



Appeal Decision

Inquiry Held on 1-4 October 2019 and 11-13 February 2020
Site visits made on 30 September 2019 and 3 and 4 October 2019

by Roger Catchpole BSc (hons) PhD MCIEEM

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16th March 2020

Appeal Ref: APP/P0240/W/18/3219213

Land north of Sunderland Road (Northing: 250966 Easting: 516649)

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Pigeon Land Ltd on behalf of J.W. Infield, G.W. Wheeler, J.R M Jones, M.A. Wilsher, S.A. Wilsher, The Executors of R.G. Johnson, J.F. Hobbs and D. Hobbs against the decision of Central Bedfordshire Council.
 - The application Ref: CB/18/01674/OUT, dated 30 April 2018, was refused by notice dated 31 July 2018.
 - The development proposed is the erection of up to 228 homes, including 6 self-build plots and affordable housing, together with associated access and spine road, reserved site for medical surgery, care home site, family pub-restaurant site, amenity space, allotment site and associated infrastructure with all matters reserved except for access and spine road.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the introduction of late evidence and in anticipation of the interim report on the emerging local plan, I agreed to adjourn the Inquiry on the fourth sitting day to allow preparation of revised housing need evidence. The Inquiry resumed on 11 February 2020 and I sat for a further two and a half days. The oral submissions were supported by two revised proofs, one from Mr Lee [ID17] and one from Mr Tiley [ID18] as well as a revised Statement of Common Ground [ID16]. These incorporated all errata that were subsequently submitted. A number of other documents were also submitted, as detailed at the end of this decision. Issues relating to the examination of the emerging plan were also briefly heard.
3. The application was submitted in outline, with only access to be determined at this stage. However, it was accompanied by illustrative plans that seek to demonstrate how the site might be developed to accommodate 228 dwellings and associated development. These comprise: a layout plan (017-019-001 Rev B); a landscape masterplan (2017 A2-01-B); an affordable housing location plan (017-019-004 Rev B); a parking plan (017-09-006); and a parameters plan (017-019-005 Rev E). These plans are informed by the proposed access from Sunderland Road and associated spine road.
4. The access plan (17504-5-SANDY-103D) shows that an access would be provided by constructing a new arm onto an existing priority junction at

Goldfinch Drive and Sunderland Road. This would provide a single access point to the proposed development and I am satisfied that the relevant local highway standards could be secured via suitable conditions. The Highway Authority do not object to this aspect of the proposal and a Transport Assessment [CD1.19] concludes that the new junction would not have an unacceptable impact on highway safety or lead to a severe, residual, cumulative impact on the wider road network. In the absence of any substantiated, technical evidence to the contrary I agree that there would be no unacceptable impacts on highway safety or a severe impact on the wider road network. Consequently, I do not discuss this matter further.

5. The Council has an emerging plan that is yet to be adopted. It is common ground between the parties that it should only be afforded limited weight. Consequently, this appeal was determined in accordance with the extant development plan, the *National Planning Policy Framework 2019* (the Framework) and the *Planning Practice Guidance 2014* (as amended) (PPG).
6. A number of matters, as set out in a general Statement of Common Ground (SoCG), remain in dispute and relate to matters of development plan policy, landscape character impact and the weight to be given to economic and social benefits. However, it was agreed during the first phase of the Inquiry that none of the relevant policies were out-of-date despite earlier submissions to the contrary. Significant areas relating to local housing need and housing land supply also remain in dispute as highlighted by various submissions to the Inquiry. A 5-year housing land supply (5yr-HLS) base date of 1 July 2019 was fixed in order to narrow the issues to be considered during the second phase of the Inquiry.
7. One of the two Reasons for Refusal (RfR) was related to the absence of a planning obligation to secure financial contributions to mitigate the impact of the proposal on local infrastructure. The Council sought contributions relating to education, leisure, sport, libraries and the provision of affordable housing. However, this RfR was withdrawn during the first phase on the Inquiry when a signed Unilateral Undertaking (UU) was submitted by the appellants under s106 of the *Town and Country Planning Act 1990* (as amended) (the Act).
8. If planning permission were granted, the UU would ensure that 35% of the dwellings would comprise affordable housing units and that financial contributions would be made to education, leisure/sport facilities, libraries and waste management. The contributions are not contested by the appellants, bar one relating to waste management, despite some concerns over how the calculations were derived for the gym equipment and outdoor sports facilities. The affordable housing contribution is a requirement of policy CS7 of the *Central Bedfordshire Core Strategy and Development Management Policies DPD (North) 2009* (CS) whilst the other contributions are a requirement of policy CS2 of the CS. These policies are supported by paragraphs 54 and 64 of the Framework.
9. Bearing in mind the scale of the development and the potential impact on local services, I find the expenditure would be necessary in order to make the proposal acceptable in planning terms. This includes the £60 levy on each house to provide waste receptacles because the Council has indicated that there is no capital budget to provide such items. In the absence of

- substantiated evidence to the contrary, I agree that there would be no realistic prospect of delivery as any contribution from the occupiers towards this capital cost could only be recouped through site specific changes to Council Tax contributions after the dwellings are occupied and thus would be impractical.
10. Turning to existing educational, leisure and sports facility capacity, I am satisfied that this is insufficient to meet the future population growth that would result from the proposal, as set out in Mr Hughes proof and a Council memorandum [CD3.07]. I note that the contributions towards gym equipment at the Sandy and Biggleswade Leisure Centre and a 3G playing surface at Sandy and Shefford Hockey Club were not fully justified. However, as they were derived from the Sport England *Sports Facility Calculator*, I am satisfied that, whilst lacking transparency, this nonetheless provides a suitably robust basis for their derivation and that the values are consequently fair and reasonable.
 11. Given the above, I conclude that the contributions in the UU are related to development plan policies and necessary to make the development acceptable in planning terms. They are directly related to the development and fairly and reasonably related in both scale and kind. As a result, I find that they comply with the tests set out in paragraph 56 of the Framework and with Regulation 122 of the *Community Infrastructure Regulations 2010* (as amended).
 12. In addition to the accompanied site visit I made on the 3 October 2019, I also undertook two unaccompanied site visits on the 30 September 2019 and the 4 October 2019 to view the site from key vantage points on publicly accessible land, as indicated by the parties in the site visit itinerary [ID13].

Application for Costs

13. An application for a partial award of costs was made by Central Bedfordshire Council against Pigeon Land Ltd. This application is the subject of a separate decision.

Main Issues

14. The main issues are the effect of the proposed development on the character and appearance of the area and whether or not the Council is able to demonstrate a 5-year supply of deliverable housing sites and justify its housing need.

