



Appeal Decision

Site visit made on 1 October 2024

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2025

Appeal Ref: APP/X2410/W/23/3330662

Land off Hoby Road, Thrussington, Leicester, LE7 4TH

Grid Ref Easting: 465124; Grid Ref Northing: 316162

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by SI Thrussington Ltd against Charnwood Borough Council.
- The application reference is P/23/0406/2.
- The development proposed is nine new detached dwellings and new means of access off Hoby Road (access and layout to be considered).

Decision

1. The appeal is dismissed and outline planning permission for nine new detached dwellings and new means of access off Hoby Road (access and layout to be considered) is refused.

Application for costs

2. An application for costs was made by Charnwood Borough Council against SI Thrussington Ltd. This application is the subject of a separate Decision.

Preliminary and Procedural Matters

3. The application was submitted in outline, with access and layout to be determined at this stage. The proposed development was described on the planning application form as "outline application with some matters reserved for nine new detached dwellings and new means of access off Hoby Road". I have used the modified wording from the appeal form in the banner heading and my formal decision above, as it provides more information about those elements of the scheme for which details were submitted. I have treated the submitted drawings as being for illustrative purposes only in respect of appearance, landscaping and scale, as these are reserved matters.
4. The Council had not determined the planning application prior to the appeal being lodged, but its statement indicated that it would have refused planning permission for four reasons. These form the basis of the main issues I have identified below, although I have dealt with the quantity and mix of housing (including affordable housing) as a single main issue, as there was considerable overlap between the two reasons put forward by the Council.
5. In February 2024 the appellant submitted a planning application, covering the wider site of which the appeal site is part, for an alternative scheme described as "Outline Application for 26no. new dwellings together with means of access from Hoby Road (All matters reserved except for Access and Layout)"¹. Both

¹ LPA Ref: P/24/0251/2

main parties referred to this subsequent proposal ("the February 2024 application" or "the February 2024 scheme") in their appeal evidence, and I deal with the matters raised at relevant points in my reasons below.

6. The development plan comprises the saved policies of the 2004 Charnwood Local Plan ("the 2004 CLP") and the 2015 Charnwood Core Strategy ("the CCS"), the 2018 Thrussington Neighbourhood Plan ("the TNP"), and the 2019 Leicestershire Minerals and Waste Plan. The first two of these documents will be replaced by a new Charnwood Local Plan ("the Emerging Local Plan") which is currently being prepared by the Council. In July 2024, following examination hearings, the Council published for public consultation an updated version of the new CLP incorporating main modifications. Although the Council's appeal statement anticipated that the Emerging Local Plan would be adopted "towards the end of 2024", that has not yet happened. I assess the appropriate weight to be given to the various current and emerging development plan policies below. In reaching my decision I have taken into account comments made in respect of the proposed modifications to the Emerging Local Plan.
7. In December 2024 the Government published a revised National Planning Policy Framework ("the Framework"), replacing the December 2023 version extant at the time the planning application was determined. I have taken into account comments submitted in the light of the draft proposed changes to the Framework issued for consultation in July 2024. The provisions most relevant for determining this appeal were not altered significantly between then and publication of the revised Framework in December 2024, and as a result I consider that there is no requirement for me to seek further submissions on this matter; I am satisfied that neither main party's interests have been prejudiced by my taking this approach. Where I have referred in my decision to specific paragraphs of the Framework, the numbering used is that of the December 2024 version.
8. The appellant has submitted a signed and dated Unilateral Undertaking ("the UU") under Section 106 of the Town and Country Planning Act 1990. It makes provisions in respect of biodiversity, and I address it in my consideration of that main issue below.

Main Issues

9. The main issues are:
 - Whether the proposed development, including the housing mix and provision of affordable housing, would be appropriate with regard to the housing and development strategy for the borough;
 - The effects of the development on biodiversity; and
 - Whether the site can be adequately drained, with regard to the risk of surface water flooding.

