

**I) CD17.17 Paragraph 48 APP/J1860/W/22/3313440 Land At (OS 8579 4905), south of Post Office Lane, Kempsey, Worcestershire**

The inspector rejected the submission by the council (CD17.17 Paragraph 48) to update its calculation of local housing need based on updated affordability ratios published by the Office of National Statistics in March 2023 and household growth using a current year of 2023. Having considered an appeal which took the alternative view<sup>1</sup> and one which did<sup>2</sup> the Inspector concluded:

*40. To my mind, the PPG is not intended to be read in isolation. So far as relevant to this case, the use of the standard method is required by the Framework as part of the process to **'identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing...against their local housing need...'**. In this context, consistency, in terms of need and supply data, is likely to flow from the application of the standard method as part of the process of annual update.*

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<sup>1</sup> CD17.18 APP/D3505/W/18/3214377 (DL paragraphs 17 to 22 and IR paragraphs 10 and 426 to 430).

<sup>2</sup> CD19.19 Gloucester Road APP/P0119/W/17/3189592 (paragraph 9)



## Appeal Decision

Inquiry held on 25-28 April & 3-5, 18 May 2023

Accompanied site visit made on 2 May 2023

**by I Jenkins BSC CENG MICE MCIWEM**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 August 2023**

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**Appeal Ref: APP/J1860/W/22/3313440**

**Land At (OS 8579 4905), south of Post Office Lane, Kempsey, Worcestershire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 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 Lantar Developments Ltd against Malvern Hills District Council.
  - The application Ref M/22/00497/OUT, is dated 14 April 2022.
  - The development proposed is the erection of up to 30 dwellings and associated works with all matters reserved for future determination except for access.
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### Decision

1. The appeal is dismissed and outline planning permission for the erection of up to 30 dwellings and associated works with all matters reserved for future determination except for access is refused.

### Application for costs

2. At the Inquiry an application for an award of partial costs was made by the appellant against Malvern Hills District Council. That application is the subject of a separate decision.

### Preliminary Matters

3. The planning application subject of this appeal is in outline with all detailed matters, except access, reserved for future consideration.
4. In support of the appeal scheme the appellant has submitted a formally completed agreement pursuant to section 106 of the *Town and Country Planning Act 1990* (section 106 agreement). I have taken it into account.
5. Following the close of the Inquiry the appellant requested that account be taken of 2 new appeal decisions (and associated costs decisions) Refs. APP/J1860/W/22/3304685 and AP/J1860/W/22/3306186. I decided to do so on the basis that they dealt with some of the same housing land supply issues before me in this case and they could not have been provided before the close of the Inquiry, having been issued more recently. The Council was given the opportunity to comment, which it did through the *Malvern Hills District Council Five Year Housing Land Supply Update Note, June 2023*, and the appellant had the opportunity to respond to the points raised by the Council. I consider that both parties have had a fair opportunity to deal with that new evidence.

## **Main Issues**

6. I consider that the main issues in this case are the effect of the proposal on the character and appearance of the local area; the effect on the spatial development strategy for the area; the effect on the supply of housing land and Affordable Housing; whether the proposal makes adequate provision for infrastructure, services, facilities and amenities to mitigate the impacts of the development on the local area; and, the planning balance.

## **Reasons**

### ***Character and appearance***

7. With the exception of two small areas of highway, the appeal site comprises a field, which is much longer north-south than it is wide east-west. It has a narrow frontage onto the southern side of Post Office Lane and forms part of an area of countryside that runs along the eastern side of the village of Kempsey. The appeal site is situated outside and adjacent to the most recently defined Kempsey Village Development Boundary in the Development Plan, and more specifically on the Policies Map of the *Kempsey Neighbourhood Plan* (NP).
8. The northern boundary of the site, to Post Office Lane, is enclosed by a hedgerow interrupted only by a double field gate. Opposite the site on the northern side of Post Office Lane there is more agricultural land. The eastern boundary of the site runs alongside a watercourse, the alignment of which is identifiable by a linear pattern of riparian vegetation and beyond which there is a mixture of fields and woodland. The southern boundary of the appeal site is lined by hedgerow and trees. Whilst I understand that the land to the south belongs to one or more residential properties, it also falls outside the NP Policies Map Village Development Boundary, in the countryside, and it is characterised for the most part by woodland and scrubland. The western boundary of the appeal site is enclosed by a hedgerow. Although its alignment corresponds with that of the Village Development Boundary shown on the NP Policies Map, it is separated from Sallowbed Way and the dwellings along the western side of that highway, which are the nearest buildings within the village, by an area of public open space (SWPOS). In the northeastern corner of the SWPOS there is an underground pumping station, with above ground kiosks within a small, fenced compound. Otherwise the SWPOS is predominantly characterised by grassland with some tree planting and a small, landscaped attenuation pond.
9. The Framework places particular emphasis on the protection and enhancement of valued landscapes (in a manner commensurate with their statutory status or identified quality in the Development Plan). It seeks to give the greatest level of protection to the landscape and scenic beauty of designated areas, such as National Parks and Areas of Outstanding National Beauty (AONB). The appeal site is not the subject of any statutory or non-statutory landscape designations. Nonetheless, the absence of a designation does not mean that an area of landscape is without any value. The Framework states that decisions should recognise the intrinsic character and beauty of the countryside. Furthermore, with the aim of achieving well-designed places, it seeks to ensure that developments are sympathetic to local character, including the surrounding built environment and landscape setting.