Reasons

Site and surroundings

15. The site covers an area of approximately 13 ha and is situated on agricultural land immediately to the north of Sandy in the open countryside, beyond the defined settlement limit. The southern boundary of the site abuts Sunderland Road, the rear gardens of five properties on Goldfinch Drive and Dane Hill Farm. The northern and eastern boundaries adjoin open agricultural land whilst the majority of the western boundary is adjacent to the A1 road corridor and an existing commercial, caravan storage site. The appeal site is broadly rectangular with the longest axis running parallel to the A1 rather than the settlement boundary.

Planning Policies

16. Planning law¹ requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. It is common ground between the parties that none of the policies most relevant to the determination of this appeal are out-of-date and are consistent with the Framework apart from policy DM4 of the CS.
17. This policy seeks to differentiate between areas of built development associated with settlements and the wider countryside. It defines the settlement envelopes of major service centres, such as Sandy, with any development beyond the defined limit being confined to the extension of gardens provided they do not harm the character of the area. There is no dispute between the parties that the appeal site is outside the Sandy settlement envelope and therefore contrary to policy DM4.
18. The parties agree that policy DM4 is not fully consistent with the Framework. This arises from its restrictive nature which gives protection to the countryside for its own sake without recognising the varying qualities and characteristics that are set out in paragraph 170. Its broad purpose does, however, accord with paragraph 170(b) of the Framework insofar as it seeks to protect the countryside for its own sake by virtue of its intrinsic character. The parties also agree that the policy conflict should carry moderate weight. Bearing in mind the Cawrey judgement [CD10.08], I also agree.
19. It is common ground between the parties that the proposed development complies with all development plan policies apart from policies CS14, CS16 DM3, DM4 and DM14 of the CS. Conflict with policies CS16 and DM14 was identified by the Council after the submission of the appeal. However, I am satisfied that the appellants have had sufficient opportunity to make their case in relation to these policies. Two more policies were originally in play, CS2 and CS7 of the CS, relating to the second RfR that was withdrawn.
20. Taking each of the remaining policies in turn, I find the most relevant criteria to be as follows. Policy DM14 seeks, among other things, to ensure that proposals do not have an unacceptable impact on landscape quality and contribute to landscape enhancement through tree planting. Policy CS16 seeks, among other things, to ensure that proposals conserve and enhance countryside character and local distinctiveness in accordance with the Mid-Bedfordshire Landscape Character Assessment. This includes the enhancement of landscapes deemed to be of lesser quality and the preservation of existing hedgerows.
21. Policy CS14 seeks, among other things, to ensure that proposals respect the local context, distinctiveness and character of Mid-Bedfordshire's places. Policy DM3 seeks, among other things, to ensure that proposals are of an appropriate scale and design to their setting and respect local distinctiveness. The appellants contend that these are design policies that cannot be properly evaluated at this stage because they relate to reserved matters and highlight an appeal where the Inspector put these policies aside to be considered another day [CD9.16].

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 (as amended)

22. However, whilst I appreciate that detailed design matters do not fall to be considered, legitimate judgements can nonetheless be made on the general extent and scale of the development given the indicative plans that have been submitted. In this respect I have followed a similar approach to another Inspector who did consider these policies at the outline stage [CD9.19]. Whether or not the Inspector 'had cause to apply his mind' to setting aside these policies is speculative at best. As Mrs Justice Lang points out, in relation to the St Modwen judgement [ID20], the Courts have repeatedly warned against the 'excessive legalism, hypercritical scrutiny and laborious dissection of decision letters.'

Character and Appearance

Landscape Character

23. I have been provided with a Landscape and Visual Impact Appraisal (LVIA) prepared by Liz Lake Associates on behalf of the appellants. This has been prepared in accordance with the third edition of the *Guidelines for Landscape and Visual Impact Assessment 2013* [CD8.06]. The parties agree that the site lies within Landscape Character Area 4A: Great Ouse Clay Valley (LCA 4A) [CD1.15].
24. The relevant visual and perceptual character of the LCA 4A is summarised as follows: *'The open, gently rising slopes of the Great Ouse Clay Valley have strong visual links with the surrounding higher ground of Clay Farmland to the north and within Bedford Borough, and Clay Vales character areas particularly the large-scale arable fields.....Urban influences include the A1 which has a visual impact locally, and the exposed northern urban edge of Sandy'*.
25. It goes on to identify one of the key visual sensitivities as comprising *'openness and long views across the gently rising slopes linking with the adjacent Clay Farmland and Clay Vales landscape types'* and a management guideline to *'conserve the rural settings of the towns and villages and enhance the settlement edge, for instance, by woodland planting to screen large scale development'*.
26. I observed that the site itself has an open, rural character that rises from the boundary of Sunderland Road to a low ridge at Highfields Farm. It comprises an area of gently rolling, arable fields with views of the more prominent, elevated landscape of the *Everton Heath Wooded Greensand Ridge* LCA to the east. As such, it is representative of the wider visual character of LCA 4A even though its features differ from the River Ivel valley to the west. Both parties agree that it makes a positive contribution to local landscape character in this respect.
27. The parties also agree that the existing northern limit of Sandy forms an abrupt transition to the adjacent, arable, farmed landscape. Whilst the LCA identifies an *'exposed northern edge'* I only found this to be the case in relation to the incongruent massing of some of the newer buildings on Goldfinch Drive. These were not only prominent when viewed from within the site but also when viewed from Photomontage Point 9 (PM9), as well as the proximal sections of the Public Right of Way to the west of the A1 (FP1).
28. However, I found the older development at Fallowfield, that defines the majority of the northern settlement edge, to be better integrated because of