Reasons

Housing and development strategy; housing mix, affordable housing

Location and scale of development

10. The appeal relates to a greenfield site, on the north side of Hoby Road, adjoining the north-eastern edge of the small village of Thrussington. The

proposal is for a development of nine detached dwellings, to be laid out along both sides of a new access road taken from the middle of the Hoby Road frontage.

11. The site is outside the "Limits to Development" for Thrussington, and therefore in a countryside location where the adopted development plan generally seeks to restrict development. Saved Policy ST/2 of the 2004 CLP states that development will be confined to allocated sites and other land within the Limits to Development other than where specific exceptions are provided for; Saved Policy CT/1 sets out a list of relevant exceptions, but the appeal scheme does not fall within any of them. Policy CS1 of the CCS and Policy H1 of the TNP provide for the development of housing at Thrussington, but again only within the settlement limits. Because of its location within countryside outside the limits to development for Thrussington, development of the appeal site for housing would conflict with all of these adopted policies.
12. Draft Policy DS1 of the Emerging Local Plan supports sustainable development which, among other things, contributes towards meeting housing needs, protects the intrinsic character of the countryside, and makes efficient use of land. Draft Policy DS3 identifies and allocates sites for housing development including an area of land at 44 Hoby Road ("Site HA67") of which the appeal site is part, which the policy anticipates would accommodate approximately 26 new homes². Draft Policy DS3(HA67) sets out site-specific requirements for Site HA67: that development should maintain and enhance grassland habitats, utilise sustainable drainage systems to enhance the habitat value of the site and its connectivity with the village pond, and maintain and enhance the setting of the Thrussington Conservation Area ("the TCA").
13. The appeal site represents only the greenfield part of the proposed allocated Site HA67, covering around two thirds of its total land area. The remaining brownfield part of Site HA67, which is not within the scope of the appeal scheme, comprises a range of commercial units at the rear of No 44 Hoby Road.
14. I understand that the units are occupied by a number of long-established businesses, and the appellant suggests that the division of Site HA67 would allow the business uses to either "draw to a natural close" or to find alternative premises within the next five years, after which the "second phase" of the development on the brownfield land would be delivered". However, a phased development which would allow the existing businesses time to relocate, could be carried out within the scope of a planning permission covering the entire Site HA67 – this is something which, it must be presumed, has been taken into account in preparing the February 2024 application which *does* cover the entire site.
15. I note the appellant's comment that the February 2024 application has been "positively received" by the Council. In determining this appeal it is not appropriate for me to comment on the February 2024 scheme in itself, as to do so could fetter the Council's decision making. A "proposed layout" plan³ was, however, submitted to me showing the whole of Site HA67 developed for housing, with this appeal scheme as "Phase 1" and the residual parts of the February 2024 scheme as "Phase 2". That plan shows no apparent way of

² Reduced from 30 in the Proposed Modifications

³ Document 4 accompanying the appellant's final comment "Appeal Rebuttal" submission

getting into "Phase 2", as the dwelling and garage on Plot 8 in this scheme would leave no room for the access road shown, while the north-eastern elevation of Units 14 to 16 within "Phase 2" would be very close – perhaps unacceptably so – to the rear of the dwelling on Plot 5 in this scheme.

16. The appeal proposal would lead to just over a third of the housing anticipated for Site HA67 being delivered on two thirds of the site. I do not find the arguments which the appellant has put forward for splitting Site HA67 and proposing to develop only nine dwellings at this stage persuasive. Because of the access arrangement and layout proposed for the appeal development, there is considerable doubt in my mind as to whether, if it were to go ahead, the remaining part of Site HA67 would be able to accommodate sufficient housing to meet its allocation.
17. While Draft Policies DS1 and DS3 of the Emerging Local Plan provide support for the principle of housing development on Site HA67, the scale of the development proposed here would make a reduced contribution to meeting housing need and would not represent an efficient use of land. It would therefore conflict with these emerging policies. The site-specific matters within Draft Policy DS3(HA67) are addressed in the other main issues below.