10. The Development Plan comprises the *South Worcestershire Development Plan* (SWDP), adopted in February 2016, and the NP, made in November 2017. The emerging *South Worcestershire Development Plan Review* is at a relatively early stage towards adoption and so it attracts only limited weight; a view shared by the Council and the appellant.
11. The reasoned justification for Policy SWDP 25-Landscape character indicates that Landscape Character Assessment is a tool for identifying the patterns and individual combinations of features that make each type of landscape distinct. That Policy requires development proposals and their associated landscaping schemes to meet a number of criteria: i) that they take into account the latest Landscape Character Assessment and its guidelines; and, ii) that they are appropriate to, and integrate with, the character of the landscape setting: and, iii) that they conserve, and where appropriate, enhance the primary characteristics defined in character assessments and important features of the Land Cover Parcel, and have taken any available opportunity to enhance landscape.
12. The appellant suggests that criterion iii) of Policy SWDP 25 is a 'nil detriment' Policy. To my mind it is not, as it only seeks to conserve primary characteristics defined in character assessments, not all, and important features of the land cover parcel, not all.
13. The *Worcestershire County Council Landscape Character Assessment-Supplementary Guidance, 2012* (LCA) identifies the area to the east of Kempsey, which includes the appeal site, as falling within the Principal Settled Farmlands character type (PSFct). Primary characteristics of the PSFct include hedgerow boundaries to fields and a moderate-to-high density settlement pattern of farmsteads and rural dwellings dispersed throughout the area. Landscape guidelines identified for the PSFct include, amongst others, conserve and enhance the pattern of hedgerows; and, retain the integrity of the dispersed pattern of settlement.
14. Dealing first with the landscape baseline. Whilst the eastern boundary of the SWPOS is concurrent with the NP Policies Map village boundary, the Sallowbed Way dwellings form the edge of the built-up area of the village thereabouts. I consider that, contrary to the view of the appellant, the appeal site, which is a field currently in agricultural use, does not form part of the settled edge of the village. Nor does the SWPOS, as, notwithstanding its use by the public, it is predominantly characterised by grassland with some tree planting and a small, landscaped attenuation pond. It provides a transition between the settled edge of Kempsey and the countryside, which includes the appeal site. Furthermore, the belt of riparian vegetation along the eastern boundary of the appeal site does not disconnect it from the wider agricultural landscape to the east, to my mind, that narrow natural feature links them. Although Post Office Lane highway physically separates the appeal site from agricultural land on the northern side of the highway, they are not isolated from one another, not least as the lane is narrow. Having regard to the aerial photo included in the *Baseline Landscape and Visual Appraisal* (LVA), submitted in support of the application, the site forms an integral part of the swathe of largely undeveloped countryside that runs along the eastern edge of Kempsey, which comprises, for the most part, of agricultural land. Against that background and having had

regard to the appellant's landscape and visual assessment methodology<sup>1</sup> (LVAM), I consider that the landscape of the local area has a medium sensitivity to change.

15. Turning to the visual baseline. I acknowledge that views of the site are limited to an extent by a combination of topography, with rising ground to the east and west, established vegetation to the east and built development to the west. Of the visual receptors identified by the appellant, I consider that the views likely to be most affected by the proposal includes those from: the limited number of dwellings along Sallowbed Way with views across the SWPOS; the SWPOS itself; and, the highway approaches along Post Office Lane to the east and west of the site.
16. Whilst the views affected by the proposal are likely to be enjoyed at a community level, there is no specific value placed on them by designation or publication and so they would rank as low value under the LVAM methodology. However, to my mind the susceptibility of visual receptors to change would be high in each case. Residents of the Sallowbed Way dwellings that I have referred to have views across the SWPOS towards the appeal site and the countryside beyond. The riparian vegetation along the eastern side of the appeal site, to the north and south of the neighbouring area of woodland, is not so dense as to block those views. Broadly comparable views of the countryside are available from the SWPOS, which is likely to be well used by the public, given the close proximity of a large number of dwellings to the west. The sense of space within the SWPOS is heavily reliant on the open views to the east. Views of Kempsey when approaching from the east along Post Office Lane are limited by an s-bend in the highway and neighbouring vegetation. However, emerging from the s-bend there are views across the appeal site and the SWPOS towards built development within the village. Together, the SWPOS and the appeal site soften the visual impact of that built development and the site contributes positively to the countryside setting of Kempsey. Due to the undeveloped nature of the appeal site, the countryside setting of Kempsey can also be appreciated by eastbound travellers along the section of Post Office Lane between the entrance to Sallowbed Way and the s-bend. Combining those judgements as to value and susceptibility, I regard the sensitivity of those visual receptors to be medium-high overall.
17. As the planning application subject of this appeal is in outline, a full assessment of the landscape and visual impacts of the proposed development cannot be carried out at this stage. Nonetheless, the description of development indicates that it would include up to 30 dwellings. In my view, it would not be reasonable to seek to use a condition to modify the development to make it substantially smaller in terms of unit numbers from that which was applied for. That would amount to a change upon which interested parties could reasonably expect to be consulted and would require a new application.
18. The 'concept masterplan evolution' set out in the *Design and Access Statement* (DAS) shows 3 stages culminating in a layout comparable to that shown on the illustrative sketch layout submitted in support of the appeal. Together, the 3 evolution stage sketches and the illustrative sketch layout, indicate that the proposal would be likely to include a block of development comprising approximately half of the proposed dwellings in the wider northern section of

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<sup>1</sup> Appendix A-Landscape and visual matters proof of evidence.

the site. The remainder in the narrower southern section of the site would be likely to take the form of a ribbon of development potentially leading to a smaller block of dwellings at the southern end of the site. Given the site constraints, such as its limited width (east-west) to the south, I cannot envisage an alternative arrangement which would accommodate the approximate numbers proposed. Those constraints would also be likely to limit the potential for landscape planting capable of softening the visual impact of the proposed buildings, for example, the illustrative sketch layout shows some tree planting around the margins of the site.

19. At the entrance to the site the existing gap in the hedgerow would be widened to accommodate the proposed access roadway. The hedgerow which would be lost appeared to me to be in reasonable condition, a view shared by the Council. I give little weight to the view of the appellant that it is in poor condition. However, through the imposition of a suitable condition, it would be possible to ensure that hedgerow would be retained/restored on either side of the entrance such that it remains a prominent feature of the site frontage. The illustrative sketch layout shows an '*opportunity for pedestrian link*' between the appeal site and the SWPOS part way along the hedgerow between the two, which appears to me to be coincident with an existing gap. The appellant has indicated that other links may be proposed at reserved matters stage. In any event, loss of hedgerow to accommodate such links would be unlikely to be significant, in my view. It would be possible to ensure that hedgerows elsewhere around the perimeter of the site would be retained and where appropriate enhanced, as suggested by the illustrative sketch layout, through the imposition of a suitable condition. In order to provide the required visibility splay to the west of the site access, it would be necessary to remove a section of hedgerow along the Post Office Lane frontage of the SWPOS. The appellant has indicated that the landowner would be amenable to a replacement hedgerow being replanted slightly further back from the road and I am satisfied that it would be possible to ensure that would be done before the development proceeds through the imposition of a Grampian type condition and provisions made in the section 106 agreement. Under these circumstances, I consider that the scheme could be said to conserve the pattern of hedgerows in accordance with the LCA landscape guidelines and, in that respect, the aims of Policy SWDP 25.
20. However, in contrast with the settlement pattern of Kempsey, which to my mind can be described as compact, the Principal Settled Farmlands landscape type, which the appeal site falls within, is characterised by a dispersed pattern of settlement comprising farmsteads and rural dwellings. This is clearly illustrated by the DAS 'wider site context' aerial view of Kempsey and the countryside to the east, which also shows the boundary of the appeal site. In stark contrast with both those existing patterns of settlement, the proposal would be likely to comprise a largely linear, cul-de-sac of dwellings, imposed in a countryside location detached from the built-up area of Kempsey. In my judgement, the appeal scheme would amount to a disconnected, discordant, awkward addition, unsympathetic to local landscape character, both in terms of built development in the local area and landscape setting. The magnitude of impact would be medium-high and the significance of adverse impact substantial-moderate. In my judgement, it would not be appropriate to or integrate with the character of the landscape setting nor would it conserve the settlement pattern within the PSFct, contrary to Policy SWDP 25.

