420/W/19/3235401
Peckleton Lane, Desford, Leicester LE9 9JU

- 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 Glenalmond Developments Limited against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 18/01252/OUT, dated 7 December 2018, was refused by notice dated 29 July 2019.
 - The development proposed is outline planning application for up to 80 dwellings with associated works.
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Decision

1. The appeal is allowed and outline planning permission is granted for up to 80 dwellings with associated works at Peckleton Lane, Desford, Leicester LE9 9JU in accordance with the terms of the application, Ref 18/01252/OUT, dated 7 December 2018, subject to the attached schedule of conditions.

Preliminary Matters

2. The application is in outline form with all matters reserved except for access. Nonetheless, submitted with the application were indicative layout and landscape plans, which were referred to in evidence. I have considered the appeal on this basis.
3. In agreement with the main parties, I undertook an unaccompanied site visit prior to the opening of the Inquiry, following a walking and driving route prescribed to me in advance.
4. A Unilateral Undertaking, dated 29 November 2019, made under Section 106 of the Town and Country Planning Act 1990, was submitted to address affordable housing, highways, landscaping, education and open space provision. Both Leicestershire County Council (LCC), who had requested to appear at the Inquiry as a Rule 6 party, and the Council accepted that the proposed contributions relating to relevant infrastructure fully addressed their requirements. Only a contribution requested by the University Hospital Leicester was challenged by the Council as not complying with the Community Infrastructure Levy (CIL) Regulations 2010. I address this planning obligation later in my decision.

Main Issue

5. The main issue is:

- the effect of the development upon the character and appearance of the landscape

Reasons

Character and appearance of the landscape

6. The appeal site comprises a single agricultural field to the south of and abutting the settlement boundary for Desford. The 3.76-hectare field is enclosed by hedgerows on all sides with trees at intermittent intervals, with a wider agricultural landscape to the east and a mix of community and employment uses to the south. Footpath R/99 passes through the appeal site on its southern boundary whilst footpath R/98 runs broadly parallel with the appeal site's eastern boundary, offset by a short distance.
7. The proposed development would be adjacent to existing housing in Meadow Way and Peckleton View, which are on lower ground than the appeal site. The roofs of these properties still appear in panoramic views of Desford as a whole because of the undulating topography. The appeal site is also adjacent to housing along Peckleton Lane, including Kingfisher Close, to the west, which I saw provides a relatively hard edge to the settlement wholly visible from Footpath R/99 where it crosses the appeal site.
8. Located outside of the current settlement boundary, it was common ground that the proposal would, on its face, conflict with Policies 7 and 8 of the Hinckley and Bosworth Core Strategy 2009 (the Core Strategy) and Policy DM4 of the Site Allocations and Development Management Policies Development Plan Document, adopted 2016 (the SADMP).
9. Neither the appeal site itself, nor the land that surrounds it, is subject to any national or local landscape designation. Whilst I am in no doubt that the landscape is valued by local residents, it was a matter of agreement between the parties that it is not a valued landscape in the terms of paragraph 170 of the National Planning Policy Framework 2019 (the Framework). Common ground was also reached insofar as the footpath network has a localised importance rather than being part of a national route or an attraction in its own right. I have no reason to come to a different view on the evidence before me.
10. The appeal site is a component of the Newbold and Desford Rolling Farmland Landscape Character Area (LCA) as defined in the Council's 2017 Landscape Character Assessment. The extent to which the appeal site represented the key characteristics of the LCA was a matter of dispute.
11. Whilst the appeal site contains large-scale views of the surroundings, these are largely influenced by Desford's townscape. The fields to the northeast find a backdrop against the Bosworth Academy whilst other features such as wind turbines, though not prominent, give a human element to the landscape. The expansive employment uses and sport facilities to the south of the appeal site, though not appreciable from within it, also have an urban influence on the landscape along the route of Peckleton Lane on the approach into Desford.

