



Summary Proof of Evidence of Ben Pycroft BA (Hons), Dip TP, MRTPI

Outline application for up to 63 dwellings, with associated access, landscaping, open space and drainage infrastructure (all matters reserved other than access) –
Land At Station Road, Market Bosworth, Leicestershire,
CV13 0PE

for Richborough Estates and Messrs Vero

Emery Planning project number: 21-367

PINS ref: APP/K2420/W/21/3279808

LPA ref: 20/01021/OUT

Project : 21-367
Site address : Land At Station Road,
Market Bosworth,
Leicestershire, CV13 0PE
Client : Richborough Estates and
Messrs Vero
Date : 09 November 2021
Author : Ben Pycroft

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1. Introduction

- 1.1 This Summary Proof of Evidence has been prepared on behalf of Richborough Estates and Messrs Vero (the Appellants) in support of their appeal against the decision of Hinckley and Bosworth Borough Council to refuse to grant outline planning permission for up to 63 no. dwellings, with associated access, landscaping, open space and drainage infrastructure (all matters reserved other than access) (LPA ref: 20/01021/OUT, PINS ref: APP/K2420/W/21/3279808).
- 1.2 This summary and my main proof of evidence address the planning matters relevant to the appeal. They should be read alongside the proof of evidence of Mr Berry in relation to landscape.

Qualifications

- 1.3 I am Benjamin Michael Pycroft. I have a B.A. (Hons) and postgraduate diploma in Town Planning from the University of Newcastle-upon-Tyne and am a member of the Royal Town Planning Institute. I am a Director of Emery Planning, based in Macclesfield, Cheshire.
- 1.4 I am familiar with the site and the details of the case. I understand my duty to the inquiry and have complied, and will continue to comply, with that duty. I confirm that this evidence identifies all facts which I regard as being relevant to the opinion that I have expressed and that the Inquiry's attention has been drawn to any matter which would affect the validity of that opinion. I believe that the facts stated within this proof are true and that the opinions expressed are correct and comprise my true professional opinions which are expressed irrespective of by whom I am instructed.
- 1.5 I provide this summary, my main proof of evidence and set of appendices. I also refer to several core documents and the Planning Statement of Common Ground (SoCG) and the Housing Supply and Delivery SoCG.

2. The Inspector's Main Issue 1

The effect of the appeal proposal on the character and appearance of the area, with particular regard to 'view 1', 'vista 11' and public footpath S70/1

2.1 Section 3 of Mr Berry's proof of evidence addresses the effect of the appeal proposal on the character and appearance of the area, with particular regard to 'view 1', 'vista 11 and public footpath S70/1. Within this context, I assess the conflict with the development plan policies and weight to be given to any conflict with those policies, which I summarise below.

Core Strategy Policy 7: Key Rural Centres

2.2 As the proposed development is beyond the settlement boundary, there is some conflict with this policy. However, the settlement boundary of Market Bosworth was established in relation to a housing requirement which is derived from the revoked East Midlands Regional Spatial Strategy and is out of date and therefore policy 7 is out of date. The Council recognises this and applies flexibility to the spatial strategy and settlement boundaries even when there is a five year housing land supply and / or the specific minimum housing requirement for the Key Rural Centre has been exceeded. Examples are listed in table 4.2 of my main proof of evidence¹.

2.3 Within this context, I only give limited weight to the conflict the proposed development would have with Core Strategy Policy 7 insofar as it supports housing development within the settlement boundary of Market Bosworth. It is of note that this policy is not referred to in the RfR.

Core Strategy Policy 11: Key Rural Centres Stand Alone

2.4 Core Strategy Policy 11: Key Rural Centres Stand Alone sets out a minimum housing requirement of 100 dwellings for Market Bosworth by 2026. Whilst this policy is out of date, there is an agreed shortfall in Market Bosworth of 78 dwellings to meet even the out of date minimum 100 dwelling housing requirement by 2026. Therefore, because the appeal site could deliver dwellings in the plan period to 2026 to assist in ensuring that the minimum housing requirement for Market

¹ For example at land opposite Bosworth College, Desford (80 dwellings), Pinewood Drive, Markfield (10 dwellings), land south of Bosworth Lane, Newbold Verdon (116 dwellings) and Springfield Riding School, Ratby (168 dwellings)

Bosworth would be met, the proposed development does not conflict with this policy, which is not referred to in the RfR.