- the stature of the mature landscaping on the southern side of the road. This significantly softens the built form of the houses and their boundary features to the extent that views from the north are now largely restricted to the brown concrete pantiles of the roofs. The Council has also pointed out that the fieldwork for the LCA assessment was originally undertaken in 2006 when the northern edge of the settlement would have been more prominent and therefore more 'exposed'.
29. Whilst it is possible to see the northern extension of the commercial district from the appeal site, as well as passing trains, the separation distance, hedgerows and intervening topography are such that these are not prominent features and do not lead to a significant urbanising, visual effect. For the same reason, I am not persuaded that the further extension of the built form in this area, as part of the EA2 allocation, would have a significant effect on how the settlement envelope is perceived from the appeal site.
 30. The appellants acknowledge that there would '*inevitably be a degree of harm to the local landscape*' in paragraph 4.1.15 of the LVIA but that this would not harm the character of the area because of the urbanising elements that influence existing character and the limited number of '*key characteristics*' of LCA 4A that are present. During the Inquiry the appellants accepted that whilst on the fringe of the urban area, the site could not be considered urban fringe because it is not degraded and is in good agricultural condition.
 31. The point is finely made regarding urban influences. I agree that the rear garden boundaries of the houses on Goldfinch Drive, caravan storage site and noise generated by the A1 and passing trains gives rise to a less rural ambience in comparison with the landscape to the west of the A1. Whilst there is some ribbon development along the A1 corridor, which includes the caravan site, I do not find this overly intrusive or urbanising. This is down to the fact that it is sparsely scattered and comprises relatively small areas of discrete development, mostly on the other side of the carriageway.
 32. I accept that the abrupt boundary of Sunderland Road with its roundabouts and street lighting has an urban quality, as does the distant industrial area. However, these features do not dominate the appeal site and the road is also softened by an embankment and vegetation along FP24 to the north of Sunderland Road. In visual terms the road contains the built environment and provides a legible demarcation to the settlement.
 33. Multiple viewpoints, along FP24, establish a prominent rural setting to this boundary given the way in which the ground rises to a low ridge. When looking in this direction I observed that there was limited intrusion of the built environment in my peripheral vision. I am also mindful of the contribution it makes to the intact arable landscape between Sandy and Tempsford, as distinct from the Ivel Valley landscape and highlighted by the Council in Mrs Ahern's proof of evidence.
 34. I find the suggestion that the appeal site is of low-medium value due to the limited number of formally defined characteristics of LCA 4A to be contrived under the circumstances. I also find the tally-based approach of counting how many features are present to be inconsistent with 170(b) of the Framework which stresses the importance of the intrinsic character and beauty of the countryside and the economic benefits of the best and most versatile land.

35. The appellants maintain that the proposal would be well integrated into the landscape and enhance the quality of the transition between the settlement and wider landscape, as indicated by the Landscape Masterplan which sets out one potential approach to this reserved matter [CD1.06]. A number of unsecured benefits are identified in terms of improved greenspace access, habitat creation, allotment provision and the restoration/enhancement of characteristic landscape features such as hedgerows.
36. The appellants have sought to demonstrate how potential landscaping could result in negligible landscape impacts on completion and a moderate beneficial effect over time once it has become established. A series of visual receptors were agreed with the Council and have informed this conclusion. Photomontages have been created at each receptor point as part of this evaluation and I have viewed the appeal site from all these locations.
37. I accept that the potential landscaping would better integrate the settlement transition insofar as it relates to the five adjoining dwellings on Goldfinch Drive but that this would be the extent to which the proposal would enhance the settlement edge of Sandy. Given that the majority of the northern settlement edge along Sunderland Road would remain unaltered, I find the benefits to be overstated.
38. Moreover, any benefits need to be weighed against the significant urbanisation of an area that currently makes a positive contribution to existing landscape character. This would not only be related to the overall extent of the scheme but also the significant increase in the length of the settlement edge and thus the visual influence of the built environment on the open countryside.
39. I note that whilst the potential planting could soften the proposed development after 15 years, negative landscape change would nevertheless remain prominent at some receptors, most notably PM2 and PM4. Whilst the approach to the priority junction is flanked by housing on either side, the eye is currently drawn across the unimpeded rural landscape at PM2. The wide grass verges and amenity planting help to frame this view which would be wholly disrupted by the greater massing of the proximal parts of the proposed development despite the kinetic views that would be preserved to the north east once the junction is reached.
40. Turning to PM4, this receptor currently has a wide, unimpeded rural view across the site to the A1 and beyond. Whilst scattered development along the A1 is apparent, the proposal would nevertheless lead to a significant urbanising effect. This is because the urban fringe would extend into this view and significantly disrupt its rurality through the introduction of extensive built forms. The effect becoming proportionately stronger as users of FP24 move westward from PM4.
41. The appellants have used map regression analysis to show that the northern settlement edge has not grown in a uniform manner in the past. However, whether the historic, episodic settlement boundary growth of Sandy resulted in more visually attractive phases of growth is unproven. On a more tangible basis, I find that the strongly defined northern boundary contains the settlement and avoids a creeping urbanisation of the countryside, thus conserving the rural setting of Sandy and satisfying a key management guideline for LCA 4A.

42. Given the above, I find that the negative visual impact of the proposed development would significantly outweigh the visual benefits that could arise from the potential landscaping and the indicative layout of this scheme. I therefore conclude that the proposal would be contrary to policies CS16, DM4 and DM14 of the CS with respect to the location of the site outside the settlement limit, a failure to conserve countryside character and distinctiveness, enhance landscapes of 'lesser value' and an unacceptable impact on landscape quality. I also find that the proposal would be contrary to paragraph 170(b) of the Framework because it would, on balance, fail to contribute to and enhance the intrinsic character of the countryside.

Housing Land Supply

43. A number of adjustments were made to the Council's housing supply figures, as set out in an addendum to the SoCG [ID19]. In this document the Council maintains that it has a deliverable supply of about **9,511** units as compared to the appellants estimate of around **6,041** units. Irreconcilable differences were present between the parties in relation to the deliverability of two sites (HT058(i) and HT058(ii)) with full planning permission and nine sites (HT005, HT057, HT058, HT078, HT082, HT117, HT121(b), HT208 and HT237) with outline planning permission. This accounts for a difference of some **3,470** units over the next five years.
44. Annex 2 of the Framework defines deliverable sites as those that are currently available, in a suitable location for development and achievable, with a realistic prospect that housing will be delivered within the next five years. The definition goes on to advise that sites with detailed planning permission should be considered deliverable until permission expires and that sites with outline planning permission should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.
45. Paragraph 007² of the PPG provides examples of the type of evidence that might be used to demonstrate deliverability. The most relevant to this appeal is the current planning status of outline permissions in terms of how much progress has been made towards approving reserved matters or whether there is a link to a planning performance agreement that sets out the timescale for approval of reserved matters applications and the discharge of conditions. In this context, the evidence capable of demonstrating deliverability is open to interpretation. The exact meaning of 'clear evidence' is not defined in policy nor are there any specific evidential standards.
46. Whilst the appellants maintain that the quarterly reviews and trajectories of the Council are insufficient, this is a matter of planning judgement according to the particular circumstances of the case at hand. I give little weight to the views of the other Inspectors on this matter, as highlighted in Mr Tiley's proof of evidence³. This is because the context of those decisions are not the same in all respects. More specifically, they relate to annual, rather than quarterly, monitoring of different housing market areas with two of them predating the most recent changes to both the Framework and PPG.