21. The proposal would be likely to curtail views of the countryside from the Sallowbed Way dwellings that I have highlighted and also from the SWPOS. It would give rise to a significant sense of enclosure within the public open space, with built development on both sides, which would be likely to greatly diminish its value. Approaching from the east around the s-bend in Post Office Lane, travellers would be abruptly confronted by a block of development, to the detriment of the setting of Kempsey. For eastbound travellers, the value of the SWPOS in providing a gradual transition to the countryside would be lost. I consider that the visual magnitude of effect in relation to these receptors would be medium-high. It follows that, overall, the significance of the adverse visual impact of the appeal scheme would be substantial, rather than minor-moderate adverse as the appellants indicate.
22. I acknowledge that it is not uncommon for development to have open space on its border and it is not always the case that it is inappropriate to develop beyond it. However, in the case before me, the adverse impact of the proposal would be significant.
23. I conclude overall that the proposal would be likely to cause substantial harm to the character and appearance of the local area; it would conflict with Policy SWDP 25. It would also conflict with Policy SWDP 21-Design insofar as it requires development to integrate effectively with its surroundings, in terms of form and function, and reinforce local distinctiveness. It would not be sympathetic to local character, contrary to the aims of the Framework, nor in my view does it have sufficient regard to the intrinsic character and beauty of the countryside. On this basis, I consider that it would constitute poor design, which the Framework indicates should be refused. These matters weigh heavily against the scheme.

### ***Spatial development strategy***

24. Kempsey is classified by the SWDP as a category 1 village. Policy SWDP 2 indicates that the role of such villages, which have a range of local services and facilities, is predominantly aimed at meeting locally identified employment and housing needs, including market and Affordable Housing. However, the appeal site is situated in the countryside, outside and adjacent to the most recently defined Kempsey Village Development Boundary in the Development Plan, which runs along the eastern side of the SWPOS. The SWDP Development Boundary for Kempsey, which pre-dates that shown in the NP, does not extend to include the Sallowbed Way housing development or the associated SWPOS. Policy SWDP 2 confirms that the open countryside is defined as land beyond any development boundary and development there will be limited to certain identified categories of development. NP Policy K2 takes a similar approach. The proposal does not fall within those identified categories of development and there is no dispute therefore, that it conflicts with Policy SWDP 2 and NP Policy K2.
25. The reasoned justification for Policy SWDP 2 explains that *'the high quality of the open countryside is an important planning attribute of the area. Sites beyond development boundaries generally are less sustainable as access to local services and employment opportunities tends to be poorer and therefore it is appropriate that development in the open countryside is restricted...'*. To my mind the latter concern does not apply in this case, as local services and employment opportunities would be likely to be reasonably accessible from the

site; a matter agreed by the Council and appellant. However, I have already found that the proposal would harm the character and appearance of the local area.

26. I conclude that the proposal, which would conflict with Policy SWDP 2 and NP Policy K2, would undermine the spatial development strategy for the area.

### ***Supply of housing land and Affordable Housing***

#### *Five-year supply*

27. The SWDP provides a joint Development Plan for Malvern Hills District Council (MHDC), Worcester City Council (WCC) and Wychavon District Council (WDC). The SWDP indicates that WCCs administrative area is tightly constrained such that there is insufficient space to meet all of its housing needs. Furthermore, due to natural and environmental constraints, Malvern Hills District has limited ability to accept new development. In response to those issues the SWDP identified 3 Sub Areas: the Wider Worcester Area (WWA)-comprising Worcester City plus an urban extension in each of the administrative areas of MHDC (WWA (Malvern Hills)) and WDC (WWA(Wychavon)); the Malvern Hills (Excluding WWA) Sub Area; and, the Wychavon (Excluding WWA) Sub Area. The SWDP indicates that the WWA (Malvern Hills) urban extension would be required to meet part of the housing needs of both WCC and MHDC. Policy SWDP 3 sets out housing provision sub-totals for each of the resulting 5 areas<sup>2</sup>, which it identifies as separate and non-transferable, and annual requirements to be used when calculating the five-year supply requirement for each. Furthermore, in order to meet the WWA (Malvern Hills) and WWA (Wychavon) housing requirements, a supply of land is allocated by Policy SWDP 45.
28. However, the Framework indicates that, where strategic policies are more than five years old, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their local housing need calculated using the standard method set out in the national planning guidance. The fifth anniversary of the February 2016 adoption of the SWDP has passed, triggering the requirement to use the standard method, which generates a local housing need figure for the administrative area of each of the 3 local planning authorities. I consider that effectively the quantitative requirements set out in Policy SWDP 3 for the 5 areas, including the associated 'separate and non-transferable' restriction, have been overtaken by a need figure for each of the 3 authorities. The question then arises as to how they should be monitored for the purposes of five-year land supply.
29. Under a heading '*How will areas with joint plans be monitored for the purposes of five-year land supply?*' the PPG indicates that '*Areas which have a joint plan have the option to monitor their 5 year housing land supply...over the whole of the joint planning area or on a single authority basis. The approach to using individual or combined housing requirement figures will be established through the plan-making process and will need to be set out in strategic policies. Where the five-year housing land supply is to be measured on a single authority basis, annual housing requirement figures for the joint planning area will need to be apportioned to each area in the plan. If the area is monitored*

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<sup>2</sup> WWA (Worcester City), WWA (Malvern Hills), WWA (Wychavon), Malvern Hills (Excluding WWA), Wychavon (Excluding WWA).



*jointly, any policy consequences of under-delivery or lack of 5 year housing land supply will also apply jointly.*' The requirements set out in Policy SWDP 3 do not follow either approach. The reasoned justification for Policy SWDP 3 confirms that the Policy provides '*targets based on Sub Areas and Areas, not total district targets*'<sup>3</sup> or therefore, a joint planning area target. However, that is of limited importance, as to my mind the main purpose of this guidance is to ensure a clear line of responsibility: for monitoring; and, in circumstances where there is '*under-delivery or lack of 5 year housing*'. That responsibility resting either with an individual authority or joint authorities.