SADMP Policy DM4: Safeguarding the Countryside and Settlement Separation

- 2.5 As residential development is not included in the list of development considered to be sustainable, there is some conflict with this policy. However, I give limited weight to policy DM4 insofar as it proposes a blanket restriction on residential development beyond settlement boundaries and because the Council has clearly applied the policy flexibly in allowing residential development beyond settlement boundaries across the Borough (including in Key Rural Centres).
- 2.6 I do give weight to the policy insofar as it is broadly in accordance with the Framework in terms of allowing sustainable development where the landscape harm is not significant and recognising the intrinsic character and beauty of the countryside. However, within this context I give limited weight to the conflict the proposed development has with the policy. This is because Mr Berry's evidence concludes that whilst there would be some harm arising from the proposed development, this would not be significant and would be limited and highly localised. Therefore there would be overall compliance with the Framework to respect the character and appearance. This approach is consistent with the Council and Inspectors who have approved development contrary to policy DM4 in such circumstances as set out in appendix BP6.

MBNP Policy CE3: Important Views and Vistas

- 2.7 As I have set out in sections 3 and 4 of my main proof of evidence, the Council's planning policy officer and Planning Manager only give moderate weight to policy CE3 when measured against consistency with the revised Framework. This is because a similarly worded policy to CE3 was examined as part of the examination into the Burbage Neighbourhood Plan and in that case the Examiner introduced wording to state "*which cannot be mitigated will not be supported*" to ensure that the Burbage Neighbourhood Plan allowed for sustainable development, which is a basic condition. As policy CE3 does not include this wording, it should be given moderate weight and any conflict with the policy should be seen in this context.
- 2.8 There is some conflict with this policy in that there would be some harm to view 1 and vista 11. However, I only give limited weight to the conflict with the policy because Mr Berry's proof of evidence confirms that the proposed development would not have a significantly adverse impact on view 1 or vista 11.

2.9 I also give limited weight to the conflict with policy CE3 because the reason why vista 11 was accepted by the Examiner was because additional development was not required to meet housing needs in Market Bosworth to 2026 as a site to the south of Station Road had already been identified. However, that site will no longer deliver any dwellings by 2026, which is a different context to that at the time the MBNP was examined.

MBNP Policy CE5: Landscape of the wider Parish

2.10 To the extent that the policy relies on settlement boundaries which have been set with regard to an out of date housing requirement, this policy is out of date. There would be some conflict with the policy in that new residential development is not specifically listed as a type of development which will be permitted by this policy. However, I give limited weight to this conflict because:

- the new residents of the scheme would contribute to the local economy in accordance with exception a) of this policy;
- a blanket application of this policy would prevent sustainable residential development coming forward beyond settlement boundaries which would prevent the Council from meeting its housing needs; and
- Mr Berry's proof of evidence confirms that the development does not cause harm to the landscape of the countryside that cannot be effectively mitigated in accordance with this policy.

Summary

2.11 In summary, I have found that there would be some conflict with CS policy 7, SADMP policy DM4 and MBNP policies CE3 and CE5. However, I give limited weight to the conflict with those policies for the reasons set out above.

2.12 Material considerations indicate that planning permission should be granted as I discuss in sections 6 and 7 of my main proof of evidence and summarise below.

3. The Inspector's Main Issue 2

The benefits arising from the appeal proposal and the weight that should be attributed to them in the planning balance

Open market housing

3.1 The appeal proposal would deliver up to 63 dwellings including 38 open market homes. I consider that this is a benefit which should be afforded very significant weight in the planning balance for the following reasons:

- Reason 1 – To help address the shortfall in the five year housing land supply – the Council can only demonstrate a 4.46 year supply at 1st April 2021. This is the third consecutive year that the Council cannot demonstrate a deliverable five year housing land supply. The shortfall of 256 dwellings is significant.
- Reason 2 – to assist the Council in being able to demonstrate a five year housing land supply in the future. The housing trajectory set out in the RLAMS does not indicate that the five year housing land supply will improve at 1st April 2022. Indeed, it shows that it will get worse as housing completions are projected to be significantly below the local housing need using the standard method of 444 dwellings p.a. both within and beyond the current five year period.
- Reason 3 – to help address the shortfall in the current plan period housing requirement. The Core Strategy requirement of 9,000 dwellings over the period 2006 to 2026 will not be met by completions or commitments. Whilst it is out of date, there is an agreed shortfall against the only plan-led housing requirement of 660 dwellings.
- Reason 4 – to help ensure that the minimum housing requirement for Market Bosworth is met. Whilst the minimum housing requirement of 100 dwellings for Market Bosworth is out of date, there is an agreed shortfall of 78 dwellings against it. There is a shortfall of 79 dwellings against the 108 housing need figure set out in the Market Bosworth Housing Need Assessment.
- Reason 5 – to assist the Council in meeting the housing delivery test. The Council has failed the last (2020) housing delivery tests and is likely to fail the next (2021) test.
- Reason 6 – to assist the Council in meeting its minimum future housing need. Whilst the emerging Local Plan carries limited weight, the latest version shows a housing requirement of 9,280 dwellings over the period 2020 to 2039 (i.e. 444 dwellings per annum based on the standard method for calculating local housing need plus 10%). This figure is subject to objection and change and may increase to meet some of Leicester's unmet need as I set out in appendix BP5.
- Reason 7 – to support local services. Policy 11 of the Core Strategy states that “to support local services” in Market Bosworth, the Council will (amongst other things) allocate land for the development of a minimum of 100 dwellings in the plan period.

However, as I have identified above there is a shortfall of housing in Market Bosworth in the plan period and therefore local services are not being supported from new housing as the minimum housing requirement has not been met.

Affordable housing

3.2 The proposed development would deliver 25 affordable homes (i.e. 40%). This is a significant benefit which should be afforded very significant weight in the planning balance for the following reasons:

- Reason 1 – To assist in meeting the minimum requirement set out in Core Strategy Policy 15 of 2,090 dwellings against which there is an agreed shortfall of 37 dwellings. This policy is out of date because it is based on affordable housing figures that have since been updated.
- Reason 2 - To assist in addressing the actual housing need. The Housing Need Study (CD6.23) has identified a need of 271 net affordable homes per annum – a total of 4,900 affordable homes over the 18-year period 2018-36 and against this I have only identified a significant shortfall of 3,825 affordable homes in Hinckley and Bosworth.
- Reason 3 – to assist the delivery of affordable housing in Market Bosworth. The Housing Need Study (CD6.23) identifies a net need of 16 affordable homes in Market Bosworth from 2018 to 2036. There have been no affordable homes delivered in Market Bosworth between 2018 and 2021 and there is only an identified supply of 8 affordable homes in the town. There are 171 households on the general register and 22 households with a local connection with a demand for affordable housing in Market Bosworth.

Public Open Space

3.3 As set out in paragraph 5.14.1 of the Planning SoCG, based on the Parameters Plan, a minimum of 2.16 ha of public open space would be provided within the proposed development. This equates to more than 50% of the total appeal site. It is a benefit which I give significant weight to because there is only a marginal surplus of amenity areas and children's play areas in Market Bosworth as is confirmed in chapter 16 of the Open Space and Recreation Study 2016 (CD6.24) and in the planning policy officer's response for the appeal application (CD4.20).

Economic benefits

3.4 As set out in paragraph 5.12.1 of the Planning SoCG, the proposed development would assist in meeting the economic objective as during the build programme, construction related jobs and indirect jobs would be created. This would benefit local contractors and suppliers. The proposed development would help contribute to ensuring the Borough has a stable workforce in terms of ability and age.

- 3.5 Once occupied, the residents of the scheme would spend money in Market Bosworth and other settlements in Hinckley and Bosworth. The proposed development would therefore generate significant spending in the Borough, which would help create full time jobs in the local retail and leisure sectors.
- 3.6 As set out above, Core Strategy policy 11 states that “to support local services” in Market Bosworth, the Council will (amongst other things) allocate land for the development of a minimum of 100 dwellings in the plan period. However, as there is a shortfall of housing in Market Bosworth in the plan period, local services are not being supported from new housing as the minimum housing requirement has not been met. In addition, MBNP policy CE5 states that development will be permitted where it supports local services.
- 3.7 On this basis, moderate weight should be afforded to the economic benefits.

Environmental benefits

- 3.8 The environmental benefits of the appeal proposal would be:
- additional planting through the landscaping to be provided in the open space; and
 - an overall biodiversity net gain of +16.74%. This incorporates the retention of existing woodland habitat, enhancement of grassland species with species rich seeding and careful management, as well as the creation of ponds. helping to create an attractive environment with clear biodiversity benefits.
- 3.9 These benefits carry moderate weight.