² Reference ID: 68-007-20190722

³ APP/W3520/W/18/3194926, APP/Z1510/W/18/3207509, APP/P0119/A/12/2186546 and APP/Y3940/A/12/2183526

47. Turning to the individual sites, the appellants contend that land north of Houghton Regis (HT057 and HT058) would meet the unmet housing needs of Luton and should therefore be removed from any housing supply estimate. Mr Tiley conceded in cross examination that there is no legal precedent that it is either lawful or appropriate to disregard dwellings that lie within a housing market area that may be regarded as deliverable. These dwellings are not part of Luton's trajectory nor is occupation in any way controlled. As they have not been allocated to any other housing market area, to remove them from the housing supply for Central Bedfordshire (CB) for nothing other than this reason would be perverse as it would be tantamount to pretending that they do not exist.
48. Mr Tiley asserts in his proof that the land is the 'most obvious' to address the unmet needs of Luton given its geographical proximity, highlights a local plan Inspector's view that it 'may contribute' [CD8.02] and the role that it played in securing planning permissions in the Green Belt. However, these considerations are neither based on legal precedent nor are they supported by any explicit policy despite the suggestion that a failure to agree with the views of Mr Tiley would be contrary to the 'realistic and robust' consideration of housing supply, as set out in the Oadby and Wigston judgement [CD10.01].
49. Mr Tiley cites some text at the end of paragraph 36 of the judgement which, among other things, sets out how paragraph 49 of the 2012 Framework should be interpreted. The following paragraph goes on to consider whether an Inspector was justified in considering housing requirements for an administrative area where the relevant housing market area extends beyond its boundary. As this does not apply to the case at hand and deals with decision making prior to the latest changes to the Framework and the PPG, I find that it adds more heat than light to my deliberations.
50. Mr Tiley sought to bolster his position by concluding that 'numerous Inspectors' considered it necessary to remove the land north of Houghton Regis from the deliverable supply but was only able to highlight two appeal decisions⁴ where Inspectors had explicitly concluded on this matter [CD9.07 and CD9.13]. The first was related to land off Mill Road where the Inspector noted that if the unmet needs of Luton were to be excluded from the housing requirement, then the release of Green Belt land north of Houghton Regis to meet such needs should also be excluded to avoid an 'unbalanced assessment'. The same conclusion was reached in the second decision.
51. However, and as the first Inspector notes, the release of such land cannot be reserved for Luton residents. As such, I find that there is no objective basis for either partially or wholly excluding this land from meeting the needs of Mid-Bedfordshire residents on practical grounds irrespective of the uncertainty that arises from the comparison of a 'policy off' housing need against a 'policy on' housing supply. As such, I find that the unmet needs of Luton do not justify a reduction in the deliverable supply of 1,000 homes as set out in Mr Tiley's updated rebuttal proof [ID12].
52. Turning to the sites with outline permission, Mr Tiley suggests that the views of stakeholders does not necessarily provide clear evidence because it serves the purposes of the developers and leads to 'overly optimistic delivery trajectories' that 'rarely come to fruition'. However, the unchallenged evidence in Mr

⁴ APP/P0240/W/17/3190687 and APP/P0240/W/17/3181269

Hughes rebuttal proof [R1.15-16] demonstrates an actual delivery rate of 9,814 dwellings per annum (dpa) over the last five years. As the Council pointed out in closing, this equates to delivery in excess of 11,000 dpa over the last 2.5 years. Whilst the past is not necessarily an indicator of the future, I find this consistently high track record of delivery persuasive.

53. Instead, Mr Tiley prefers to rely on an average delivery rate of 200 dpa for strategic sites as derived from national studies [CD11.04, CD11.06 and CD11.07]. This was described by the Council as an 'artificial and mechanistic assessment' and addressed during cross examination where it became apparent that only a small proportion of the sites were delivered within a modern housing market and policy context with the majority of sites being between 10-20 years old and widely dispersed in terms of geography. Calculating an average under such circumstances is practically meaningless given the wide variation of the sample and the lack of any temporal stratification. Moreover, it was clear that significant caveats applied and that some conclusions were only identified by the authors as being relevant for a limited period of time. One of the reports was also founded on another. Consequently, I find this evidence unreliable and considerably less robust than the approach taken by the Council.
54. Whilst actual delivery is different to deliverability and there are many factors that are beyond the Council's control, I nevertheless find the Council's approach of proactive, quarterly engagement to be realistic, pragmatic and proven. Unlike annual assessments, this allows the Council to liaise with all relevant stakeholders, take any changing, individual site circumstances into account on a rolling basis and moderate lead-in times where necessary. It was an undisputed fact that this is not a commonly applied approach and relies on a much higher degree of surveillance than is usually present.
55. Nevertheless, I shall now consider each of the disputed sites in turn whilst having regard to a recently issued decision⁵ (the recent decision) that was submitted after the close of the Inquiry where some of the same sites were also considered [ID31].

Land at Chase Farm and West/North East of High Street (HT005)

56. In his proof, Mr Tiley has highlighted the fact that there are a significant number of outstanding actions related to a planning performance agreement (PPA) before first completion and has sought to reduce the weight of such agreements in his rebuttal proofs where he draws my attention to the decisions of two other Inspectors⁶. However only one of these was submitted as evidence [ID18] and therefore falls to be considered.
57. In his rebuttal proof, Mr Hughes points out that the first 200 dwellings are not dependent on a spine road and that this will be provided by the Council along with other, phased infrastructure. The existence of an agreed Masterplan and PPA was also highlighted in this evidence. Although Mr Hughes conceded that a s106 agreement was still outstanding in cross examination, he also pointed out that the Council had a good level of control over delivery because it owns the site.

⁵ APP/P0240/W/19/3236423

⁶ APP/J2210/W/18/3216104 and APP/R3650/W/19/3227970

58. Turning to the appeal decision⁷, Mr Tiley quotes an extract concerning site specific statements in his revised rebuttal proof [ID12]. When read in the round, the circumstances are not the same in all respects. This is because it applied to a different local planning authority that was in the early stages of seeking to achieve a rapid increase in the rate of housing delivery. As such, the systems for enabling delivery were not tried and tested, as is the case for CB. Additionally, a significant number of the sites were either dependent on the delivery of major infrastructure works and/or relied upon statements involving only a limited number of stakeholders. I therefore give this decision limited weight.
59. The recent decision recommended a reduction of 96 dwellings but there is no indication that the Inspector considered the existence of an agreed Masterplan or the fact that the Council ownership provided a good level of control. Given the above, I consider that the planned development is currently realistic and clearly deliverable for this site.

