

APPEAL BY LIONCOURT STRATEGIC LAND LIMITED

REFUSAL OF OUTLINE PERMISSION FOR RESIDENTIAL DEVELOPMENT OF UP TO 130 DWELLINGS (USE CLASS C3) INCLUDING VEHICULAR ACCESS FROM DILMORE LANE, PEDESTRIAN AND CYCLE LINKS, PUBLIC OPEN SPACE, CAR PARKING, DRAINAGE, LANDSCAPING, AND OTHER ASSOCIATED INFRASTRUCTURE. ALL MATTERS RESERVED EXCEPT FOR ACCESS.

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LAND AT DILMORE LANE, FERNHILL HEATH

CLOSING STATEMENT

OF THE LOCAL PLANNING AUTHORITY

Introduction

1. These Closing Submissions summarise the Council's case after the close of the inquiry. As set out in Opening, we are concerned with one reason for refusal ("**RFR**") and that is RFR 1.
2. The second RFR relating to the planning obligation has been overcome.
3. As set out in Opening, in respect of RFR1 two further points are relevant to note.
 - a. First, the part of the reason for refusal relating to the impacts on Best and Most Versatile Agricultural Land ("**BMV**") is a harm that weighs in the planning balance. However, the Council have concluded that whilst there are notable areas of poorer-grade agricultural land in the district, these are

predominantly in more rural locations, some distance from existing settlements. There are clear reasons why the Council would not want to direct residential development to these locations, and though the loss of that BMV resource is harm which weighs against the scheme, it is not sufficient to amount to a RFR.

- a. Second, the low level of less than substantial harm to Tappenhill Farmhouse needs to be weighed against the public benefits of the scheme (per NPPF §208). Accordingly, it is not sufficient to warrant a RFR. Nonetheless, the Inspector will need to consider the heritage harm arising from the scheme and weigh that in the planning balance in accordance with the statutory duty.¹
2. We will return to both of those matters in the planning balance.
 3. These Closing Submissions, therefore, focus on the main issues as highlighted by the Inspector in her Opening. In summary, they are:
 - (i) The suitability of the proposed development having regard to the settlement strategy.
 - (ii) The impacts upon the character, appearance and visual amenity of the area.
 - (iii) Grade II listed Tappenhill Farmhouse.

Main Issue 1: The Suitability of the Proposed Development With Regard to the Spatial Strategy

4. Section 38(6) of the Planning and Compulsory Purchase Act 2004 (“**the 2004 Act**”) mandates that decisions be taken in accordance with the Development Plan unless material considerations indicate otherwise.

¹ S.66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5. In this case, the relevant “Development Plan” comes in two parts: the South Worcestershire Development Plan (“**the SWDP**”) and the North Claines Neighbourhood Plan (“**the NCNP**”). The former was adopted in 2016, the latter in 2017.
6. That is, as both Mr Instone (“**PI**”) and Mr Tait (“**JT**”) agree, the starting point. That, too, echoes what is said in the NPPF about the Development Plan: it has statutory primacy.² Moreover, §12 of the NPPF states in terms that:

“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”

7. Central to both the SWDP, and the NCNP is the fact that they echo the three limbs of sustainable development discussed within the NPPF – the economic objective, the social objective and the environmental objective.³
8. That trifecta forms the central thread of the SWDP, through to the allocations that it has made for where development is likely to be acceptable and the policies which encapsulate where it is not. We can see how the SWDP balances the competing needs in South Worcestershire, including for a supply of new homes as well as supporting economic growth through the policies in the plan and, importantly, through the spatial strategy.⁴
9. That formulation is also encapsulated in the supporting text of the overarching spatial strategy to the SWDP which looks to balance the social need for, and the

² See s.38(6) of the Planning and Compulsory Purchase Act 2004, and NPPF §47, and

³ As agreed with JT in XX.

⁴ All explored with JT in XX.

supply of housing(required to meet the needs of present and future generations⁵) with the environmental role – contributing to protecting Worcestershire’s unique, natural, built and historic environment, including by safeguarding and enhancing landscape character. In short, all of those considerations for how to achieve sustainable development are already baked into the spatial strategy.