30. For the purposes of monitoring five-year supply, the SWDP indicates that the three authorities would each be responsible for undertaking the five-year land supply calculations for those areas within its administrative boundary.<sup>4</sup> In the case of MHDC that includes the Malvern Hills (Excluding WWA) Sub Area and the WWA (Malvern Hills) Area, from where almost all of the supply to meet its needs was intended to be drawn.
31. In summary, the quantitative requirements set out in Policy SWDP 3 for the 2 parts of the Council's administrative area, Malvern Hills (Excluding WWA) and WWA (Malvern Hills) have been overtaken by a district wide local housing need figure, provided by the standard method. Furthermore, the SWDP establishes that the responsibility for managing the five-year supply position for Malvern Hills District lies with a single authority, MHDC.
32. At the Inquiry, 5 approaches, (i)-(v), were suggested for the assessment of the five-year housing land supply position. I deal first with approach (v).
33. Following the fifth anniversary of the adoption of the SWDP, triggering the use of the standard method to calculate local housing need, the Council's preferred approach, which was set out in the *South Worcestershire Councils Five Year Housing Land Supply Report, September 2021* was to monitor the five-year supply position on the basis of the joint planning area, approach (v). However, it was criticised in a number of subsequent appeal decisions on the basis, with reference to the PPG, that a 'joint planning area' approach was not established through the plan-making process. Against that background the Council and appellant agree that a joint planning area approach cannot be justified as the basis for assessing the five-year land supply position in this case. Whilst acknowledging that a joint approach may be adopted in the emerging *South Worcestershire Development Plan Review*, it is at an early stage and carries little weight. I agree with the Council and appellant regarding approach (v).
34. At this Inquiry, the Council's preferred approach is (i), which yields the highest housing land supply figure and forms the basis of the assessment set out in the *South Worcestershire Councils Five Year Housing Land Supply Report, December 2022* (HLSR2022). I consider that this approach gives rise to a number of issues, which I set out below.
35. The need to be met in suggested approach (i) is the local housing need for the whole of the Malvern Hills District, calculated using the standard method, consistent with the Framework. However, the supply takes account of the supply within the whole of the District including that proportion of the allocated

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<sup>3</sup> SWDP page 60 para 6.

<sup>4</sup> SWDP page 69.

land within the WWA (Malvern Hills) intended to meet the housing needs of Worcester City. To my mind, this has the effect of boosting the Council's housing land supply position, potentially reducing the need for it to identify more sites in the Malvern Hills (Excluding WWA) part of its District, whilst constricting the housing land supply position of WCC, which it may well be unable to mitigate due to the constrained nature of its administrative area. Overall, this may well unduly suppress housing supply. I consider that this is an inappropriate, unreasonable approach and is contrary to the SWDP spatial development strategy, with particular reference to the function to be fulfilled by WWA (Malvern Hills). My view in this regard is consistent with the findings in a number of the previous appeal decisions drawn to my attention, such as appeal decision Ref. APP/G1630/W/21/3284820, and, it appears, the positions taken by some local planning authorities, such as Cherwell District Council.<sup>5</sup>

36. The Council and the appellant disagree as to whether the supply should be assessed against a 2022 standard method figure or a 2023 standard method figure. The PPG sets out how the minimum annual local housing need figure is calculated using the standard method. It indicates, in *'Step1-setting the baseline'*, that the calculation of local housing need should be based on the *'projected average annual household growth over a 10 year period (this should be 10 consecutive years, with the current year being used as the starting point from which to calculate growth over that period.'* *Then adjust the average annual projected household growth figure (as calculated in step 1) based on the affordability of the area. The most recent median workplace-based affordability ratios, published by the Office for National Statistics at a local authority level, should be used.'*
37. Following that process, the Council's most recent annual update of its supply of specific deliverable sites is set out in the HLSR2022. It set out the five-year housing land supply position as of 31 March 2022, with local housing need being based on projected average annual household growth over a 10-year period from 2022 and an affordability adjustment based on the then most recent median workplace base affordability ratios published in 2022. It identified an annual local housing need of 414 dwellings (435 dwellings per annum including a 5% buffer) and a deliverable supply of 2,199 dwellings, equivalent to 5.06 years of supply. However, the *South Worcestershire Councils Five Year Housing Land Supply Report Addendum-April 2023* (HLSRa) indicates that at the beginning of 2023, it was brought to the Council's attention, at other appeals, that 2 sites could not be brought forward as quickly as previously anticipated, and a number of technical errors were identified which also reduced the level of supply claimed in the HLSR2022. When corrected, this reduced the level of deliverable supply claimed by the Council from 2,199 to 2,121 dwellings, equivalent to 4.88 years of supply.<sup>6</sup>
38. For the purposes of the HLSRa the Council sought to update its calculation of local housing need based on updated affordability ratios published by the Office of National Statistics in March 2023 and household growth using a current year of 2023. This resulted in a reduced figure of 386 dwellings per annum (405 dwellings per annum including a 5% buffer). It argues that this aligns with the PPG on the application of the standard method and in particular, as

<sup>5</sup> Table 8.1-Rebuttal proof of evidence of Mr Tiley.

<sup>6</sup> MH/W4/1 para 4.2 and Housing Need and Supply Statement of Common Ground Addendum, April 2023 pages 7-10, MH/W3/4 Appendix A-South Worcestershire Councils Five Year Housing Land Supply Report Addendum.

regards *'the current year being used as the starting point from which to calculate growth'* and *'the most recent median workplace-based affordability ratios..., should be used'*.

39. In support of that view the Council has drawn attention to a Report to the Secretary of State concerning appeal Ref. APP/D3505/W/18/3214377. In it the Inspector determined that it was not necessary to ensure consistency between the base date for the supply and either the 'current year' as the starting point from which to calculate growth or the then available affordability ratios. Whilst acknowledging that his conclusion did not align with the approach taken in an earlier appeal decision Ref. APP/P0119/W/17/3189592, the Inspector reasoned that if it was necessary to ensure consistency, then the PPG would have said so. In the event, the Secretary of State did not need to determine the point, as the Council submitted a new annual update to the Secretary of State following the close of the associated Inquiry.
40. To my mind, the PPG is not intended to be read in isolation. So far as relevant to this case, the use of the standard method is required by the Framework as part of the process to *'identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing...against their local housing need...'*. In this context, consistency, in terms of need and supply data, is likely to flow from the application of the standard method as part of the process of annual update.
41. Whilst the HLSRa corrected the assumptions regarding the delivery of a small number of sites included in the supply position at 31 March 2022, as referred to above, it did not comprehensively review the supply of specific deliverable sites as part of the annual update required by the Framework. The Council indicated at the Inquiry that that would be done at a later date, as part of its annual monitoring cycle. In my judgement, the approach set out in HLSRa of assessing the housing land supply position on the basis of an updated local housing needs calculation, but not a similarly updated supply position for specific deliverable sites is not the approach supported by the Framework. Against this background, I consider that little weight is attributable to the HLSRa calculated housing land supply figure of 5.24 years (a surplus of 96 dwellings). In the *Housing Need and Supply Statement of Common Ground Addendum, April 2023*, it is acknowledged that this approach provides for a skewed assessment, as the supply in 2022/23 will be included both in the supply and will have influenced the need. This adds further weight to my finding.
42. My overall findings regarding the HLSR2022 and the HLSRa are consistent with those of my colleague who determined appeal Ref. APP/J1860/W/22/3304685.
43. As I have indicated, based on the most recent annual update of specific deliverable sites, the HLSR2022, and having regard to the corrections identified by the Council to its supply side, the supply of specific deliverable sites would be equivalent to 4.88 years. However, the appellant disputes the deliverability of 4 other sites relied on by the HLSR2022, which I deal with below.
44. Land *'North of Taylors Lane and South of Broomhall Way'* has outline planning permission for 255 dwellings. Reserved matters have been approved for phase H1, comprising 36 dwellings which have been completed. Reserved matters have also been approved for phase H2a, comprising 89 dwellings, which is under construction. In July 2022 the developer indicated that it expects to