Land North of Houghton Regis (HT057 and HT058)

60. In his rebuttal proof, Mr Tiley contends that the 371 dpa for these sites is 'so aspirational as to be unrealistic and never achieved on a site nationally'. He acknowledges the presence of a PPA but notes that it is not publicly available. Beyond this criticism, no further evidence is offered as to why the outline permissions on these sites would not be deliverable. I have already dealt with the matter of national averages and my conclusions remain the same in relation to this site.
61. In his rebuttal proof Mr Hughes notes, in relation to HT057, that infrastructure conditions have now been discharged for Phase 1 and that three house builders have provided estimates that have taken account of the design codes, phasing and masterplan for the site as part of pre-application discussions. The early stage is acknowledged by the Council and delivery has consequently been revised down to 250 dpa until further information becomes available.
62. Turning to HT058, Mr Hughes highlighted the fact that delivery has begun and that the majority of the road infrastructure has already been provided. In response to one of my questions, Mr Hughes noted that the high delivery on this site was due to active engagement and that this had resulted in 749 homes being built last year with 65 of those being on a single site.
63. The recent decision recommended a reduction of 200 dwellings but there is no indication that the Inspector considered the fact that the majority of the road infrastructure had already been provided and that the location had already delivered a significant number of dwellings. Given the above, I consider that the planned development is currently realistic and clearly deliverable for this site.

Land east of Leighton Linlade – Clipstone Park (HT078)

64. In his rebuttal proof, Mr Tiley contends that no clear evidence has been provided but does not offer any further detail concerning why it would not be deliverable. Mr Hughes notes in his rebuttal proof that it is part of a larger, dynamic site where 65 dwellings were delivered in the first quarter. He also highlights the fact that some reserved matters approvals have already been

⁷ APP/J2210/W/18/3216104

granted, two applications are currently being considered for 400 units and that discussions have begun for the remaining phases.

65. Given the above, I consider that the planned development is currently realistic and clearly deliverable for this site.

Land at Moreteyne Farm (HT082)

66. In his first proof, Mr Tiley observes that outstanding information is still required more than a year after the submission of an application for the approval of reserved matters. In his rebuttal proof, Mr Hughes highlights the fact that it is part of a site being delivered by a national developer and that it is currently being built out by two house builders. In cross examination, Mr Hughes was unable to offer any further detail other than the preliminary undertaking given by the developer.
67. Given the above, I consider that the planned development is currently unrealistic and insufficient evidence has been provided to the Inquiry for this site to be clearly deliverable. As a result, I agree with the appellants that the housing land supply should be reduced by 118 units at the current time.

Wixams (HT117)

68. In his proof, Mr Tiley observes that the site would require a 'record delivery' rate of 207 dpa which would not be justified by the national average of 161 dpa or the local maxima of 201 dpa. In his rebuttal proof he notes the Council added a further 57 homes during the course of the Inquiry and highlights the fact that this would make the delivery even more unlikely. My previous comments in relation to national averages also apply to this site.
69. Mr Hughes notes, in his rebuttal proof, that reserved matters have been approved and work commenced on Village 4 and that the design code for Village 2 has now been approved. Whilst the delivery trajectory has been largely derived from the promotor, it has also been provided to customers who are purchasing the properties. Mr Hughes maintained in oral evidence that the promoters and retailers stand by their figures and that there would most likely be a jump in delivery from the cumulative momentum that has accrued.
70. The recent decision recommended a reduction of 160 dwellings but there is no indication that the Inspector considered the approval of reserved matters and commencement of work at Village 4 or the publication of the anticipated delivery to potential customers which would result in a loss of business and/or penalties if it were not accurate. Given the above, I consider that the planned development is realistic and clearly deliverable for this site at the current time.

Land at Saxon Drive (HT121b)

71. Mr Tiley, in his rebuttal proof, highlights the fact that an application for reserved matters is still outstanding for this site and that no clear evidence of deliverability is present. Mr Hughes, in his rebuttal proof, notes that the site is Council owned land and that contracts have been exchanged with Taylor Wimpey. In oral evidence, he also observed that this would not have occurred had there not been a clear intention to develop the site.
72. Given the above, I consider that the planned development is realistic and clearly deliverable for this site at the current time.

East of Biggleswade (HT208)

73. Mr Tiley, in his revised rebuttal proof [ID12], points out that the delivery of the first 80 homes by the 30 March 2021 is unrealistic given the fact that an application for reserved matters is still outstanding and that it would most likely be at least 15 months before any work could commence. The Council subsequently revised down the estimate for this site from 537 units to 117 units due to issues identified in the emerging local plan examination [ID19]. I note the appellants position is that no dwellings will be delivered on this site and in the absence of clear evidence to the contrary I agree.
74. Given the above, I consider that the planned development is currently unrealistic and insufficient evidence has been provided to the Inquiry for this site to be clearly deliverable. As a result, I agree with the appellants that the housing land supply should be reduced by 117 units at the current time. This is consistent with the recent decision where the site was discounted.

Thickthorn Park (HT237)

75. Mr Tiley, in his revised rebuttal proof [ID12], highlights the fact that this site is not consistent with the definition of a deliverable site in Annex 2 of the Framework. He maintains that this is a closed list and that the site fails to qualify because it does not benefit from an extant planning permission. He maintains that even if this were not the case, the absence of an agreed s106 makes delivery on this site unlikely.
76. Mr Hughes, in his rebuttal proof, maintains that outline planning permission has been granted and that 'heads of terms' have had been agreed in relation to the s106 agreement. However, it was confirmed that this was not the case at the time of the first sitting of the Inquiry. Even if an outline permission has since been granted, I have no clear evidence before me that the site would be delivered.
77. Given the above, I consider that the planned development is currently unrealistic and insufficient evidence has been provided to the Inquiry for this site to be clearly deliverable. As a result, I agree with the appellants that the housing land supply should be reduced by 265 units at the current time. This is contrary to the recent decision which only reduced the number of units by 60. This is justified because the s106 had not been signed by the close of the Inquiry.

Housing Supply Conclusion

78. In his final proof [ID12] Mr Tiley suggests a 'best-case scenario' for the remaining sites where the Council can be given 'the benefit of the doubt'. Accepting this to be the case and bearing in mind the balance of probabilities, I conclude that an overall supply of about **9,011** units can be justified at the current time.

Housing Need

Policy Considerations

79. Paragraph 60 of the Framework states that strategic policies should be informed by a local housing need (LHN) assessment, conducted using the standard method (SM), as set out in national planning guidance, unless

exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals.