Conflict with SWDP 2

10. Conflict with SWDP 2 forms the basis of RFR 1. It is a long policy. Fernhill Heath is in the Rural Area and is a Category 2 Village. These villages provide a range of local services and facilities.⁶ It is already relatively low down the hierarchy, though it is common ground between the parties that Fernhill Heath is a settlement which can accommodate some new housing development. No point is taken by the Council that this is a settlement which cannot accommodate further development, that there would be an impact upon social cohesion, or that there are inadequate services to meet the needs of new residential development.⁷
11. It is also common ground that this is a Site which lies within the “*open countryside*”. Therefore, the strict protection afforded to it as land beyond a settlement boundary applies, and that is an area in which development will be “*strictly controlled*”.⁸ None of the exceptions in SWDP 2C apply and so that policy, which has already taken account of how sustainable development will be achieved in this District, means that the Local Plan operates a forceful restriction on how and where such development will be located.

How the SWDP 2 has operated in Fernhill Heath

12. What is essential to recognise is that the plan made allocations, including a substantial allocation in Fernhill Heath - the Taylor Wimpey Site to the South. That was included within the SWDP and, therefore, in the Council’s view, represents “*sustainable development*”. That was for 120 homes, and the Inspector will have

⁵ See page 41, 2(b)(i) as an example.

⁶ SWDP Table 2.

⁷ As confirmed with PI in EiC.

⁸ SWDP 2 C

seen that allocation, and that it has been built out on the Site visit. That accords with the Development Plan and the spatial strategy and constitutes sustainable development.

13. The Site of this Proposed Development remains in the “*open countryside*” in the emerging local plan too. Development in Fernhill Heath is progressing under that SWDPR, absent this Site. Important context for that is that the SWDPR has, again, made allocations where it sees development to be acceptable. This Site was promoted as part of that process and was ruled out.⁹ Again, that is because the SWDPR has articulated where it sees development coming forward in this settlement: development which will constitute sustainable development and which will accord with the spatial strategy.¹⁰
14. Again, that is not the end of the story; the NCNP also proactively seeks to promote an allocation for some 39 dwellings at Sling Road / Old Drive. That, again, is setting out the parish’s view on the spatial strategy and how sustainable development is to be achieved at a more local level. This has also now been built out.
15. The Taylor Wimpey Site, the William Davis Homes Site, and the NCNP Site all represent locations that can accommodate the plan-led growth in this locality. Any attempt to suggest that the Proposed Development Site can be equated to the planning status of others is untenable. Each of the other sites being promoted for development is supported in either the adopted local plan, the emerging local plan, or the neighbourhood plan.
16. Fundamentally, the allocations and proposed allocations deliver housing without conflicting with the protective aspects of the spatial strategy – including the strict protection afforded the open countryside (SWDP, SWDPR). The fact that the Proposed Development conflicts with the spatial strategy in those terms is, necessarily harmful.

⁹ CD64 shows the sites in colours which have been ruled out with the allocation delineated with the red line boundary.

¹⁰ SWDP03

NCH1A and SWDP 2

17. The Inspector will have heard the evidence on this point. The Appellant’s case (advanced through XX of PI) is that there is now “*conflict*” between SWDP2 (c) and policy NCH1A. The essential point sought to be advanced in XX was that in the event of such conflict, the first development plan policy should be resolved in favour of the latter – i.e that SWDP2 should yield to the NCH1A.
18. The Inspector will have noted that the questioning in the XX of PI was undertaken on the basis of the Neighbourhood Plan advancing “*a different test*” than what SWDP2 (c).¹¹
19. But a “*different test*” and a “*conflict*” are, with respect, two different things. Just because there are different tests does not mean that there is a conflict between the policies. There are lots of different tests within development plans; some of them pull in different directions. That does not mean that there is conflict.
20. That position that there is “*conflict*”, such that SWDP2(c) should be set aside the neighbourhood plan be preferred is completely untenable in any event.
 - a. First, it relies upon the assumption that the neighbourhood plan was prepared, drafted and ultimately submitted for examination with a “*conflict*” with SWDP 2— tension with, or, the fact that it provides for a “different test” does not reach that threshold. The two policies must be incompatible for the s.38(5) test to be engaged,¹² and that is a high bar.
 - b. Second, that high bar is unlikely to be met when Appendix 2.1 of the NCNP expressly refers to SWDP 2 and also to SWDP1. It has plainly been drafted fully cognisant of not only the spatial strategy in general terms, but the specific policy of the spatial strategy too – including both SWDP1 and SWDP2.