12. The appeal site benefits from a high degree of visual enclosure, being contained by historic hedgerows. Whilst there would be some cut back of the hedgerow fronting Peckleton Lane to facilitate the proposed access, this would be of limited scale given the overall length of the hedgerow. The Council's landscape witness, whilst raising concern that the development would feature on the skyline above the eastern boundary hedgerow when viewed from Footpath R/98, recognised that after 10 years the visual effect on the locality from the proposal would be moderate even during the winter months. In my view the degree of containment would lead to any visual effects of the development being highly localised.
13. This does not mean that the effects would not be adverse. Indeed, the development proposed would clearly have a permanent adverse impact on the landscape character of the appeal site itself. Where the permissive path R/99 enters and crosses the appeal site, the visual change would be stark. The Council would nonetheless have control over the final layout of any residential scheme and its associated landscaping, which could ensure built form is kept away from the footpath and planting undertaken to soften its appearance.
14. The townscape view of Desford from within the appeal site would be lost from Footpath R/99 and I do not accept that the spire of St Martins Church would be visible to the same extent post-development as it is now. However, views of the church spire, which are not a key characteristic of the LCA, would remain to users travelling towards the appeal site from the south on Footpath R/99 as well as the wider footpath network. The loss of views within the site would again be highly localised.
15. The degree to which the appeal site's landscape quality was heightened because it constituted Best and Most Versatile agricultural land (BMV) was disputed. BMV is regarded for its productive qualities in an economic context, which I shall explore later in this decision. In my view, the ability to grow different types of crops, which would be grown on a transitional and seasonal basis including periods where the land is 'empty' through harvest or fallow, holds very limited weight in contributing to landscape quality. BMV is certainly not responsible for the key characteristics of the landscape stated in the LCA.
16. Through landscaping and the creation of public open space, including the areas indicatively shown for sustainable urban drainage features, the proposal would enhance biodiversity on the appeal site. I acknowledge the indicative layout shows a physical gap between the existing edge of the settlement and the proposed dwellings within which the public open space would sit. From Footpath R/98 the proposed development could be perceived as being separate from the existing settlement. However, the gap would only be perceptible directly due east from the appeal site because of the existing housing in Meadow Way being visible in the same skyline views and thus I do not find the development would be seen as being out of context in this regard.
17. To conclude, the proposed development would cause some harm through the loss of a small part of the landscape character type identified. However, given the visual containment of the site, and with the use of conditions to secure the retention and enhancement of existing boundary vegetation, I am satisfied that the development would not be unduly intrusive to the wider countryside. As such, the harm would be limited. Nevertheless, this harm would mean that there would be some conflict with Policy DM4 of the SADMP.

18. There was some discussion as to whether Policy DM4 is consistent with the Framework, inasmuch as it sets out at the start that it seeks to protect the intrinsic character, beauty, open character and landscape character of the countryside. However, it is clear that it is protection from unsustainable development that is sought, rather than a blanket protection of all countryside. In that regard, I find no conflict with the Framework, which sets out a presumption in favour of sustainable development. However, the matter of whether a development can be considered sustainable or not is a product of the overall planning balance, a matter to which I return later.

Other Matters

Highways and Accessibility

19. The Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.
20. In respect of highway safety, the application was accompanied by a Transport Assessment and a Road Safety Audit undertaken using established methodologies. A study of accident data demonstrates that there are no particular safety concerns on the highway network in the vicinity of the appeal site that warrant mitigation as part of the scheme.
21. The vehicular access into the appeal site would be engineered with wider visibility splays than necessary for a 30mph zone, in recognition of recorded vehicular speeds above the speed limit on this part of Peckleton Lane. This design would improve visibility and provide for a safer point of egress from the proposed development. Whilst sun glare would affect visibility, this phenomenon is already experienced on the local roads and driver behaviour would be more cautionary in such conditions in any event.
22. There is currently only grass verge on the eastern side of Peckleton Lane where people access and egress Footpath R/99. Pedestrians, for safety reasons, would likely immediately cross to the western side of Peckleton Lane to where a made footpath exists. Whilst the primary school is on the western side of Desford, it was confirmed in evidence that the walking route is via Parkstone Road, which is some distance to the north of the appeal site. Therefore, pedestrians from the proposed development would have no compelling reason to immediately cross Peckleton Lane at the point where they would exit the proposed development. Neither the Council nor the Highway Authority raise pedestrian safety concerns and, on the evidence before me, I do not find reason to come to a different view.
23. With regard the wider highway network, there is an existing issue with traffic flows at the Desford Crossroads, which is currently a traffic light junction. A funding programme from LCC is in place to deliver a roundabout junction, which is projected to reduce journey times from 221 seconds to 10 seconds per vehicle. The proposal would contribute to the funding of this improvement, although the roundabout would not likely be in place until 2026. In any event, the proposed development of up to 80 dwellings would not contribute significant numbers of vehicles into existing traffic flows to cause a severe impact on the functioning of this junction.