- commence development of the remainder of the site in July 2024, with completion within the 5 year period. Whilst the Council has since received a reserved matters application for the remaining 130 units, phase 2b, objections have been raised, including by Council consultees, and there is no compelling evidence before me to show that those objections will be overcome or that the application is likely to be approved. The Framework indicates that where a site has outline planning permission for major development, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years. I consider that that requirement has not been met and so the supply claimed by the Council should be reduced by 130 units. That being the case, even if the HLSRa approach to the calculation of local housing need were to be accepted, the level of supply would fall from 5.24 years to below the five-year requirement.
45. Reserved matters approval has been secured for the section of the '*Land at West of Worcester*' site to be developed by Redrow. However, Redrow has confirmed that it assumes a delivery rate of 50 units per year and, with reference to Redrow's website, the appellant has identified that it is unlikely to deliver completions until the summer of 2023. Against this background, I share the view of the appellant that the site would be unlikely to deliver more than 175 units over the remainder of the five-year period. This would further reduce the supply claimed by the HLSRa by around 25 units.
46. '*Land at Claphill Lane*' has outline planning permission for 120 dwellings. Whilst the Council has indicated that good progress is being made on the determination of the associated reserved matters application, the developer has recently confirmed that, due to market conditions, it only expects to deliver 85 units within the five-year period, as opposed to the 108 units claimed by the HLSRa. I consider therefore, that the supply claimed by the HLSRa should be reduced by a further 23 units.
47. Whilst '*Land at the Haven*' has been allocated for development, no planning application has yet been submitted. Although a developer has indicated that it plans to submit an application by the end of the year, it has also stated that '*The Haven is subject to an overage which will prevent start on site until summer 2025*'. I consider therefore, that the site is not available now and under the terms of the Framework not deliverable. The supply claimed by the HLSRa should be reduced by a further 14 units.
48. In my judgement, therefore even if the HLSRa approach to the calculation of local housing need were to be accepted, the level of supply would fall from 5.24 years to below the five-year requirement. Using approach (i) leads to the finding that the Council is unable to demonstrate a five-year supply of deliverable housing sites.
49. In its *Malvern Hills District Council Five Year Housing Land Supply Update Note, June 2023*, the Council sought to promote an alternative to the calculation of local housing need set out in its HLSRa. The new calculation includes household growth based on a current year of 2022, affordability ratios published by the Office of National Statistics in 2022 for the year 2022/23 and affordability ratios published in March 2023 for the following 4 years of the period. On that basis the Council calculated that a supply figure of 2,121 units would be equivalent to 5.12 years. However, whilst this addresses the concern with respect to the HLSRa assessment being skewed, it remains the position that

the approach is not supported by the Framework, for the reasons given above, and little weight is attributable to it. Furthermore, even if the methodology were to be accepted, I have found that the level of deliverable supply is less than 2,121 units, such that it would be equivalent to less than a five-year supply.

50. There is no dispute that all of the other suggested approaches, (ii)-(iv) and (v), also lead to a finding that the Council's demonstrable level of supply of deliverable housing sites falls short of the five-year requirement to varying degrees. This is the case whether the HLSR2022 or HLSRa approach to the calculation of need is used.
51. At this Inquiry, the appellant's preferred approach is (ii). The need to be met in suggested approach (ii) is the local housing need for the whole of the Malvern Hills District, calculated using the standard method, consistent with the Framework. However, the supply taken into account is only that related to the Malvern Hills (Excluding WWA) Sub Area. It ignores the supply of land allocated in the WWA (Malvern Hills) urban extension to meet part of the needs of the District. Such an approach does not accurately represent the housing land supply allocated by the Development Plan to address the local housing need of the District and, in my view, would be likely to place undue pressure on the Malvern Hills (Excluding WWA) Sub Area to do so; an outcome which the SWDP sought to avoid due to the natural and environmental constraints there. In my view, this approach is not supported by the PPG, which refers only to monitoring '*over the whole of the joint planning area or on a single authority basis*' and makes no reference to sub-areas. I consider that suggested approach (ii) is inappropriate and unreasonable.
52. Suggested approach (iii) seeks to modify the local housing need for the District, generated by the standard method, to provide a local housing need figure for the Malvern Hills (Excluding WWA) Sub Area; a '*locally determined alternative*'. The supply taken into account is only that related to the Malvern Hills (Excluding WWA) Sub Area. The appellant suggests that PPG paragraph 2a-014-20190220 supports the use of a locally determined alternative local housing need figure in this case. I share the view of the Council that it does not. The PPG indicates that '*where...the data required for the model are not available such as in National Parks and the Broads Authority...an alternative approach will have to be used. Such authorities may continue to identify a housing need figure using a method determined locally...*'. The appellant cites the circumstances associated with Chichester where the local housing need figure generated by the standard method for the District of Chichester is adjusted to remove the needs arising within the South Downs National Park, which covers part of the District, to derive a local housing need figure for the Chichester Local Plan Area. However, the circumstances are materially different in the case before me. The data required to run the model for the subject authority, MHDC, is available and the standard method provides the local housing need for that authority without any adjustment being necessary. Approach (iii) does not comply with the Framework requirement that the assessment of the five-year housing land supply position be based on local housing need calculated using the standard method. It is not supported.
53. The need to be met in suggested approach (iv) is the local housing need for the whole of the Malvern Hills District, calculated using the standard method, consistent with the Framework. The supply taken into account is that allocated

by the SWDP to meet the needs of the district, including that within the Malvern Hills (Excluding WWA), the part of the supply within the WWA (Malvern Hills) intended to respond to the needs of Malvern Hills District and the part of the supply within Wychavon (Excluding WWA) intended to respond to the needs of Malvern Hills District.<sup>7</sup> To my mind, that approach to the supply side of the assessment, which does not re-distribute supply intended to meet the needs of other authorities, is consistent with the SWDP. It does not disregard the agreed distribution of supply set out in the Development Plan, a concern raised in relation to approach (i) by my colleague who determined appeal Ref. APP/J1860/W/22/3306186. I acknowledge that approach (iv) does not enable five-year housing land supply to be assessed on the basis intended by the SWDP of Sub-Area/area, which was raised as a concern by the same colleague with reference to other appeal decisions. However, in my view, that is a direct consequence of the application of the standard method, which only provides local housing need for the District as a basis for the assessment of the five-year housing land supply position and so is appropriate. It does enable the relevant single authority to measure the five-year housing land supply on a single authority basis, consistent with the PPG.