¹¹ Instone XX.

¹² Instone Re-X. See s.38(5) of the Planning and Compulsory Purchase Act 2004: “If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan.”

- c. Third, it relies upon an assumption that the Neighbourhood Plan Examiner also failed to notice or address a “*conflict*”. Noting that the Examiner must be satisfied that the neighbourhood plan is in “*general conformity*” with the strategic policies of the development plan in this case SWDP2¹³, that is unlikely.
- d. Fourth, it is imperative to note that the Appellant’s own planning witness does not agree that there is such conflict.¹⁴ The Inspector will have noted both the answers of PI in Re-X and JT in XX on this point.
- e. Fifth, nowhere was this purported “*conflict*” between the NCH1A and SWDP2 (and a “*conflict*” in s.38(5) terms) foreshadowed in the evidence of Mr Tait.¹⁵ Though he deals with his view on compliance or conflict with both policies, he does not say that those policies are in conflict with one another or that s.38(5) is thereby engaged.

21. The policies are just dealing with different things.

22. But, even given JT’s evidence, a “*conflict*” simply cannot be a position which is sustained by the Appellant now, in any event.

23. With that in mind, it is unnecessary to consider the matter of substance of the conflict between those two policies further. But, for completeness, there is no conflict as a matter of substance either.

24. SWDP is clearly a spatial strategy that seeks to set out where development is appropriate and where it is not. Part C explains where development will be strictly controlled. That is broadly consistent with what NCH1A is trying to achieve, and there are examples in a non-exhaustive list of where development will be

¹³ See PPG on Neighbourhood Planning: A neighbourhood plan must be in general conformity with, and plan positively to support, the strategic policies of the development plan.

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¹⁴ JT XX.

¹⁵ JT XX.

“precluded.” Landscape harm, particularly of the magnitude of harm in this case, is clearly capable of being a harm which NCH1A contemplates.

25. In summary, as PI identifies, there is clearly a harm arising from SWDP 2 which is a harm to the spatial strategy having regard to the current, emerging local plans, and the neighbourhood plan. There is clearly no conflict between the policies, and SWDP2 and NCH1A retain an important place in the decision taking context for against which this application should be determined.

Finally, of course, there are times when development can be brought forward outside of development boundaries, where the spatial strategy recognises that where the relevant planning policies are out of date at the time that the decision is taken, then the local authority can grant permission unless material considerations indicate otherwise. But that is similar to the test in §11(d), which the Council maintain is not overcome (i.e that the adverse impacts would significantly and demonstrably outweigh the benefits). For that reason, sustainable development is not achieved by virtue of SWDP1 in this case either.

Main Issue 2: The Impacts on the Character and Appearance of the Local Area

26. Mr Lishman (“PL”) has prepared a LVA which engages in a more qualitative assessment than an LVIA, and whilst that broadly complies with GLVIA 3rd edn¹⁶, it did not make specific conclusions on the effects. Accordingly, Mr Friend then had to use his professional judgment in order to come to a view on the impacts from each viewpoint.
27. The scale of the Proposed Development will change the landscape’s hedgerow field enclosures, fragmenting the remaining pastoral character. The fact that there is no existing field boundary will mean that the northern boundary will be most affected.. It fails, on its northern boundary, to follow any existing boundary at all – it simply

¹⁶ JPF RTD.

cuts through the centre of a number of existing fields¹⁷, and it does so in a seemingly random fashion.¹⁸