24. On my site visit I observed some congestion at the Peckleton Lane, Kirkby Road, High Street junction caused in part by on-street parking. The parked vehicles appeared to be either overspill from the public car park just north of the junction or belonging to residents living in the vicinity. Evidence was given, albeit unsubstantiated, that vehicles currently divert around the junction through nearby housing areas to access the B582.
25. Whilst the parties are in dispute about the assignment of vehicles to this junction, the proposed development would not contribute significant volumes of traffic to the detriment of the junction's performance. The scale of any delays to motorists would not, in my view, be substantially worsened through the proposal. Also, given that most facilities are well within acceptable walking distances of the appeal site, it would be unlikely that the proposed development would intensify the demand for the public car park or for on-street parking space. It is reasonable to suggest occupiers of the proposed development would walk to the shops when evidence showed that Footpath R/99 is a well-used walking route for locals.
26. With Desford being described as a key rural centre in the Core Strategy, there is recognition that the village has a range of services and facilities available. A regular bus service is available and whilst it might not provide a late-night service into Leicester, vehicles making such a movement would be doing so out of peak times when traffic flow would be at a faster rate. The proposed development would be able to utilise the existing public transport network.
27. At the inquiry the concepts of a one-way system being introduced through Desford and potentially a bypass to the south were raised in evidence, but neither proposal was purported to be at any meaningful stage of discussion and so I afford such matters very limited weight.
28. Whilst the proposed development would cause additional vehicular movements on the local roads, I conclude that it would not give rise to severe residual impacts on the highway network. On the issue of highways and accessibility, I conclude that the proposal would be acceptable.

Local residents' concerns

29. The construction period for any development would generate the potential for noise and disturbance for a time-limited duration. Adequate controls through condition or through other legislation would be available to the Council to mitigate against any noise impacts during that phase of the development.
30. In respect of ecology, the submitted Ecological Appraisal provides a suitable assessment of the potential for fauna and flora at the appeal site as well as a range of mitigation measures. I am satisfied that, subject to a condition ensuring implementation of the recommendations in the Ecological Appraisal, the proposal would not have an adverse effect on local ecology.
31. The strip of land proposed across the northern boundary of the site would provide separation between existing and proposed housing areas. Evidence was heard at the inquiry relating to how the land would be sculpted on the west side to ensure properties are on a comparable level to those dwellings currently fronting Peckleton Lane. Consequently, I find that there would not be any overbearing impact from the development.

32. Written concerns about the potential for the proposed development to affect future plans at the nearby employment areas were received and briefly explored at the inquiry with the main parties. No strong views were put forward and it is my view that the proposals would not prejudice any other development projects in the area, which would be subject to their own planning considerations.