80. Paragraph 73 goes on to advise that local planning authorities should determine whether a deliverable five-year housing land supply (5yr-HLS) is present against their LHN if strategic policies are more than five years old. As this is the case for CB, local housing need is unequivocally defined in footnote 37 as being calculated through the SM.
81. Turning to Annex 2 of the Framework, LHN is defined as the number of homes needed through the application of the SM. In the context of providing strategic policies, i.e. plan-making, it may be calculated using an alternative approach as defined in paragraph 60 of the Framework. However, no exceptional circumstances permit such an approach in relation to decision-taking.
82. This fact is not disputed by the Council and it is common ground that the Council is unable to demonstrate a 5yr-HLS when LHN is calculated using the SM. The appellants maintain that there can be absolutely no departure from the SM in decision-taking and that the Council is wrongly interpreting the meaning of the policies of the Framework which has led to a 'misapplication' of Government policy.
83. In coming to this conclusion they rely upon the views of the Supreme Court in *Suffolk Coastal District Council v Hopkins Homes Limited* judgement⁸ which held that the approach to interpretation of development plan policies in the *Tesco Stores Limited vs Dundee City Council* judgement⁹ applies equally to the policies of the Framework in that a policy should be interpreted 'objectively in accordance with the language used, read always in its proper context'.
84. However, this speaks to the interpretation of policy rather than its application which is a matter of planning judgement. The Council recognised in oral evidence that it had departed from national policy but maintained that this was a conscious 'disapplication' rather than a 'misapplication' of Government policy. The Council has adopted this position in this case and in the examination of its emerging local plan because the LHN methodology requires the use of the 2014 sub-national population projections. The Council maintains that the projections are inaccurate for CB and that this alone justifies a departure from national policy and advice.
85. The *Secretary of State v West Berkshire* judgement¹⁰ [CD10.07] establishes the principle that policy-makers are entitled to express policy in unqualified terms and that pre-existing policy should not be blindly followed by decision-makers without considering whether or not the case in hand is an exception. It goes on to note that the rule against fettering discretion is critical to lawful public, decision-making and that without it, decisions are likely to be unfair. Reference is also made in this judgement to Sedley LJ¹¹ who observed that planning policy is 'not a rule but a guide'.
86. The appellants have pointed out that one of the grounds of challenge in this case was not successful. Namely that the Written Ministerial Statement was an affront to the statutory scheme, notably s38(6), because it did not allow for

⁸ [2017] UKSC 37

⁹ [2012] UKSC 13

¹⁰ [2016] EWCA Civ 441

¹¹ [2005] EWCA Civ 520

- departures. This is because it is always open to the decision-maker to decide to place greater weight on the development plan or any other material consideration which the appellants characterise as a 'disapplication' of policy [ID28]. However, I do not share this view because a policy still applies under such circumstances and is merely outweighed by other considerations.
87. The *Gransden v Secretary of State* judgement, cited in [ID20], offers further insight into the Council's position. It sets out that even though a body has to have regard to policy this does not mean that it necessarily needs to follow that policy provided clear reasons are given for a departure so that the recipient knows the grounds upon which the decision is being taken. Indeed, the Framework itself makes clear that, insofar as the determination of planning applications is concerned, it is no more than 'guidance' and as such a 'material consideration' for the purposes of section 70(2) of the Act.
88. Whilst not establishing legal precedent, the documents relating to an attempted High Court challenge of the New Road, Clifton appeal decisions¹² reiterate the above points [ID20]. Sir Ross Cranston took the view that it was not even arguable that the Inspector was not entitled to depart from national policy in the contested appeals. Most importantly, the Secretary of State expressly endorsed the departure from his own policy that was taken by the Inspector in those appeals. I find this evidence admissible despite the warnings to the contrary by the appellants in closing [ID28]. As the Council points out, the Practice Direction [ID27] does not apply to planning inquiries and, in any event, this evidence neither establishes a new principle nor extends an existing one.
89. Given the above, I find that there is no lawful basis for resisting an exception to the application of paragraphs 60 and 73 or Annex 2 of the Framework or the advice of the PPG where clear and convincing reasons are given for such an exception. As exceptionality is expressed in relation to plan-making, the Framework is silent regarding the specific grounds that might justify such a departure and it thus becomes a matter of planning judgement rather than a policy prescription. I can find no legal or policy basis for Mr Tiley's fall-back position that if an exception were to be made that this would somehow need to be 'beyond exceptional' and that any hypothetical test should be 'more challenging' than the ones applied in a Local Plan examination.
90. I am, nevertheless, mindful of the need to significantly boost the supply of housing to address the housing crisis and that any departures from the SM in decision-taking should not be taken lightly and must be fully justified. I am also aware that the views of Inspectors have varied in relation to this matter and that decisions have gone both ways where housing need has been an explicit consideration¹³.
91. I note that the decisions that the appellants rely upon where the SM is favoured either do not consider circumstances specific to CB because they apply to other local planning authorities or they comprise written representations¹⁴ where the CB housing requirement was simply not tested. As

¹² [CD9.19]

¹³ APP/C1950/W/17/3190821, APP/W3520/W/18/3194926, APP/Z1510/W/18/3207509, APP/P1560/W/18/3196412, APP/P1560/W/18/3194826, APP/P0240/W/18/3211551, APP/P0240/W/19/3219983, APP/P0240/W/18/3206495, APP/P0240/W/19/3220640, APP/P0240/W/18/3218992, APP/P0240/W/18/3204513 and APP/P0240/W/19/3236423.

¹⁴ APP/P0240/W/18/3211551, APP/P0240/W/19/3219983

such, I do not find them the same in all respects and this appeal has consequently been determined on its individual merits and the evidence before me.

Household Projections

92. The central thrust of the Council's case is that the inaccuracy of the 2014-based sub-national population projections for CB is such that they are not fit for purpose and that this alone justifies an exception to be made to national policy. On this basis, the Council maintains that it should continue to use the Objectively Assessed Need (OAN) that forms the basis for its Strategic Housing Market Assessment (SHMA) where the issues with the household projections were considered at length and local evidence was used to establish independent population estimates.
93. The Council maintains that the projections continue to overestimate the true extent of population growth within CB. In his proof, Mr Lee identifies the problem as being associated with the mid-year estimates (MYE) which overestimate the net migration figures for CB. The Office for National Statistics (ONS) recognises this problem and despite downward adjustments there remain significant anomalies in the population growth projections for CB, as well as a number of other local planning authorities. Whilst not unique, the Council maintains that it is exceptional and has sought to establish this fact through the comparative ranking of a number of different indicators.
94. The indicators and the position of CB relative to other local planning authorities has been a matter of considerable dispute between the parties. Extensive evidence was submitted during the course of Inquiry and no agreement could be reached on which indicators were most important for establishing exceptionality or even whether London boroughs should be included in the comparison.
95. In relation to this last point, I accept the Council's position that they should be excluded. This is because the Greater London Authority is responsible for the calculation of the 5yr-HLS for individual boroughs as part of its Spatial Development Strategy for London. Unlike other authorities, this is not a matter that is left solely to the boroughs to address through their local plans. Although Mr Tiley attempted to draw an analogy to local planning authorities in the East of England in oral evidence I find this contrived and not comparable to the situation in London, not least because there is no analogous planning mechanism that seeks to distribute a housing requirement on a regional basis across the East of England.
96. Turning to the indicators themselves, it is common ground that CB ranks higher than 253 other local authorities (excluding London) on every indicator favoured by the Council and no higher than 51 on every indicator favoured by the appellants [ID16]. Their selection was a matter of planning judgement with no multivariate statistical analysis being undertaken by either side to establish the variance structures, indicator redundancy or the differential sensitivity of the rankings between indicators that would have supported a more objective approach. Moreover, I find the use of parametric averages and Z-scores [ID25] flawed due to the untested assumption that each indicator would have the same magnitude of effect on the rankings and a failure to transform the data to avoid the numerical compression arising from the large number of small percentage values.