28. The impacts of this means that there is no natural edge to the development, and all of that work (to build a natural edge) will have to be started from scratch with the addition of boundary planting in order to seek to mitigate some of the harmful impacts on that northern edge. Even with mitigation, the planting will not entirely mitigate the view of the settlement edge. The opportunity to provide a better treatment than the current boundary edge to the south of the site has not been taken.
29. The landscape character of the site and its immediate context would be adversely affected by the development. The pastoral fields will be permanently removed, and there would be an adverse effect at a site level, which would not be reduced as a result of mitigation measures. These effects would include the addition of built form on the currently open fields, which would include the influence of noise and movement associated with the residents and site users and the lighting that would be required. These will clearly adversely affect the current baseline of the site.¹⁹
30. There would be a large magnitude of change on the site and its immediate context due to the permanent change of use from the current baseline to urban form. Further from the site, the change would reduce to a medium or moderate level as the development would be less clearly intrusive, but the use of the site would be noticeable in the wider area. Further afield, the change would be less noticeable and would fall to a low level, with an awareness of the additional development perceptible but becoming less evident as the proximity reduces.
31. Further, to the south of the Appeal Site lies the Taylor Wimpey development, which currently has hedgerows planted along its northern edge to demarcate the northern boundary of the TW development from the Appeal Site. The Appellant makes the case that this boundary is not a particularly successful landscape design, suggesting that it, in fact, demonstrates a high degree of permeability between the Taylor

¹⁷ JPF RTD and Proof §2.1.1

¹⁸ §4.1.5 of JPF Proof.

¹⁹ JPF PoE §4.1.10.

Wimpey development site and the Appeal Site²⁰. However, the hedgerows which are used to create the boundary between the two sites have only recently been planted and they will grow 0.4-0.5m per year (since they are established in this climate and tend to do well). Therefore, even though the boundary between the Taylor Wimpey development and the Appeal Site is relatively permeable now, the boundary will become increasingly noticeable²¹.

32. As to visual effects, the Proposed Development is also harmful because of its impact on various viewpoints around the Appeal Site. The Appellant and Council disagree on the impact on each viewpoint for almost all the viewpoints²².
33. The Zone of Theoretical Visibility (“ZTV”) indicates how far away the impacts from the Proposed Development will be felt. The ZTV picks up some vegetation (given that it is based upon Lidar) and, therefore, is a better reflection of actual visibility than a ZTV based on a digital terrain model.²³ However, it will not pick up all the vegetation. There is an envelope of receptors who may be affected.
34. The development will appear much closer in the landscape to the PRoW users, including those using 547(c) and 548(C) which broadly follow the southern edge of Lower Town. Footpath 549(B) will also experience a substantial level of change. This PRoW network is very well used and during his site visit, JPF notes that he saw many people using them.²⁴ Even with mitigation, there will be clear effects on the footpath users, and they will remain clearly affected as the development will sit closer to the routes, and the encroachment will be obvious.²⁵ These will be at the top end of the scale of changes for 15 years – as the new dwellings will be approximately 200m closer.²⁶ That clearly justifies more than the moderate-slight adverse finding of PL (operational) or slight adverse (residual) and is more in line with the major adverse findings made by JPF.

²⁰ PL Landscape

²¹ JPF RTD

²² See Table 3.1.2 Landscape SoCG

²³ JPF RTD

²⁴ JPL §5.1.8.

²⁵ JPF §5.1.3

²⁶ See viewpoints 4, 5, and 1.

35. In summary, the other effects can be summarised as follows:

- a. From Kennels Lane to the northeast, the views will be substantially changed as a result of the development – there will be an appearance of development extending closer to the viewer than present – the 2.5 storeys will dominate the view.²⁷
- b. From Dilmore Lane to the West, where there is a proposed removal of a section of field boundary. In relation to the access road, a belatedly produced plan²⁸ showed that a relatively short section of hedgerow would be taken out on Dilmore Lane and with that information, JPF reasonably revised his expected impacts from that particular location from moderate/major to moderate adverse at residual stage. There will still be a substantial change on day 1, given the introduction of a vision splay and given that it will likely be engineered (and, very possibly, lit).
- c. From the North East, there will be some longer range views of the Site, including from Station Road and Ladywood Road, and from the landscape that sits around Salwarpe. The effects will reduce as the distance increases.

36. On impacts on the merging of Fernhill Heath with Lower Town, though there will be an awareness of the two settlements being closer together becoming more apparent, there will still be approx. 200m of separation with the Lower Town.

37. That sense of encroachment will be harmful, and those users of that PRoW network, will not experience the same tranquillity and rurality they do now. Hence why the Council assesses the level of impact on these viewpoints, at residual stage, to be “major/moderate adverse”; however, the Appellant assesses the impact to be “slight adverse”. The reasonableness of the view, given the impacts on PRoW users, the permanence and scale of the change will be something upon which the Inspector will need to reflect.