Housing mix

18. In the adopted development plan, Policy CS3 of the CCS seeks an appropriate mix of types, tenures and sizes of homes, having regard to identified needs in the area. The most recent housing need evidence which has been provided to me is set out in the 2022 Leicester & Leicestershire Housing & Economic Needs Assessment ("the HENA"), which recommended a market housing mix within Charnwood whereby 5% of new market housing should have one bedroom, 30% should have two bedrooms, 45% should have three bedrooms, and 20% should have four or more bedrooms. Policy H2 of the TNP identifies a particular local need for small-scale developments which deliver housing suitable for young people and the elderly (respectively starter homes with two and three bedrooms, and bungalows with two and three bedrooms).
19. Draft Policy H1 of the Emerging CCS also seeks a mix of house types, tenures and sizes that meet the overall needs of the Borough in line with the most up to date evidence. I again understand the most up-to-date evidence to be the HENA, though rather than a single figure of 20%, Table 6 of the Emerging CCS sets out a range of 15% to 25% for dwellings with four or more bedrooms within the preferred overall mix.
20. The appeal scheme would deliver nine market dwellings, all with more than four bedrooms. While acknowledging that the scale and appearance of those dwellings is a reserved matter, the indicative plans submitted (which in fact include detailed floorplans and elevations of the proposed dwellings) show that all nine houses would have five bedrooms, as well as other substantial rooms (identified as playrooms, studies, and "entertainment lounges") which could presumably also be adapted to serve as bedrooms if desired. The proposed development would therefore sit very much at the larger end of the market, and would not meet any of the need for smaller dwellings at all.
21. The appellant has justified the proposed housing mix with reference to the "Phase 2" development, whether delivered as part of the February 2024 application or, presumably, as a separate future application. It is argued this

would “lend itself to the delivery of smaller, higher density houses, meaning that overall, the emerging allocated site will provide a mix of housing to satisfy this matter”. However, for the same reasons as I have set out in paragraphs 13 to 16 above, there must be considerable doubt as to whether the putative “Phase 2” could, in the event of this scheme going ahead, subsequently be developed in the manner put to me during the appeal.

22. The appellant also stated that the housing mix had been proposed on the back of a “desire to bring forward development that reflects the character of the existing settlement in the most visible part of the allocated site”. I note the local characteristics highlighted in the submitted Design and Access Statement, such as prominent brick chimneys on end elevations, high brick boundary walls with radiused corners, dentil brickwork, and that the appeal scheme seeks to incorporate design elements based on traditional features. I saw on my site visit the small number of relatively large and imposing historic houses in the centre of Thrussington.
23. However, I also saw that the village as a whole mostly has modern housing of a suburban character; sometimes low in density, but generally mostly modest in size and scale. Glebeland Close, a short distance south-west of the appeal site towards the village centre, is a reasonably significant grouping of larger modern detached dwellings, but even so the submitted drawings suggest that the nine dwellings of the appeal scheme would be larger still, and on larger, more spacious plots. While it is commendable that the appeal scheme seeks to incorporate building forms, design detailing and materials which represent positive elements of the locality, this is not a convincing justification for permitting a development exclusively comprising very large houses which would do little or nothing to meet the wider need for a variety of dwelling sizes in the area.
24. The proposed housing mix would not therefore be appropriate to meet the identified need in the area. On this matter, the development would not comply with the adopted development plan, conflicting with Policy CS3 of the CCS and Policy H2 of the TNP, the principal relevant provisions of which I have set out at paragraph 18 above. There would also be conflict with Draft Policy H1 of the Emerging CCS, as I have summarised at paragraph 19.