Infrastructure and Obligations

33. As mentioned at the outset, the appeal is accompanied by a planning obligation in the form of a Unilateral Undertaking. Together, the Community Infrastructure Levy (CIL) Regulations 2010 (Regulation 122) and paragraph 56 of the Framework set a number of tests for planning obligations: they must be necessary to make the development acceptable in planning terms; directly related to the development; and be fairly and reasonably related in scale and kind to the development. Should I determine that any obligation provided for does not comply with CIL Regulations 122 and so attach no weight to that obligation in determining the appeal, then the Undertaking includes a provision whereby that obligation would not be enforceable and would cease to have effect.
34. Subject to the usual contingencies, the Undertaking sets out covenants that would be imposed on the owners in favour of the Borough Council. This includes provision of affordable housing to a policy-required tenure split with a scheme to be submitted to the Council. It also binds the owners to providing and then transferring the on-site open space area to a management company, together with a maintenance contribution or, in the alternative, requesting that either the Borough Council or the Parish Council maintain it.
35. Covenants would also be imposed on the owners in favour of Leicestershire County Council, principally in respect of highway contributions but also towards primary and secondary education, library facilities and a monitoring fee.
36. At the request of LCC the Undertaking includes a monitoring fee, which was confirmed at the Inquiry as not requiring to be justified against the CIL Regulations. The inclusion of a monitoring fee is a matter of planning judgement. At up to 80 dwellings, the scheme would likely be delivered in phases and the other clauses in the undertaking are worded to reflect various milestones in the delivery of housing releasing various contributions. I therefore find the payment of a monitoring fee would be necessary to make the development acceptable in planning terms.
37. I recognise that the modest scale of the development means that any corresponding increase in use of the civic amenity site in Barwell would be modest. However, the evidence of LCC is that the facility already struggles to cope with existing demand, especially at peak times. To accommodate the increase in demand, I consider that a contribution towards the necessary works is justified in this case, as set out in LCC's statement.
38. In relation to the library contribution, the LCC statement advises that the development would place increased pressure on the limited services of Desford library. There would be a need to increase resource materials such as books, audiobooks, newspapers and reference documents. To be justified, a financial contribution must assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. In this instance I find that a

development of up to 80 dwellings would clearly have the potential to increase demand on library services, and the evidence before me demonstrates that the existing resources at the library would struggle to meet the demand. The contribution is justified therefore against the CIL Regulations.

39. The Council's CIL compliance statement sets out that the contribution towards the University Hospital Leicester would be unlawful with regard to regulation 122 (2) of the CIL Regulations as it is unnecessary, not relatable to the proposed development and unreasonable. On review of the responses from the University Hospital on this matter, I conclude that there is insufficient evidence from the consultee to warrant or justify the contribution sought against the CIL Regulations and as such I afford this obligation no weight in my determination of this appeal.
40. The other provisions, namely the provision of affordable housing, arrangements relating to the open space area, contributions towards education and highways infrastructure are all fully justified as set out in LCC's submission and the CIL compliance statement and meet the relevant tests. LCC, the Council and the Rule 6 party were satisfied that such contributions would mitigate the effects of development upon local infrastructure. I have therefore taken them into account in coming to my decision.

Planning Balance

41. For the purposes of this appeal, the most relevant development plan policies are contained in the Core Strategy and the SADMP. Whilst the Council is in the process of preparing a replacement Local Plan, it is still at a relatively early stage such that only very limited weight can be afforded to it and neither party relied on it in making their respective cases. The Desford Neighbourhood Plan has not yet been subject to Regulation 16 consultation and evidence was heard that substantive unresolved objections remain even at the current stage of preparation. I afford very limited weight to this emerging plan as a result.
42. The Council can only demonstrate a deliverable housing land supply of 4.15 years although I recognise that there has been no significant under-delivery of housing in recent years when measured against relevant requirements. It was also confirmed that, in granting planning permissions on sites beyond development boundaries, the Council has been applying its policies flexibly to ensure that its housing supply has remained strong. Be that as it may, the Council now finds itself in a position where it cannot currently demonstrate a five-year supply of housing land against its current requirement, and the shortfall is significant. Although a very late submission to the Inquiry suggested a planning obligation had been signed following a resolution to grant permission for 200 houses, my conclusions are not altered.
43. As a consequence, with regard to paragraph 11 of the Framework and its associated footnote 7, the policies which are most important for determining this application are to be considered out-of-date, thus engaging the so-called tilted balance. In such circumstances, permission should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits.
44. I have noted some conflict with Policy DM4 due to adverse impacts of the development upon landscape character, albeit such harm is tempered to a localised level as explained earlier. Although there is conflict with Core Strategy