²⁷ §5.1.9 of JPL Proof

²⁸ Inquiry document 4

Grade II listed Tappenhill Farmhouse

38. The heritage experts broadly agreed about the impacts of the Proposed Development on the Grade II Listed Tappenhill Farmhouse, which lies opposite the Site on its Western Boundary. It derives part of its significance from its setting, which includes Dilmore Lane and the agricultural land visible from the asset and co-visible with it²⁹.
39. There has been some attempt to mitigate that impact, but fundamentally, introducing a considerable swathe of housing into its setting of the farmhouse, will cause some harm to the significance. Though the harm is outweighed by public benefits in the Council's view, there is still a degree of heritage harm which the Council say should be weighted against the scheme.

Planning Balance

Market housing

40. First, the delivery of market housing. Plainly, that is a benefit of the Proposed Development. The Council do not shirk from the fact that there is a 2.78 year housing land supply. The question of the benefit is whether or not it is deserving of the top level of weight in the theoretical spectrum of benefits attributed to the planning benefits.
41. The delivery of market housing must be seen in the context of an authority which has over-delivered housing to date. Whilst over-delivery is not relevant to the 5YHLS calculation, it is a separate, freestanding material consideration that PI considers is very relevant to the development in this locality. JT agrees that it is capable of being a material consideration.³⁰ The question of oversupply and its relevance is a matter of planning judgment for the decision-taker.³¹

²⁹ See CD35

³⁰ JT XX.

³¹ See *Tewkesbury BC v Secretary of State for Housing, Communities and Local Government* [2021] EWHC 2782 (Admin)

42. It is instructive to look at the scale of that over-delivery to date. Table 8 of the AMR³² explains how, on each relevant metric, this administrative area has over-delivered to date – see Wychavon (Excl. Wider Worcester Area) 7,340 requirement vs 10,016 net completions, Wychavon (WWA) 404 requirement vs 707 net completions and South Worcestershire total (i.e. the Plan area), 17,894 requirement in the plan vs 21,693 delivered.
43. In addition, the latest Housing Delivery Test (“**HDT**”) measurements were published by the Department for Levelling Up, Housing and Communities on 19th December 2023³³. The South Worcestershire Councils a joint HDT measurement for 2022 of 145%. This, too, represents an ‘over-delivery’ in housing within a shorter term 3-year period, which is also a material consideration.³⁴ Actual homes have been delivered over and above the total number of homes that are required over the 3-year period and are meeting the housing needs of local people. Therefore, over both the shorter-term and longer-term timeframes, the number of homes delivered has exceeded the numbers required.³⁵
44. In addition, Mr Instone makes reference to the emerging allocations – these are a surplus as against the total housing requirement up to 2041.³⁶
45. There are two further relevant points to make about this:
- a. First, insofar as JT seeks to advance a case that the plan has not delivered, he is concerned with the impacts of the Malvern WWA area in particular. That is clearly a different administrative area – this District cannot resolve that issue, nor will the appeal proposals contribute towards that supply. It is, with respect, not a helpful observation.³⁷
 - b. Second, insofar as a move away from objectively assessed need to the standard method figure is noted to affect the figures, that is accepted. But

³² CD60

³³ CD61.

³⁴ PI PoE §3.28.

³⁵ See PI §3.28(2)

³⁶ See PI §3.28 (3)

³⁷ JT XX.

that is relevant to the five-year housing land supply calculation. This is an exercise in looking at how the plan has delivered housing to date, which is clear from the AMR itself.

46. The benefits of delivering housing, even in the current government’s climate, are recognised. But JT’s very high level of harm (at the very apex of the spectrum of weight to be attributed to that benefit) should be tempered to take account of the plan’s role in delivering that market housing and the extent of delivery to date. The four year housing land supply calculation is not the only relevant calculation when looking at the benefits of delivering market housing.