Affordable housing

25. Policy CS3 of the CCS seeks an affordable housing provision of 40% on sites of five dwellings or more in Thrussington, in common with other rural locations across the borough. Draft Policy H4 of the Emerging Local Plan seeks a 30% affordable housing provision on greenfield sites, and 10% on brownfield sites, from all major housing developments. The appeal scheme would not include any provision of affordable housing. At only nine dwellings it would not, of course, be a major housing development; however, Draft Policy H4 also states that “developers are expected to make efficient use of land and attempts to artificially reduce the scale of development to below the threshold for providing affordable housing will not be acceptable”.
26. I do not need to repeat the appellant’s explanation for splitting the larger Site HA67, which I have set out above. I note the developer states that they “have every intention to provide affordable housing on the remaining parcel of land, as is reflected within [the February 2024 application] for 26 units”. However, my concerns about the deliverability of any potential “Phase 2” are

relevant here, while any logic in the suggestion that splitting the site has been a necessity is undermined by the subsequent submission of the February 2024 application. Furthermore, assuming that a standalone proposal for the remaining part of Site HA67 were to come forward, any developer would presumably, in view of its existing uses, seek to provide affordable housing at the lower brownfield rate. Whether or not the appeal proposal is the result of an attempt to deliberately reduce the scale of development such that it falls below the affordable housing threshold – and I acknowledge the appellant’s assertion that it is not – taking all of these concerns into account my inescapable conclusion is that it is nevertheless “artificial” in the terms set out in the Emerging Local Plan.

27. The zero affordable housing provision means that the development would not comply with the adopted development plan, conflicting with Policy CS3 of the CCS. The artificial subdivision of Site HA67 has had the effect, whether deliberate or not, of reducing development on the site to below the threshold for affordable housing, so there would also be conflict with Draft Policy H4 of the Emerging Local Plan.

Findings on this main issue

28. The location of development is not supported by the adopted development plan. The emerging development plan is supportive of the principle of housing development at this location, although this is dependent on meeting other requirements. I have found that the proposed development would not make efficient use of land, would not provide an appropriate mix of housing to meet local need, and would not provide affordable housing as a result of an “artificial” division of the site (and the putative “Phase 2” may or may not come forward). Taking all of this together, the proposed development would not be appropriate with regard to the housing and development strategy for the borough.
29. The proposed development therefore conflicts with Saved Policies ST/2 and CT/1 of the 2004 CLP. Policies CS1 and CS3 of the CCS and Policies H1 and H2 of the TNP. There would also be conflict with Draft Policies DS1, DS3, H1 and H4 of the Emerging Local Plan. I have set out the relevant provisions of all of these policies in my reasoning above.

Biodiversity

30. The appeal scheme was accompanied by a Preliminary Ecological Appraisal⁴ and Biodiversity Net Gain Calculations⁵. The second of these indicated that the appeal site in its pre-development condition has a biodiversity value of 7.47 habitat units and 3.27 hedgerow units. The proposed development would reduce this by 6.10 habitat units and 0.83 hedgerow units, losses of 81.62% and 25.33% respectively. While the appeal scheme does not fall within the scope of the Biodiversity Net Gain requirements in Schedule 7A of the Town and Country Planning Act 1990, as it was submitted before 2 February 2024, there are other provisions relating to biodiversity in the development plan.
31. Policy CS13 of the CCS requires the provision of adequate mitigation where there are negative impacts on biodiversity; it states that compensation which results in replacement provision that is of equal or greater value and potential

⁴ Morph Ecological Consultants, February 2023

⁵ Morph Ecological Consultants, June 2023

than that which will be lost, and that is likely to result in a net gain in biodiversity, may be provided "as a last resort". Draft Policy EV6 of the Emerging Local Plan requires that development proposals should be accompanied by an ecological survey including a Biodiversity Impact Assessment and demonstrate how they have been designed to minimise ecological impact and provide 10% net gain on site in the first instance or through biodiversity offsetting, where appropriate.