54. I consider that, of those five suggested to me, approach (iv) provides the best fit with regard to local and national policy and a reasonable basis for the assessment of the five-year housing land supply position. Using approach (iv), the supply of deliverable housing sites appears to me to amount to around 3.7 years.<sup>8</sup>

#### *Affordable Housing*

55. The section 106 agreement would ensure that 40% of the proposed dwellings would comprise Affordable Housing in accordance with the requirements Policy SWDP 15. The evidence indicates that there is a significant need for Affordable Housing in the District and against this background, the Council and the appellant agree that substantial weight can be afforded to this aspect of the proposal. However, as the numbers of dwellings in this case would be small, I give it moderate weight.

#### *Supply of housing land and Affordable Housing-Conclusion*

56. I conclude that the Council is unable to demonstrate a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against its local housing need. In my view, the actual level of supply is likely to be around 3.7 years. Given the early stage towards adoption of the emerging *South Worcestershire Development Plan Review*, it would be unlikely to address the shortfall in the short-term. Furthermore, whilst proposed revisions to the Framework may affect the management of housing land supply, I share the view of the Council and the appellant that the published indicative changes for consultation may still be subject to revision and should be afforded no weight at this stage. The proposal would make a modest contribution towards addressing the shortfall in deliverable housing land supply to which I attribute moderate weight. It would also contribute towards meeting the need for Affordable Housing in the District, which also attracts moderate weight.

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<sup>7</sup> Paragraph 9 of the reasoned justification for Policy SWDP 3, CD 4.8 Statement of Common Ground on Housing Need and Supply para 3.1-distribution.

<sup>8</sup> Adjusting approach (iv), Table 10.1 of Mr Tiley's Rebuttal on Housing Need and Supply in relation to the 4 disputed sites above.  $((1,031-23-14)+(1,091-130-25) \times 0.521 + 110) / 435$

***Whether the proposal makes adequate provision for infrastructure, services, facilities and amenities to mitigate the impacts of the development on the local area***

57. The Council's CIL Compliance Statement (CCS) sets out the contributions and other planning obligations which the Council considers would be necessary in order to ensure that the proposal would make adequate provision for infrastructure, services, facilities and amenities to mitigate the impacts of the development on the local area. They include contributions associated with: off-site public open space; built sports facilities; primary and secondary school facilities; community and home to school transport services; highway improvements (30 mph speed limit extension); and, primary healthcare, as well as obligations associated with on-site public open space and bio-diversity net gain. The justification for each is set out in the CCS and is not disputed by the appellant. Concerns have been raised by a number of interested persons that Kempsey Primary School would be unable to accommodate the demand for places likely to arise from the proposed development. However, I give greater weight to the submissions of the local education authority who, having assessed the position, does not object to the scheme subject to the provision of a financial contribution towards the expansion of facilities at the school. The section 106 agreement would also ensure that the hedgerow along the Post Office Lane frontage of the SWPOS would be replanted and maintained thereafter, in the interests of the character and appearance of the local area. With reference to the tests set out in paragraph 57 of the Framework and having regard to the CCS, I share the view of the Council and appellant that the planning obligations included in the section 106 agreement are: 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.
58. I conclude that the proposal would make adequate provision for infrastructure, services, facilities and amenities to mitigate the impacts of the development on the local area. In this respect it would accord with Policies SWDP 4, 7 and 39 as well as the Framework, insofar as they seek to ensure that development is supported by the timely delivery of infrastructure, services and facilities necessary to meet the needs arising from the development. In so far as relevant, I have already taken these mitigation measures into account when reaching my earlier conclusion with respect to the effect on the character and appearance of the local area.

***Other matters***

*Green infrastructure*

59. The appeal site falls within environmental character area Kempsey Plains, as defined by the SWDP *Environmental Character Areas Map*, in relation to which the overall strategic approach in relation to Green Infrastructure (GI) is to protect and restore. Policy SWDP 5C) indicates that development proposals which would have a detrimental impact on important GI attributes within the areas identified as protect and restore will not be permitted unless 2 criteria are met (C)i. and C)ii. As to important GI attributes, the Green Infrastructure priorities identified by the *Worcestershire Green Infrastructure Strategy 2013-2018* are to protect and restore neutral grassland habitats and traditional field boundaries and the provision of a strategic asset for access and

recreation. There is no dispute that the latter priority is not relevant in this case.

60. The Council has suggested that the development of the site would prevent the future restoration of neutral grassland habitat within the site. However, there is no evidence before me to show that restoration of such a habitat would be likely in the event that the appeal scheme did not proceed. I give little weight to the Council's concern in that regard.
61. It is common ground between the Council and the appellant that the loss of existing frontage hedgerow in order to form the proposed site access would conflict with Policy SWDP 5C)i., as the appellant has not provided a robust, independent assessment of community and technical need showing the specific GI typology to be surplus to requirements in that location. Nonetheless, there is no dispute that replacement of GI of at least equal community and technical benefit could be secured through the imposition of a condition requiring replacement planting, in accordance with criterion C)ii. However, as compliance is required in relation to both, the proposal would conflict with Policy SWDP 5C). Based on the illustrative sketch layout, the appeal proposal would enable the provision of around 50% GI, which would exceed the 40% requirement set out in Policy SWDP 5A); a small net benefit. I conclude overall, that the technical conflict with Policy SWDP 5C) would not weigh against the scheme to any material extent.

*Biodiversity net gain*

62. Based on the updated biodiversity net gain assessment, submitted in support of the appeal, it appears to me that the biodiversity value of the site is low. Therefore, whilst the appeal scheme would give rise to a significant increase in value in percentage terms, the resulting increases in habitat and hedgerow units would be small. Therefore, I give the biodiversity net gain associated with the appeal proposal limited weight.