97. The Council has chosen to focus on indicators that directly relate to changes the ONS has made to the MYE for all local authorities in England. This not only considers the latest revisions for the period between 2011-2016 but also earlier revisions for the period between 2001-2011. The appellants have chosen to focus on a wider number of indicators with the Council only agreeing that two are appropriate for establishing exceptionality (B1 and C2). The appellants have highlighted the fact that half of the Councils indicators (A1, A2 and A3) reflect the accuracy of the 2016 MYEs and do not therefore inform the 2014 household projections upon which the SM is based. They also note that two of the indicators (A1 and C1) do not take account of proportionality.
98. However, I find the Council's indicators more credible than the appellants because they go to the heart of why CB should be considered exceptional and highlight an ongoing issue with the ONS data. I find the use of contextual measures, such as the difference between the MYE and school census changes, diversionary because they are indirect, proxy measurements of varying accuracy. The greater number of indicators that the appellants have relied upon could have also altered the rank variance structure and thus the likelihood that a greater number of authorities would rank higher than CB. Mr Tiley confirmed, in response to one of my questions, that this had not been considered and that it was beyond his expertise as a pure mathematician. Consequently, this potentially confounding effect cannot be discounted and I find the conclusions that these indicators support to be unreliable.
99. Added to this issue is the fact that four of the appellants' indicators (G1, G2, H1 and H2) relate to migration estimates that predate the ONS Migration Statistics Programme. As Mr Lee points out in his supplementary proof [ID17], the use of these data are flawed because the measurements were calculated using a fundamentally different methodology to the one used by the ONS between 2001-2014. In response to one of my questions Mr Tiley conceded that 'there were no other alternatives' and that the indicators were 'not perfect'. Consequently, I find the justification for the use of these indicators is not robust because it risks introducing systematic errors that are the product of a change in methodology rather than any underlying demographic divergence.
100. Turning to the issues with the Council's indicators. The two where proportionality has been questioned are ranked according to the projected number of individuals and are not expressed as a percentage of the population. Given that population densities vary between authorities, I accept that the ranking of these indicators may be different if they were expressed as a proportion of the total population. However, the issue at hand is whether the differences in the MYE and unattributable population change estimates, in and of themselves, are exceptional. As such, there is an internal consistency to the comparison irrespective of whether or not they are adjusted for the population densities of individual authorities and expressed as a percentage. The three where relevance to the 2016 projections has been questioned are relevant because they illustrate systematic errors that have led to persistently inaccurate population projections for CB. As they have not been taken in isolation, they provide useful context for the indicators that are directly related to the 2014 projections and speak directly to the core issue.
101. Turning to Mr Tiley's observations that none of the Council's indicators were exceptional in isolation and that there are authorities that exceed CB on every indicator. I accept this is the case but, as Mr Lee points out in his

supplementary proof [ID17], there are only five local authority areas that ranked higher on all indicators which were, in order of magnitude: Guildford, Charnwood, Newcastle-upon-Tyne, Welwyn Hatfield and Lancaster. Whilst CB may not be the most exceptional, it is nonetheless amongst just half a dozen authorities with the most significant errors in the ONS household projections.

102. The appellants submitted SHMA extracts from the above authorities during the second phase of the Inquiry and it was noted, in oral evidence, that the 2014 household projections for these authorities all needed an uplift. These extracts were limited with no wider context provided to the Inquiry save for the oral evidence of Mr Lee and a letter concerning the Vale of Aylesbury local plan examination submitted by the Council [ID24]. This established that there had subsequently been significant downward adjustments by the ONS for some and that significant student populations were present in at least three which meant that they were not directly comparable to CB in any event. Consequently, I give this evidence little weight.
103. Mr Lee has also indicated in oral evidence that he has only come across two out of 50 local authorities for which the MYEs were inaccurate since the 2014 household projections were first published. Whilst only a limited sample, this nonetheless indicates that the issue is not widespread. The appellants accept that the methodology has been revised to improve MYEs but contend that the SM would have been changed because the same issues apply to 'every single authority' [ID28]. Given the above, I do not find this position tenable and it is not surprising that the SM remains unchanged under the circumstances despite the representations made by local planning authorities and others in response to the technical consultation prior to its introduction.

Housing Need Conclusion

104. If the Council's position on OAN, as set out in appendix 3 of ID19, is assumed then this gives a deliverable supply of around **5.72** years. If the appellants' position, as set out in the same appendix, is assumed then this gives a deliverable supply of around **5.36** years. The latter differs in that over supply was not banked and completions north of Houghton Regis were excluded from the calculation.
105. Although a deliverable supply of **3.64** years is only present when the SM is applied, I find clear and convincing justification for the application of a tried and tested method, as defined in the SHMA, for the reasons I have already given. I do not consider a hybrid approach that includes a different affordability adjustment to be tenable under the circumstances. Consequently, the weight attributable to the SM in deriving the LHN is greatly reduced.
106. Accordingly, in line with paragraph 11(d) of the Framework the 'tilted balance'¹⁵ is not engaged. Consequently, my assessment of the proposal in the planning balance will proceed against the policies of the extant development plan.

Other Matter

107. In closing, the appellants highlight the Shropshire vs BDW Trading judgement¹⁶ in regard to the principle that an Inspector at a planning appeal is

¹⁵ As defined by paragraph 11 of the National Planning Policy Framework 2019

¹⁶ [2016] EWHC 2733

only making judgements based on the material that has been submitted, which may well be imperfect [ID28]. It goes on to state that an Inspector is not making an authoritative assessment which binds a local planning authority in other cases.

108. The appellants accept that whilst decisions are material considerations, they are not case law. They also stress that the evidence before me from both parties 'is significantly different from that before previous inspectors' in relation to three appeal decisions that the Council relied upon in evidence¹⁷. However, this principle cuts both ways and also applies to other decisions that the appellants have relied upon.

109. Whilst I have read and had regard to all of the decisions that have been submitted by the main parties, I have not made reference to each and every one in my own decision. This is because it is rarely the case that any two appeals are the same in all respects and I see no reason to subject the ones that are not central to my reasoning to hypercritical scrutiny or laborious dissection.