- Policies 7 and 8, these are policies rendered wholly out-of-date in view of the lack of a five-year housing land supply. Whether or not the spatial strategy has failed, as suggested by the appellant, does not change this position nor the pursuit of sustainable development set out in paragraph 11 of the Framework.
45. A case was made that Policy DM10 'Development and Design' is applicable and that the proposal is in conflict with its terms. The reasoning was two-fold being firstly that the proposal would have a poor layout causing a loss of outlook to residents of nearby dwellings and secondly that the proposal would not complement or enhance the character of the area.
46. On the first issue, DM10 does not appear on the face of the decision notice and it was explicit common ground between the parties that there was no harm to the living conditions of nearby occupiers with regard to outlook. On the second issue, the overall design and landscaping strategy would be subject to reserved matters submissions. The Council's suggested conflict with DM10(c) is therefore of limited weight given that full details of scale, layout, density, mass, design, materials and architectural features were not before the inquiry for determination. I therefore give very limited weight to this policy and in any event find no conflict with its terms.
47. The proposal would provide both market and affordable housing contributing to economic growth and a prosperous rural economy, that the Framework attributes significant weight towards. The dispute between the parties as to whether the proposal would meet local needs in Desford does not detract from the fact that there is a borough-wide shortfall that has no immediate remedy in a plan-led system. The fact that Desford has already seen housing growth in excess of the minimum requirement set out in the CS demonstrates this and does not preclude any further development if found to be sustainable. I do not therefore reduce the weight to the economic benefits of housing in this instance, nor the social benefit of affordable housing provision.
48. The loss of circa 9 acres of BMV would only have a marginal economic impact on a much wider agricultural holding purported as being over 1,000 acres and as such only carries limited weight in the balance. Its loss would be clearly outweighed by the economic benefits of the development itself.
49. The proposals incorporate obligations to support local infrastructure and this investment has both economic and social benefits to the community. There would also be some environmental benefits because of biodiversity gains through additional planting and provision of open space, and these are to be given moderate weight because of their modest scale.
50. Given that Footpaths R/99 and R/98 are well used routes by the local residents, there is every expectation that prospective occupiers of the proposed development would access services by walking and cycling. I note the appeal site is not a preferred location for development in the emerging Neighbourhood Plan, but this does not diminish the site's accessibility credentials.
51. Whilst other appeal decisions have been presented to me on both sides, none of the examples have the same landscape or spatial characteristics as the current appeal site. I confirm, in this regard, that I have considered the development before me on its own merits.

52. In my view, the limited localised landscape harm would not significantly and demonstrably outweigh the significant benefits of the proposal when assessed against the Framework as a whole. In these circumstances, I consider that the appeal scheme would comprise sustainable development and the presumption in favour of such, as set out in the Framework, applies. That is a significant material consideration that outweighs any conflict with some elements of the development plan. Therefore, for the reasons set out above, I conclude on balance that the appeal should succeed.