Delivery of Affordable Housing

47. The difference between the two planning witnesses is that JI attributes “*very substantial*” weight (the apex) whilst JI attributes “*significant*” weight (one level down from the apex).
48. This scheme delivers a policy-compliant level of affordable housing – 40%.
49. On the delivery of affordable housing, PI explains that since the start of the plan period, 3110 affordable housing completions have been made, and 722 actual affordable homes have been built over the level ‘required’.³⁸
50. Of course, there is still a need, and it is deserving of a high degree of weight, but a policy-compliant level is on PI’s case not deserving of the ‘apex’ weighting. When asked in XX, JT explained that even a greater than policy compliant level would likely still be deserving of “*very substantial weight*”. With respect, that weighting should be moderated to accord both for the actual offer in this case, and the track record of the council in delivery.

³⁸ Note “required” because as PI states in his proof at §3.28(4), there is no requirement figure for AH, but this is an annualised figure having regard to the the criterion to deliver AH in the 4(b)(i) of SWDP3.

On Self-Build/Custom Build

51. JT explained that, in his view, the delivery of self-build/custom-build (“SBCB”) housing was deserving of “*substantial*” weight; PI explains that he has attributed moderate weight. Though there is no policy for SBCB in the SWDP there is a 5% policy requirement on relevant sites in the emerging SWDPR. Of course, there is also a statutory duty to grant permissions for SBCB so there is a mechanism for delivering this form of housing already. As to the difference between the parties, again there is a relatively low contribution offered (5%), and the weight attributed should reflect that modest contribution.

Economic benefits

52. On the economic benefits, JT fairly acknowledged that this is mentioned twice in his planning balance and that this ought to be “*substantial weight*”.³⁹ For PI these ought to be attributed “*limited*” weight.

53. The NPPF §85 does not mandate the weight to be attributed to the economic benefits.⁴⁰ That is unsurprising given that that is a paragraph which embraces all manner of development including for example, employment, minerals, renewable and residential development.

54. Though the NPPF indicates that significant weight to be attributed to supporting economic growth and productivity and taking account of local business needs and wider opportunities for development, the economic benefits of this scheme are largely short-term (in construction) and are limited to the economic benefits from homeowners’ contribution to the local economy. This is not an employment scheme that generates long-term, secure economic benefits. One must see the economic benefits in that context. It is difficult to sustain such a high weighting that JT affords it.

³⁹ JT XX, as opposed to very substantial.

⁴⁰ *Bewley Homes plc v SSLUHC and WBC* [2024] EWHC 1166

Harms

55. Planning is not a mathematical exercise, it requires a weighting of various factors, in the overall planning balance.
56. There is, on the Council's case outstanding conflicts with both SWDP 2 and SWDP 25. The former manifests itself in a harm to the spatial strategy at SWDP 2(C). That is a harm arising from where this development is located within Fernhill Heath. It is in the open countryside, on land which is strictly protected. The current and emerging local plans recognise the importance of development boundaries and developing within them. This must also be seen in the context of a local plan which is moving forward with a development strategy which exceeds the housing requirement up to 2041. This would deliver development in a location which is unacceptable from a spatial planning point of view. This gives rise to a significant and demonstrable harm by virtue of the conflict with the plan making process and the strategy for distribution of new development in Wychavon District.⁴¹
57. In addition, there is separate and distinct harm arising from the landscape harm arising from this scheme and, in particular, arising from SWDP25. This is a substantial harm which weighs substantially and demonstrably against the proposals.⁴²
58. In respect of the Grade II listed Tappenhill Farmhouse, great weight needs to be given to the asset's conservation, recognising the considerable importance and weight to be given to preserving heritage assets. Having regard to the assessed level of harm, this should be given little weight in the overall balance.
59. Finally, it would also result in the loss of 2.2 hectares of Grade 2 (Very Good) and 3.3 hectares of Subgrade 3a (Good), Best and Most Versatile Agricultural Land. This should be attributed little harm arising from the Proposed Development.

⁴¹ See §5.16 of JI Proof of Evidence.

⁴² See §5.17 of JI Proof of Evidence.

Conclusion

60. The development remains in conflict with the statutory development plan. Though §11(d) NPPF is engaged, the harms significantly and demonstrably outweigh the benefits of the proposal.

61. For all of these reasons and the reasons given in evidence, the Inspector is accordingly invited to dismiss the appeal.

Sioned Davies

No5 Chambers

25 October 2024.