4. Conclusions and planning balance

- 4.1 This appeal proposes residential development on a medium sized site in a Key Rural Centre – the highest tier of settlement in the rural area – within the context of a shortfall in the Council's five year supply of housing.
- 4.2 The appeal proposals should be decided in accordance with the development plan unless material considerations indicate otherwise. The Council cannot demonstrate a deliverable five year housing land supply and in addition, the housing policies in the adopted Core Strategy, the adopted SADMP and the MBNP are out of date.
- 4.3 Policy DM1 of the SADMP explains that where relevant policies are out of date, planning permission should be granted unless material considerations indicate otherwise, taking into account whether:
- a. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
 - b. Specific policies in that Framework indicate that development should be restricted.
- 4.4 This broadly reflects the tilted balance to the presumption in favour of sustainable development as set out in paragraph 11(d) of the Framework, which again is triggered because the most important policies for the determination of the appeal are out of date and by footnote 8 of the Framework due to the absence of a five year housing land supply.
- 4.5 None of the specific policies set out in footnote 7 of the Framework apply in this case and therefore criterion b) of policy DM1 and paragraph 11d)i. of the Framework do not apply.
- 4.6 In terms of criterion a) of policy DM1 and paragraph 11d)ii. of the Framework, Mr Berry has identified that there would be some adverse impacts but these are not significant and are highly localised and there is overall compliance with the Framework in terms of respecting character and appearance. Whilst some grade 2 agricultural land would be lost, this is small in size, would remain free from development and therefore the loss of this land carries limited weight.
- 4.7 There would be some conflict with Core Strategy policy 7, SADMP policy DM4 and MBNP policy CE5 insofar as they seek to restrict residential development beyond the existing settlement

boundaries. However, I give limited weight to the conflict with the blanket restriction set by these policies because they are based on settlement boundaries which reflect an out of date housing requirement, the Council cannot demonstrate a five year housing land supply and the Council has applied Core Strategy policy 7 and policy DM4 flexibly to assist in meeting its housing needs.

4.8 I do give weight to these policies insofar as they would allow sustainable development where the landscape harm is not significant. However, I give limited weight to the conflict the proposed development has with these policies in this regard because Mr Berry's evidence concludes that the harm arising as a result of the proposed development would not be significant and highly localised.

4.9 There would be some conflict with MBNP policy CE3 as it states that development that harms important views into or vistas out of Market Bosworth will be resisted. However, I give limited weight to the conflict with this policy because Mr Berry's proof of evidence confirms the proposed development would not have a significantly adverse impact on view 1 or vista 11.

4.10 Weighing in favour of the proposed development would be a range of tangible benefits as I have discussed in section 6 of my proof of evidence above:

- The proposed development would deliver market housing in a sustainable location (as above the Key Rural Centres are the highest tier of settlement in the rural area), in a borough where the Council cannot demonstrate a five year housing land supply. The Council has failed to meet the Housing Delivery Test to the extent that an action plan should be produced and there is a shortfall in the plan-led adopted housing requirement of 660 dwellings and a shortfall in the plan-led adopted housing requirement for Market Bosworth of 78 dwellings. New residential development should therefore be afforded **very significant weight**.
- The proposals would also deliver a policy compliant level of affordable housing in an authority with very significant levels of unmet need. It would contribute to addressing the needs of more than 3,800 households in Hinckley and Bosworth who are in urgent need of an affordable home and those in Market Bosworth. This should be afforded **very significant weight**.

- The delivery of 2.16ha of public open space, including an equipped area of play and trim trail in an area with only a marginal surplus of amenity areas and play areas should be afforded **significant weight**.
- The associated economic benefits of the proposed development (construction phase and long-term impacts) should be afforded **moderate weight**.
- The environmental improvements in relation to new planting and biodiversity gain should be afforded **moderate weight**.

4.11 In relation to other matters set out in section 5 of the Planning SoCG, such as highways, trees, noise, archaeology and heritage, air quality, flood risk and drainage, ground conditions, education and public health, I consider that the proposed development has been demonstrated to be acceptable, in accordance with the development plan and the Framework. The matters should be afforded neutral weight.

4.12 In conclusion, the harm does not significantly and demonstrably outweigh the benefits and therefore in accordance with the development plan as a whole and the Framework, planning permission should be granted as set out in SADMP policy DM1 and paragraph 11d) of the Framework. I therefore respectfully invite the Inspector to allow the appeal.