*The Hedgerow Regulations 1997*

63. Following investigations, the appellant has provided evidence which indicates that the hedgerow along the frontage of the site which would be removed as part of the appeal scheme does not comprise an 'Important Hedgerow' under the terms of the *Hedgerow Regulations 1997*. The Council has confirmed that, as it does not wish to rely on the hedgerow qualifying as an 'Important Hedgerow' for this appeal, it has not fully investigated the matter. Based on the evidence before me, I consider it unlikely that the hedgerow along the frontage of the site, which would be removed as part of the appeal scheme, is an 'Important Hedgerow' under the terms of the *Hedgerow Regulations 1997*.

*Safety and convenience of highway users*

64. Concerns have been raised by a number of interested persons regarding the effect of the scheme on the safety and convenience of highway users. Post Office Lane, which is relatively narrow at its junction with Main Road, is busy during primary school drop-off and pick-up times. However, when I visited, notwithstanding school traffic, the junction operated efficiently with movement out onto Main Road being facilitated by gaps in traffic resulting from the use of the nearby pedestrian crossing. School traffic cleared from the area quickly and without incident. Furthermore, having had regard to the trip rates



identified in the appellant's *Transport Statement*, the increase in the volume of traffic using Post Office Lane which would be likely to result from the appeal scheme would be insignificant. There is an s-bend in Post Office Lane a short distance to the east of the location of the proposed site entrance.

Nonetheless, a speed survey has been carried out to inform the identification of adequate visibility splays at the site entrance, which I am content could be secured through the imposition of reasonable conditions. The extension of the Post Office Lane 30 mph speed limit to the east of the site entrance would also contribute to the safety of the proposed site entrance. The proposed footway link from the site entrance to the existing facilities on Post Office Lane could be secured through the imposition of a Grampian condition.

65. I conclude that the effect of the proposal on the safety and convenience of highway users would be acceptable and consistent with the aims of the Framework insofar as it seeks to ensure development would benefit from a satisfactory means of access and would not prejudice highway safety. The Highway Authority does not object to the scheme and this adds further weight to my finding.

#### *Economic benefits*

66. The Framework indicates that significant weight should be placed on the need to support economic growth and productivity. The proposal would benefit the local economy in a number of ways, such as through job creation during the construction phase and expenditure associated with future residents of the scheme. However, I consider that the benefits associated with construction would be largely short-term and expenditure associated with up to 30 dwellings would be relatively small. Whilst significant, the weight attributable to those benefits is moderate.

#### *The sewerage system*

67. A number of interested persons have suggested that the existing sewerage system in the village may not have the capacity to cater for flows arising from the appeal scheme. The relevant Sewerage Undertaker is Severn Trent Water (STW). I consider that STW has been given a fair and reasonable opportunity at the planning application and appeal stages to formally raise concerns with respect to the appeal scheme, if it wished to do so. It has not provided any clear evidence of sewerage issues with implications for the appeal scheme or necessary pre-commencement upgrading works. STW's formal consultation response to the appeal planning application, to which I attach greater weight than its correspondence with Kempsey Parish Council, confirms that it does not object to the appeal scheme subject to the imposition of conditions to ensure that foul water drainage details are controlled by the Council. Against this background, I am content that drainage associated with the proposal would be unlikely to cause unacceptable pollution.

#### ***The planning balance***

68. The Council is unable to demonstrate a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against its local housing need. With a supply of around 3.7 years, the shortfall is significant. In these circumstances, the Framework indicates that the policies which are most important for determining the application are deemed to be out-of-date for the purpose of paragraph 11d) of the Framework, triggering the application

- of the tilted balance. However, this, in itself, does not determine the weight to be attached to the conflict with any Development Plan policies relevant to the proposal.
69. The appeal scheme would meet the requirements of the Development Plan in some respects, for example: the proportion of Affordable Housing on greenfield land, Policy SWDP 15; and, making adequate provision for infrastructure, services, facilities and amenities to mitigate the impacts of the development on the local area, Policies SWDP 4, 7 and 39. The proposal would contribute towards meeting the housing needs of the District, which would be consistent with the aims of Policy SWDP 3, albeit that its housing requirements have been overtaken by the application of the standard method.
70. Whilst the proposal would conflict with the Council's spatial development strategy set out in Policy SWDP 2 and NP Policy K2, which places strict limits on development outside development boundaries, in light of the housing supply shortfall and that local services and employment opportunities would be reasonably accessible from the appeal site, I give limited weight to those conflicts. I have already found that the technical conflict with Policy SWDP 5C) would not weigh materially against the appeal scheme.
71. However, the proposal would be likely to have a substantial adverse effect on the character and appearance of the local area contrary to Policies SWDP 25 and SWDP 21, Policies which I consider to be consistent with the Framework. I give those conflicts substantial weight. I conclude on balance that the appeal scheme would conflict with the Development Plan taken as a whole.
72. The tilted balance indicates 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.
73. Paragraph 14 of the Framework indicates that in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all 4 of the identified criteria are met. However, in this case, they are not all met, for example the NP became part of the Development Plan more than two years ago.
74. The proposal, which would not integrate effectively with its surroundings, in terms of form and function, or reinforce local distinctiveness, would be likely to have a substantial adverse effect on the character and appearance of the local area. It would not be sympathetic to local character, contrary to the aims of the Framework, nor in my view does it have sufficient regard to the intrinsic character and beauty of the countryside. I consider that it would constitute poor design, which the Framework indicates should be refused. I give this substantial weight.
75. The proposed Affordable Housing would contribute towards meeting the identified needs in the District, in keeping with the aim of the Framework to ensure that the needs of groups with specific housing requirements are met. It attracts moderate weight. Having regard to the Government's objective of boosting the supply of homes, the modest contribution that the appeal scheme would make towards reducing the shortfall in the five-year supply of deliverable

housing sites attracts moderate weight. Whilst significant, the weight attributable to the modest economic benefits likely to be associated with the proposal is moderate weight. I give limited weight to the GI/biodiversity net gain likely to be associated with the proposal.

76. The proposed access arrangements would ensure the safety and convenience of highway users and the appeal scheme would make adequate provision for infrastructure, services, facilities and amenities, consistent with the aims of the Framework. However, this is necessary to support and mitigate the potential effects of the scheme and so, to my mind, they do not amount to benefits and are neutral in the balance.
77. I consider that the adverse impacts of the appeal scheme would be substantial and they would significantly and demonstrably outweigh the benefits. Even if I were to conclude that there is a shortfall in the deliverable five-year housing land supply at the lower end of the range suggested by the appellant, I remain of the view that the adverse impacts of the appeal scheme would significantly and demonstrably outweigh the benefits. It follows that the appeal scheme would not benefit from the presumption in favour of sustainable development set out in the Framework and reflected in Policy SWDP 1.
78. I conclude overall, that the proposal would conflict with the Development Plan taken as a whole and other material considerations do not indicate a decision otherwise than in accordance with the Development Plan.