32. The Council's 2022 Biodiversity Planning Guidance ("the BPG") advises that biodiversity offsetting by way of off-site compensation will be considered where it is evident that avoiding biodiversity loss and on-site mitigation are not possible. The appellant has provided a copy of a consultation response on ecology and biodiversity matters from the Council's Natural and Built Environment Team ("the ecology consultation comments"), though this was made in relation to the February 2024 scheme rather than this appeal proposal. In respect of mitigation, the response acknowledges that it would not be possible "to fulfil the ambition of the [Emerging Local Plan] and avoid a biodiversity net loss on site", and that in view of "the acknowledged inevitability of biodiversity net loss the applicant should seek to identify a suitable receptor site within the Borough".
33. The UU submitted by the appellant makes provisions in respect of biodiversity. It is dated 20 July 2024, and is signed and executed as a deed. The Framework sets out policy tests for planning obligations; they must 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. The same tests are enshrined in the statutory tests set out in Regulation 122 of the CIL Regulations⁶. I have had regard to comments made by the Council in respect of a previous version of the UU (dated 1 July 2024), and by the appellant in response.
34. The UU commits the appellant to submitting a biodiversity offsetting scheme (referred to in the UU as an "ASBDOS") to the Council before any of the proposed dwellings is occupied. This would need to set out details of how a minimum 10% net gain in biodiversity would be achieved (whether on- or off-site, or a combination of both), the location of a donor site, a proposed planting scheme and timeframe, and the submission of a Habitat Management Maintenance Plan to secure management of the ASBDOS works for at least 30 years. In line with guidance for outline applications in the BPG, the UU provides for the amount of off-site compensation to be calibrated at the reserved matters stage. Having regard to the potential negative impact of the proposed development on biodiversity, as well as the ecology consultation comments, I find that this obligation is required by (and in accordance with) adopted and emerging development plan policies.
35. The UU also provides for payments of £750 to cover the Council's legal costs, and £500 to cover the costs of monitoring the UU and the development. I have not been provided with a detailed estimate of the actual costs which the Council might incur, but based on my experience elsewhere I consider that these administration costs would be proportionate, reasonable, and would be likely to reflect the actual cost of monitoring and administering the s106 agreement, in line with the advice in the Planning Practice Guidance. Based on

⁶ Community Infrastructure Levy Regulations 2010 (as amended)

the evidence before me, I am satisfied that the provisions set out in the obligation would be necessary to make the development acceptable in planning terms, are directly related to the development, and are fairly and reasonably related in scale and kind to the development. All therefore meet the statutory tests.

36. I conclude that the development would not have an unacceptable effect on biodiversity, as the submitted planning obligation would secure at least a 10% biodiversity net gain. Landscaping and related matters within the site could be determined at the detailed reserved matters stage. The development would therefore comply with Policy CS13 of the CCS and Draft Policy EV6 of the Emerging Local Plan, the principal relevant provisions of which I have set out above. There would also be no conflict with Policy E3 of the TNP, which seeks to preserve or enhance wildlife habitats and corridors, or with the provisions of Draft Policy DS3(HA67) of the Emerging Local Plan relating to biodiversity and habitats.

Drainage and flood risk

37. The appeal site is within Flood Zone 1, and is at low risk of both fluvial and surface water flooding. The planning application was accompanied by a Drainage Strategy⁷ which included a drainage layout showing surface water being discharged from the site to a watercourse on the far (south) side of Hoby Road from the site access point; that watercourse discharges in turn to the Ox Brook, some 140m or so north east of the site.
38. The Council's principal concern in respect of drainage, based on advice from the Lead Local Flood Authority ("LLFA")⁸, was that the drainage scheme may not be deliverable because of a lack of evidence that the appellant had consulted with the third-party owner of the land on which the surface water outfall would be located. The Council's statement also referred to a need to demonstrate that the watercourse "would be suitable to accept the flows and has wider connectivity".
39. The appellant has provided a map showing that the watercourse on the south side of Hoby Road is within public highway land (within the control of Leicestershire County Council). Making drainage connections within highway land is not a novel aspect of development, and there is nothing in the evidence before me which indicates that the necessary permissions could not be obtained in this case. The Drainage Strategy indicates that, based on the ground conditions encountered in site investigations, soakaways are not considered viable (though specific soakaway testing had not been carried out) so the design of the scheme has focused on limiting surface water discharge to the existing greenfield runoff rate.
40. Surface water discharge from the development as a whole would be via an attenuation tank under the access road, with outflow to the watercourse limited to 5 litres per second (l/s). Individual plots would have their own attenuation, with outflows limited to 1.4l/s. The Drainage Strategy notes that this would cater for all rainfall events up to a 100 year +40% climate change period. While there would remain detailed technical matters to be resolved, such as how surface water would be treated prior to discharge to the