Conditions

53. Possible conditions were discussed in detail at the Inquiry, on a without prejudice basis, in the light of the related advice in the Framework and the Government's Planning Practice Guidance. The conditions and wording set out in the attached schedule reflect that discussion and are based on the wording in Inquiry Document 10.
54. Conditions 1 and 2 are necessary to ensure the reserved matters application comes forward in a timely manner, with the appellant committing to a shorter submission period in light of the housing shortfall. Condition 3 is for certainty as to the access arrangements hereby permitted whilst condition 4 is necessary to ensure protection of the hedgerows that contain the appeal site. Condition 5 seeks to mitigate the visual effect of the development whilst 6 is reasonable in the interests of ensuring a policy compliant housing mix to meet local needs.
55. Conditions 7 and 8 are necessary to bring forward suitable landscaping works and biodiversity improvements. Conditions 9 and 10 are necessary to address any concerns regarding noise, dust, vibration and highway safety during the construction phase of the development.
56. Condition 11 is necessary to ensure continued operation of and safety for those pedestrians using the public footpaths at the appeal site. Condition 12 is reasonable given the topography of the site and to limit the risk of surface water flooding.
57. Condition 13 is necessary and relevant to ensure that important species are protected and mitigated for using the most up-to-date evidence. Conditions 14 and 15 are relevant and required in the interests of highway safety for all users of the highway and the development.
58. Condition 16 is necessary so as to maintain presence of the public footpath network where it crosses the appeal site in the interests of retaining connectivity to the countryside. Condition 17 is reasonable to require appropriate facilities to be in place to manage waste in the public interest.
59. A number of conditions listed above constitute pre-commencement conditions for which the appellant's agreement must be obtained prior to imposition. The conditions are based upon those formulated during the Inquiry and document ID10 produced at the Inquiry by both parties contains the appellant's written agreement accordingly.

Conclusion

60. In light of the above, I determine the appeal should be allowed subject to the terms of the unilateral undertaking and to the attached schedule of conditions.

David Wallis

INSPECTOR

Schedule of Conditions

- 1) Approval of the following details (hereinafter called "reserved matters" shall be obtained from the local planning authority in writing before any development is commenced:
 - i) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development;
 - ii) The scale of each building proposed in relation to its surroundings;
 - iii) The appearance of the development including the aspects of a building or place that determine the visual impression it makes;
 - iv) The landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details and retained as such thereafter.

- 2) Application for the approval of reserved matters shall be made within 18 months from the date of this permission and the development shall be begun not later than one year from the date of approval of the last of the reserved matters to be approved.
- 3) The development hereby permitted shall be carried out in accordance with the approved Location Plan, Access Plan – T18555/002/Rev B, T18555/001/Rev A
- 4) No more than 80 dwellings shall be constructed on the site including no development within 5 metres of any of the boundary hedgerows or within the Root Protection Areas of Mature Trees within the hedgerows, whichever is the greater.
- 5) Any reserved matters application relating to scale or layout shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings in relation to existing ground levels. The details shall be provided in the form of site plans showing sections across the site at regular intervals with the finished floor levels of all proposed buildings and adjoining buildings. The development shall be carried out in accordance with the approved levels.
- 6) Any reserved matters application shall be accompanied by a scheme which details the proposed market housing mix for the development

which should be in accordance with the Council's adopted Development Plan and the housing needs of the area. The development shall then be completed in accordance with the approved details.

- 7) Development shall not commence until details of all trees, shrubs and hedges to be retained, including any trees located outside but adjacent to the site boundary, together with the means of protecting them from damage during the carrying out of the development have been submitted to and approved in writing by the local planning authority. The approved means of protection shall be installed prior to the commencement of development and shall remain in place until after the completion of the development.
- 8) No development shall commence on site until a Landscape and Ecological Management Plan (LEMP) for the site which shall set out the site-wide strategy for protecting and enhancing biodiversity including the detailed design of proposed biodiversity enhancements and their subsequent management once the development is completed, has been submitted to the local planning authority for their approval in writing. The submitted plan shall include all retained and created habitats including SUDs. Development shall be implemented and thereafter maintained in accordance with the approved Management Plan.
- 9) No development shall commence on site until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority and the approved details shall then remain in force throughout the construction period. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored and a procedure for the investigation of complaints. Site preparation and construction hours shall be limited to between 0730 to 1800 Monday to Friday and 0800 to 1300 on Saturdays. There shall be no working on Sundays and Bank Holidays.
- 10) No development shall commence on the site until such time as a construction traffic management plan, including as a minimum detail of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities and a timetable for their provision, has been submitted to and approved in writing by the local planning authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.
- 11) No development shall commence on site until a Footpath Management Plan has been submitted to and approved in writing by the local planning authority. Such a plan shall include details of temporary diversion, fencing, surfacing, signing and a time table for provision. The approved details shall then be implemented in full on site prior to the commencement of development and retained throughout the construction period.
- 12) No development shall commence on site until a Surface Water Management Scheme has been submitted to and approved in writing by the local planning authority. The submitted scheme should include details of the following:

- i) Infiltration testing to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element and should ensure that surface water does not drain into the Public Highway;
- ii) Management of surface water on site during construction of the development; and
- iii) The long-term maintenance of the sustainable surface water drainage system within the development.