Planning Balance and Conclusions

110. Firstly, it is important to note the benefits of the proposed development that can be summarised as follows:

- The provision of 228 dwellings with 35% allocated for affordable housing which would boost the supply of housing. Whilst this would help to meet a key Government aim, the weight to be afforded to it is limited by the fact that the Council is able to demonstrate a 5yr-HLS. Bearing this in mind, as well as the fact that the affordable housing is no more than policy compliant, I give this benefit moderate weight.
- The provision of allotments would address an identified need, as was apparent from the representations made by interested parties at the beginning of the Inquiry. This would also be consistent with the Sandy Parish Green Infrastructure Plan (2010). Bearing in mind that they could be secured by condition and become a recreational destination for users, I give this benefit moderate weight.
- The provision of public open space would help to deliver the objectives of the Sandy Green Wheel Masterplan 2014 but I note that the day to day use is most likely to benefit the occupants of the new dwellings given its location at the edge of the settlement. Moreover, the granting of a public right of way would need to occur in order to secure wider recreational benefits irrespective of any condition. As such, I give this benefit little weight.
- The provision a care home would help to meet an agreed shortfall in the number of care home beds in the local area. Although a condition for this to be delivered prior to the occupation of more than 150 dwellings could be imposed, this does not guarantee delivery and a significant proportion of the housing could still be delivered without it. Bearing this in mind and the absence of any legally binding agreement with a potential operator, I give this benefit limited weight.

¹⁷ [CD19.9], [CD9.22] and [ID18] appendix 5

- There would be some wider economic benefits from the development but none of them would be unique to the scheme or the location. Such benefits are generic and consequently can only be afforded limited weight.
- It is common ground between the parties that the provision of a medical centre carries little weight in the absence of any support from the local Clinical Commissioning Group and I agree.
- The provision of a public house which may also comprise a restaurant could provide local community benefits. However, there are no legally binding agreements with a potential operator and a significant proportion of the development could be delivered without it. Moreover, it is simply a licensed establishment and the degree to which it could provide community benefits is both unproven and aspirational. Consequently, I give this benefit little weight.

111. Secondly, and on the other side of the balance the following matters are important:

- The site is beyond the settlement limit and would cause harm to the intrinsic beauty of the countryside which conflicts with a number of development plan policies. Although there is policy support for the landscape and biodiversity improvements, this would not outweigh the harm that would be caused or outweigh the negative policy impact. As such, I give this harm significant weight.
- It is common ground that the proposal would lead to the loss of 'best and most versatile' agricultural land [ID28]. However, this was not a reason for refusal and the Council agreed in oral evidence that this loss would not outweigh the economic benefits. I am inclined to agree given the limited footprint of the proposal and consequently give this harm limited weight.
- The Council does not agree that the site would provide easy access to local facilities and services according to various guidance outlined in the proof of Mr Hughes. Given that 8 out of 11 facilities would be more than 1km away, the number of journeys that are likely to occur on foot would be limited thus leading to a reliance on motor vehicles. However, the site would be served by an existing network of well-lit roads that would support the use of bicycles and thus an alternative transport means. As such, I give this harm limited weight.

112. Even if I were to accept that the SM should be applied and that the tilted balance should be engaged, the benefits would not outweigh the harm that would be caused. I have found that the proposal would be contrary to the development plan for the reasons set out in the relevant part of my decision. Notwithstanding the social and economic benefits, the harm I have found would significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the Framework taken as a whole. Consequently, the presumption in favour of sustainable development does not apply in this case. There are no other material considerations that indicate a decision should be reached other than in accordance with the development plan.

Conclusion

113. For the above reasons and having regard to all other matters raised I conclude that this appeal should be dismissed.

Roger Catchpole

INSPECTOR

APPEARANCES

FOR THE APPELLANTS

Mr T Ivory instructed by DLA Piper UK LLP who called:

Mr N Tiley

Mr R Gray

Mr M Flatman

FOR THE COUNCIL

Mr A Booth QC instructed by Patricia Bramwell LGSS Law Ltd who called:

Mr J Lee

Mr P Hughes BA (hons) MRTPI Dip Man MCIM

Mrs K Ahern

INTERESTED PERSONS

Cllr P Blaine	Sandy Town Council
Ms S Doyle	Local Resident
Mr R Barlow	Sandy and District Allotment and Leisure Gardeners' Association
Ms S Russel	Local Dementia Charity

DOCUMENTS SUBMITTED TO THE INQUIRY

OCTOBER 2019

- ID1 Housing Land Supply Rebuttal Proof and Appendices RR1 to RR13 by Phillip Hughes.
- ID2 Housing Land Supply Rebuttal Appendices AR5.1 to AR5.24 by Neil Tiley.
- ID3 Rank Percentile Graphs of Housing Need Indicators by Jonathan Lee.
- ID4 Rank Percentile Table of Housing Need Indicators by Jonathan Lee.
- ID5 Extract from Central Bedfordshire Initial Settlements Capacity Study 2017 from the Appellants.
- ID6 Opening Statement from Sarah Doyle.
- ID7 Opening Statement from Sarah Russel, delivered by Sarah Doyle.

- ID8 Opening Statement from Mr Barlow.
- ID9 Opening Statement of the Appellants.
- ID10 Opening Statement of the Council.
- ID11 Revised Housing Delivery Trajectories from the Council.
- ID12 Housing Need and Land Supply Rebuttal and Appendices AR5.1 to AR5.23 by Neil Tiley.
- ID13 Joint Site Visit Itinerary with Walking Routes from the Appellants.
- ID14 Central Bedfordshire Local Plan Exam 41 SP1 Amendment from the Appellants.
- ID15 Signed Planning Obligation by Unilateral Undertaking from the Appellants.

FEBRUARY 2020

- ID16 Schedule of Respective Positions on Housing Requirement from the Main Parties.
- ID17 Supplementary Proof of Evidence by Jonathan Lee.
- ID19 Statement of Common Ground Addendum from the Main Parties.
- ID20 New Road, Clifton Legal Challenge Bundle.
- ID21 Thrapston Appeal Decision¹⁸ from the Appellants (refused).
- ID22 B1 and C2 Housing Need Indicators, from the Appellants.
- ID23 Strategic Housing Market Assessment Extracts from the Appellants.
- ID24 Inspector Letter Regarding Vale of Aylesbury Plan Examination from the Council.
- ID25 Z Scores of Housing Need Indicators from the Council.
- ID26 Closing Submission of the Council.
- ID27 Legal Authority Bundle from the Appellants.
- ID28 Closing Submission of the Appellants.
- ID29 Resubmission of Housing Land Supply Rebuttal Proof and Appendices RR1 to RR13 by Phillip Hughes.
- ID30 Partial Costs Application from the Council.
- ID31 APP/P0240/W/19/3236423 from the Council (after closing).

¹⁸ APP/G2815/W/19/3232099