⁷ Keith Simpson Associates, March 2023

⁸ Leicestershire County Council

watercourse, these could (were the proposal acceptable in all other respects) be addressed by conditions and determined at the detailed reserved matters stage.

41. There is therefore sufficient evidence before me at this stage to indicate that the surface water flows arising from the development could be adequately catered for without increasing the risk of related flooding elsewhere. I am satisfied that the site could be adequately drained, and therefore find no conflict with Policy CS16 of the CCS, Policy E1 of the TNP, or Draft Policies CC1 and CC2 of the Emerging Local Plan; together (and among other things) these policies seek to ensure that development on greenfield sites does not lead to a net increase in surface water runoff rates, that Sustainable Drainage Systems are used where appropriate, and that development does not increase the risk of flooding elsewhere. I also find no conflict with the provisions of Draft Policy DS3(HA67) of the Emerging Local Plan which relate to drainage.

Other Matters

42. The appeal site lies around 175 metres north-east of the TCA. The Council describes the conservation area as being defined by tightly knit rows of properties that are positioned adjacent to the highway and orientated around central spaces, such as the village green. It notes that although buildings within the TCA are a mix of styles and ages, the housing stock predominantly consists of smaller-scale properties. The Council is of the view that, although the size of the plots and indicative scale of proposed dwellings in this scheme would not reflect the key characteristics of the TCA, the separation distance means that the heritage asset would not be harmed. Based on all the evidence before me, including what I saw during my visit, I agree; I am satisfied that the setting of the conservation area, and thus its significance as a designated heritage asset, would be preserved.
43. The appellant's evidence drew my attention to a grant of planning permission for a development at Queniborough described as "Outline planning application for the residential development of up to 160 dwellings alongside associated site infrastructure, open space and landscaping (all matters reserved except for access)"⁹. Matters specifically referred to include the Council's approach to applying the "tilted balance" in the light of the age of its adopted development plan policies, the weight given to policies in the Emerging Local Plan and to the economic benefits of the development, as well as the provision of off-site biodiversity enhancements, and the use of conditions to seek further details of drainage.
44. I do not know the full details of the Queniborough development, but have been provided with the Council's committee report in respect of that scheme. Notwithstanding that I have found no significant harm in respect of biodiversity and drainage in this appeal, the two cases do not appear to be directly comparable, including in terms of the quantity and detail of evidence which was before the Council. I turn to matters relating to the Council's adopted development plan, the Emerging Local Plan and the question of the "tilted balance" in respect of this scheme in a moment. I also address the weight to be given to the economic benefits of the scheme, but note that as a much larger scheme than this one, with more than 17 times as many dwellings proposed, those arising from the Queniborough scheme would be likely to be of

⁹ LPA Ref: P/23/1235/2

a different scale to those in this appeal. Taking all of these considerations together, the grant of planning permission for the Queniborough scheme does not weigh significantly in favour of this appeal proposal.