Development shall be carried out in accordance with the approved details and retained as such thereafter.

- 13) In the event that development is not commenced by June 2020, no development shall take place until details of further surveys to establish the presence of badgers which could be affected by the proposed development, and a mitigation/compensation scheme if required, have been submitted to and approved in writing by the local planning authority. Mitigation/compensation works shall be carried out in accordance with the approved scheme.
- 14) No part of the development hereby permitted shall be occupied until such time as the access arrangements and gateway treatment shown on approved Drw No: T18555/002/Rev B and T18555/001/Rev A have been implemented in full.
- 15) No part of the development hereby permitted shall be occupied until such time as the offsite works which includes the extension of the public footpath along Peckleton Lane and the crossovers as shown on approved Drw No: T18555/002/Rev A and T18555/001/Rev B have been implemented in full.
- 16) No development above foundation level shall commence until a signing and waymarking scheme in respect of the Public Right of Way R99 has been submitted to the local planning authority for approval in writing. The approved scheme shall then be carried out in full prior to the occupation of the first dwelling hereby approved and retained as such thereafter.
- 17) Prior to the occupation of any of the dwellings hereby approved, a scheme which makes adequate provision for waste and recycling storage of containers and collection across the site has been submitted to and approved in writing by the local planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers. The scheme shall then be implemented in accordance with the approved details and retained as such thereafter.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Stephanie Hall (of Counsel)	Instructed by Hinckley and Bosworth Borough Council
She called	
Neil Furber BSc (Dual Hons) Dip LA CMLI	Associate Director at Pleydell Smithyman Limited
Nigel Harris BA (Hons) Dip MRTPI	Head and Director at Boyer Planning East Midlands
Rhianna Hill MRTPI	Team Leader Hinckley and Bosworth Borough Council

FOR THE APPELLANT:

Thea Osmund-Smith (of Counsel)	Instructed by Simon Atha of Cerda Planning Limited
She called	
James Parker BSc (Hons) MSc (ENG) MILT MCIHT	Director of Hub Transport Planning Limited
Alastair Macquire BA (Hons) DIP LA CMLI	Associate Director of Aspect Landscape Planning Limited
Simon Atha BSc (Hons) MA MRTPI	Associate at Cerda Planning Limited
Richard West BA (Hons) MRTPI	Planning Consultant at Cerda Planning Limited

FOR THE RULE 6 PARTY (DESFORD PARISH COUNCIL):

Terry Robinson
Bernard Grimshaw BA (Hons)
MA

FOR THE RULE 6 PARTY (LEICESTERSHIRE COUNTY COUNCIL):

Andrew Tyrer	Developer Contributions Officer
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INTERESTED PERSONS:

Councillor Martin Cartwright	Elected Member for Groby, Executive Member of Hinckley and Bosworth Borough Council
Colin Crane	Local resident

DOCUMENTS SUBMITTED DURING THE INQUIRY

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| ID1 | Planning Practice Guidance note on Agricultural Land |
| ID2 | Enlarged maps showing extent of Best and Most Versatile Agricultural Land |
| ID3 | Opening Statement on behalf of Appellant |

- ID4 Opening Statement on behalf of the Council
- ID5 Personal Details and Supplementary Notes of Bernard Grimshaw
- ID6 Community Traffic Survey
- ID7 Highways Technical Note 2 – Journey Time Runs
- ID8 Council response to the Desford Neighbourhood Plan Pre-Submission Draft
- ID9 Bus timetables
- ID10 Updated suite of conditions
- ID11 Closing statement for the Council
- ID12 Closing statement of the Appellant