### **Conclusion**

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

*I Jenkins BSC CENG MICE MCIWEM*

INSPECTOR

## APPENDIX 1-APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

#### Mr H Leithead and Miss S Davies

Counsel for the Local Planning Authority

They called

Mr C Lewis-Farley

MLArch HND Arb

Mr E Buckingham

MSc MRTPI

Mr R Pestell

MPhil MRTPI

Mr J Rowley

MSc

Malvern Hills District Council

Stantec UK Limited

Stantec UK Limited

Malvern Hills District Council

Ms C Bull

Mr P Swarn

Ms H Peachy

Malvern Hills District Council

Malvern Hills District Council

Malvern Hills District Council

### FOR THE APPELLANT:

#### Mr K Garvey Counsel for the appellant

He called

Mr P Harris

BA Dip LA CMLI

Mr J Griffin

MA MRTPI

Mr N Tiley

BSc (Hons) Assoc RTPI

MHP Design Ltd

Zesta Planning

Pegasus Group

Mr M Tyas

Ms H Hutton

Zesta Planning

Michelmores LLP

### INTERESTED PERSONS:

Mr R Gardener

Miss R Sandy

Councillor D Harrison

Councillor J Michael

Ms Chamberlain

Miss Ellis

Mr S Bott

Mrs I Carling-Taylor

Kempsey Parish Council

Highway Authority (Jacobs)

Malvern Hills District Council

Malvern Hills District Council

Local resident

Local resident

Local resident

Local resident

**APPENDIX 2-INQUIRY DOCUMENTS**

A	Letters notifying interested parties of the appeal and Inquiry arrangements
B	Consultation responses to the appeal notification letters
1	Kempsey Parish Council email, dated 19 April 2023-Severn Trent Water
2	Housing land supply assessment summary table
3	Addendum Statement of Common Ground-Housing Need and Supply, April 2023
4	Statement of Common Ground-Affordable Housing, April 2023
5	Statement of Common Ground-Hedgerows, April 2023
6	South Worcestershire Five Year Housing Land Supply Report 2021
7	Draft section 106 agreement
8	Appellant's email, dated 25 April 2023-Site notices
9	Appellant's email, dated 19 April 2023-Housing land supply
10	Council's opening statement
11	Appellant's opening statement
12	Ms Chamberlain's notes and photo
13	Worcestershire Archive and Archaeology Service email, dated 24 April 2023 and monument record
14	Draft conditions
15	Council's Policy Compliance, weighting and conflict table, updated from EB PoE para 6.6.1
16	Council's CIL Compliance Statement
17	Hedgerow Regulations 1997 extract (Schedule 1)
18	Aerial photographs of land at Old Hills, Callow End site
19	Plan showing extent of publicly maintainable highway-Post Office Lane, suggested hedgerow replanting scheme condition and Barratt David Wilson Homes email, dated 26 April 2023-hedgerow replacement
20	Kempsey Parish Council email, dated 25 April 2023-Severn Trent Water
21	Kempsey Parish Council note-Pending housing applications
22	Appeal decision Ref. APP/Q3305/W/21/3288474
23	Appellant's draft application for a partial award of costs
24	Kempsey Parish Council email train, dated 25 April 2023-Severn Trent Water
25	Draft conditions
26	Peel Investments (North) Limited v Secretary of State for Housing, Communities and Local Government and Salford City Council [2020] EWCA Civ 1175
27	Plan showing existing hedge removal estimates
28	Napleton House map and directions
29	Draft section 106 agreement
30	Housing land supply scenarios-decision tree
31	Council's note- Housing land supply scenarios
32	Appellant's note-Built facilities appellant's position on CIL compliance
33	Council's email, dated 28 April 2023-Kempsey availability of services and facilities ranking
34	Barratt David Wilson Homes email, dated 28 April 2023-footpath connection
35	PPG extracts
36	Kempsey Parish Council plan-other development sites

37	Miss Ellis' notes
38	Redrow Homes webpage screen print
39	Council's submission of support for the built facilities contribution
40	Council's updated CIL Compliance Statement
41	Kempsey Parish Council note-section 106 obligations
42	Appellant's note-response to further comments raised by Kempsey Parish Council with respect to character and appearance of the landscape
43	Appellant's note-Response to Ms Ellis' objection
44	Redrow Homes' email, dated 3 May 2023-Completion rates
45	Draft conditions
46	R. (on the application of McLaren) v Woking BC, [2021] EWHC 698 (Admin)
47	Appellant's note-Signatories to a section 106 agreement
48	Draft section 106 agreement
49	Draft conditions
50	Council's letter, dated 4 May 2023-Inquiry venue details
51	Appellant's application for a partial costs award
52	Council's note-Greater Norwich Development Partnership Joint Core Strategy
53	Appellant's note-Response to the LPA's representations with respect to Greater Norwich
54	Council's costs response
55	Council's email, dated 12 May 2023-Updated CIL Compliance Statement
56	Planning Inspectorate's email, dated 15 May 2023-Missing reference documents
57	Appeal decision Ref. APP/G2625/A/13/2195084
58	Draft section 106 agreement
59	Draft unilateral undertaking
60	Kempsey Parish Council email, dated 16 May 2023-Section 106 agreement comments
61	Draft section 106 agreement
62	Appellant's email, dated 16 May 2023-Conditions and planning obligations
63	Appellant's response on costs
64	Kempsey Parish Council's email, dated 17 May 2023-Section 106 agreement comments
65	Suffolk Coastal District Council v Hopkins Homes Ltd and another Richborough Estates Partnership LLP and another v Cheshire East Borough Council [2016] EWCA Civ 168, [2015] EWHC 132 (Admin) and [2015] EWHC 410 (Admin)
66	Policy 4 of the Greater Norwich Plan
67	Joint Core Strategy for Broadland, Norwich and South Norfolk: Annual Monitoring Report 2014-2015, December 2015
68	Report on the Examination into the Joint Core Strategy for Broadland, Norwich and South Norfolk, the Broadland part of the Norwich Policy Area Local Plan, November 2013
69	Draft conditions
70	Joint Core Strategy for Broadland, Norwich and South Norfolk extract-Appendix 4: Definition of the Norwich Policy Area
71	Kempsey Parish Council closing submissions

72	Council's closing submissions
73	Appellant's closing submissions
74	Appellant's additional closing points
75	Formally completed section 106 agreement
76	Appellant's email, dated 30 May 2023, appeal decisions Refs. APP/J1860/W/22/3304685 and AP/J1860/W/22/3306186
77	Council's email dated 1 August 2023, including <i>Malvern Hills District Council Five Year Housing Land Supply Update Note, June 2023</i>
78	Appellants email, dated 3 August 2023, comments on <i>Malvern Hills District Council Five Year Housing Land Supply Update Note, June 2023</i>