

**APPEAL BY MACTAGGART AND
MICKEL HOMES ENGLAND LTD**

**OUTLINE PLANNING PERMISSION FOR THE
DEVELOPMENT OF APPROXIMATELY 200 HOMES,
OPEN SPACE, PEDESTRIAN AND CYCLE LINKS,
RECREATIONAL FACILITIES (CLASS E) AND
OTHER ASSOCIATED INFRASTRUCTURE
INCLUDING THE FORMATION OF A NEW HIGHWAY
ACCESS ROAD FROM LODGE ROAD LOCATED
ADJACENT TO THE EXISTING FIELD ACCESS TO
BE CLOSED (ALL MATTERS RESERVED EXCEPT
FOR ACCESS)**

APP/X0360/W/22/3309202

**LOCAL PLANNING AUTHORITY
OPENING SUBMISSIONS**

Introduction

1. This inquiry will consider an appeal by Mactaggart and Mickel Homes England Ltd (“the Appellant”) against a refusal by the Local Planning Authority (“the Council”) of outline planning permission for the following development:

Outline planning permission for the development of approximately 200 homes, open space, pedestrian and cycle links, recreational facilities (Class E) and other associated infrastructure including the formation of a new highway access road from Lodge Road located adjacent to the existing field access to be closed (all matters reserved except for access).

2. The application was refused by a decision notice dated 23 June 2022 which provided 10 reasons for refusal. Of these, five remain in dispute between the parties:
 - (a) unsustainable pattern of development;
 - (b) loss of agricultural land;
 - (c) impact on the landscape and the character and appearance of the area;
 - (d) unsustainable location; and
 - (e) impact on existing trees and hedgerows.

3. In summary, the Council's case is that the proposal represents very significant unplanned development in an unsustainable countryside location which would result in unacceptable harm to the landscape and character and appearance of the area, as well as the loss of a substantial quantity of best and most versatile agricultural land. Although the Council accepts that it cannot demonstrate a five-year supply of housing land, the weight to be given to the presumption in favour of the proposal should be tempered in light of the Council's strong recent record of housing delivery. The conflicts between the proposal and the development plan should attract significant weight in the planning balance.
4. Overall, the Council will submit that the harms caused by the proposal significantly and demonstrably outweigh their benefits, meaning that planning permission should be refused and this appeal dismissed.

List of appearances

5. The Council will call the following witnesses:
 - (a) Mrs Fiona Jones BSc(Hons), BTP, MRTPI dealing with planning policy and the overall planning balance;
 - (b) Mr Ian Church BA(Hons), MA, MRTPI dealing with planning policy and the Council's current housing land supply position;
 - (c) Mr Gordon Adam BA, Dip Econ, MA, FCIHT, MILT dealing with the sustainability of the site's location; and
 - (d) Mr Chris Hannington BSc, MPhil, CMLI, MRTPI dealing with landscape and trees.

Matt Lewin
Cornerstone Barristers

31 January 2023