Planning Balance and Conclusion

45. There is no dispute between the main parties that certain of the policies of the adopted development plan are inconsistent with the Framework; Saved Policies CT/1 and CT/2 of the 2004 CLP seek to control development other than where it complies with a narrow set of criteria, while the spatial strategy expressed in Saved Policy ST/2 is no longer capable of meeting the borough's housing needs. These policies are among the most important for determining the appeal but they are, in the Framework's terms, "out-of-date".
46. The Emerging CLP is now at an advanced stage of preparation. No significant changes to the policies cited in my reasons above are proposed as part of the Proposed Main Modifications published in July 2024; it is reasonable therefore to conclude that any objections relating to those policies have been resolved, that they are consistent with the Framework and likely to be found "sound". They are a material consideration capable of carrying considerable weight. However, those emerging policies are not yet part of the development plan which, for the reasons I have just given, therefore remains out-of-date.
47. The Council's position in its appeal statement, based on April 2024 figures is that it can demonstrate a housing land supply of 5.32 years. The appellant noted, when commenting on the Proposed Main Modifications to the Emerging Local Plan, that the Council's housing land supply position set out in related documents is that it has a housing land supply of 5.01 years, including the wider Site HA67 contributing 26 dwellings in the period 2026-27, but I have not been provided with further details; the evidence before me is therefore that there is more than five years supply of housing land, even if only just.
48. Nevertheless, because of the age of the most relevant development plan policies, the "tilted balance" set out in paragraph 11(d) of the Framework is engaged. This means that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. While the TNP is part of the development plan, it is more than five years old, and does not make provision to meet local housing need; the provisions of Paragraph 14 of the Framework relating to conflict with neighbourhood plans do not apply.
49. The Framework seeks to significantly boost the supply of housing; it also highlights the important contribution small sites can make to meeting the housing requirement of an area, and notes that they can often be built-out relatively quickly. The nine dwellings which would result from the proposed development would make a modest contribution to boosting the supply of homes within the borough, which I give moderate weight in the overall balance. The proposals would also bring short-term construction employment benefits, along with knock-on economic benefits to building suppliers and contractors in the area. Further occupiers would also be likely to provide support to facilities, services and businesses in locality for the longer-term. Given the small scale of the scheme these economic benefits also carry moderate weight in favour of the proposal.

50. I have found that there would be no unacceptable harm in respect of biodiversity or drainage, and no conflict with provisions of the Framework on these matters. This lack of harm is a neutral factor in the overall planning balance.
51. However, for the reasons I have set out above, I have found that by developing only part of a soon-to-be-allocated site (and potentially delaying or even preventing the remainder of that site coming forward) the proposed development would not make efficient use of land; it would not comply with the provisions of the Framework in this respect, in particular the requirements of Paragraphs 129 and 130. In proposing to provide only a small number of very large dwellings, and by artificially dividing a larger site with the consequence (whether as a deliberate strategy or otherwise) that there would be no provision of affordable housing, this would also mean that the appeal site's contribution to meeting the area's identified housing need would fall well short of what might otherwise reasonably be expected. As a result, there would be conflict with the provisions of Chapter 5 of the Framework, which seek the delivery of a sufficient supply of homes.
52. Overall, I consider that the harm from the development would significantly and demonstrably outweigh the benefits when assessed against the Framework taken as a whole. The proposal would not therefore amount to sustainable development in the terms set out in the Framework. As such, having applied the balance set out in Paragraph 11 d)ii), the presumption in favour of granting permission does not apply.
53. I have also found that there would be conflict with the development plan in respect of the housing and development strategy for the area, as it relates to the housing mix and provision of affordable housing. Because of their age and inconsistency with the Framework, I afford conflict with policies of the 2004 CLP limited weight in the overall planning balance. The Emerging Local Plan is at an advanced state of preparation but, for the reasons I have set out above I cannot give conflict with its draft policies full weight in the overall balance. Nevertheless, the conflict with these policies adds weight to my conclusion that the appeal should be dismissed, and the proposal would conflict with the development plan as a whole.
54. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The other material considerations identified in this case, including the Framework, do not justify a decision other than in accordance with the adopted development plan.
55. For the reasons given above, the appeal is therefore dismissed and planning permission is refused.

M Cryan

Inspector