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# Appeal Decision

Inquiry held on 2, 3, 4, 5 and 9 June 2015

Site visit made on 9 June 2015

**by David M H Rose BA (Hons) MRTPI**

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

**Decision date: 07 September 2015**

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## **Appeal Ref: APP/G2713/A/14/2223624**

### **Land off Tanton Road, Stokesley**

- 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 Johnson Brook against the decision of Hambleton District Council.
  - The application Ref 14/00337/OUT, dated 14 February 2014, was refused by notice dated 30 May 2014.
  - The development proposed is described as an 'outline planning application for a residential development of up to 226 dwellings with associated access with all other matters reserved'.
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### **Decision**

1. The appeal is allowed and planning permission is granted for a residential development of up to 226 dwellings with associated access with all other matters reserved at land off Tanton Road, Stokesley in accordance with the terms of the application, Ref 14/00337/OUT, dated 14 February 2014, subject to the conditions set out in the schedule to this decision.

### **Preliminary Matters**

2. The Council's decision notice listed five reasons for refusal. However, reason four (affordable housing provision) and reason five (public open space, sport and recreation facilities) were not pursued at the Inquiry in that the former could be secured by an agreed planning condition; and, the latter met by a Community Infrastructure Levy payment in line with the Council's recently adopted Charging Schedule. I return to these matters later in this decision.
3. Following the close of the Inquiry an appeal decision (Land off Station Road, Great Ayton), relating, in part, to housing land supply in Hambleton, was issued.<sup>1</sup> The Council and the appellant were given the opportunity to comment and their further representations have been taken into account.<sup>2</sup>

### **Main Issues**

4. In light of the above the main issues are:-
  - (a) whether the Council has a five-year supply of deliverable housing land;

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<sup>1</sup> JB/HDC/44 (APP/G2713/A/14/2218137)

<sup>2</sup> JB/HDC/45 & JB/HDC/46

- (b) whether the proposed development can be considered to be sustainable having particular regard to the Council's strategy for the scale and distribution of new housing development and the identification of the Stokesley sub-area as an area of restraint; and
- (c) in the event of the Council not being able to demonstrate a five-year supply of deliverable housing land, whether other material considerations would significantly and demonstrably outweigh the benefits of the scheme.

## Reasons

### The development plan

- 5. The development plan comprises the Hambleton Core Strategy (2007), the related Development Policies (2008) and Allocations (2010). Policy CP5, which sets the scale of new housing, is out-of-date in that it is based on a 'constrained' housing figure flowing from the, now revoked, Regional Spatial Strategy which sought to restrain growth in rural districts. This policy carries no weight in the consideration of this appeal.
- 6. The subsequent percentage distribution of annual growth, through Policy CP5A, provides a focus on the central part of the district, including Northallerton, Thirsk and Bedale; and restraint in the Stokesley and Easingwold areas. In turn, Policy CP6 provides a further level of distribution between the five service centres, above, and their respective hinterlands.
- 7. Although these policies are a function of the Regional Spatial Strategy, the general principle of concentrating development in the central part of the district and the related service centres has logic in the delivery of sustainable development, and on that basis, they merit significant weight.
- 8. That being said, Policy CP6 has an inextricable link with Policy CP4 which, in tandem with Policy DP9, imposes a test of 'an exceptional case' for development which lies outside the development limits of identified settlements. Given the out-of-date housing figure; the inevitable need to release some greenfield sites; and the government's call to boost significantly the supply of housing, Policies CP4 and DP9 are inconsistent with the National Planning Policy Framework.
- 9. Finally, Policies CP1 and CP2, in so far as they seek to secure sustainable development and to reduce the need to travel, are consistent with the principles of the National Planning Policy Framework.

### Objectively assessed housing need

- 10. It is common ground that the district of Hambleton represents the appropriate housing market area for the purposes of this appeal; and the five-year land supply period is 2015-16 to 2019-20.<sup>3</sup>
- 11. Planning Practice Guidance confirms that '*establishing future need for housing is not an exact science – no single approach will provide a definitive answer*'. However, it goes on to clarify that '*Household projections ..... should provide the starting point .....; plan makers should make an assessment of the likely change in job numbers .....; [and] the housing need number suggested by household projections should be adjusted to reflect appropriate market signals .....*'.

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<sup>3</sup> The five-year land supply period in the Easingwold (APP/G2713/A/14/2217056) and the Huby (APP/G2713/A/13/2194376 & 2194410) appeal decisions was 2014-15 to 2018-19

12. The demographic starting point and the jobs growth rate are generally agreed. There are differences on the level of unemployment; commuting ratios; and whether a market signals uplift is appropriate. The Council's assessment is 413 dwellings per annum. The appellant's is 458 without a market signals uplift; and 565 with an uplift.
13. In terms of the level of unemployment, moving forward from the common base date of 2012, the appellant relies on the Census data of 2011. It is acknowledged that this is a single snapshot in time, and it could be prone to a level of error. Moreover, it is not disputed that the Council's approach of using the unemployment rate statistics taken from the Annual Population Survey is reasonable.
14. In this regard, although the Census data should not be applied uncritically, and the rolling three year average in the Annual Population Survey could be used to provide verification or otherwise, the survey output comes with a caveat relating to its estimate and confidence interval. Whilst a longer term trend would normally be preferable to a single count, I am not convinced that the Annual Population Survey is a sufficiently robust and accurate basis to either undermine or displace the Census particularly as the latter predates the base date by no more than one year.
15. Moving on to commuting ratios, the 2001 Census shows outward commuting from Hambleton in the ratio of 1.03; whereas the corresponding 2011 figure indicates a reversed trend of 0.93. The Council's modelling presupposes a falling ratio from 1.03 in 2012 to a balanced ratio of 1.00 by 2026; with the appellant applying a ratio of 1.00 across the same period.
16. The Council's starting point, in light of the position already reached, appears somewhat artificial; and, whilst the appellant's approach might be criticised for lacking in sophistication, it nonetheless represents a position of equilibrium between homes and jobs and a theoretical balance between one district and another. Without a wider understanding of the apparent turnaround in commuting, and in light of the guidance in the Planning Advisory Service's technical advice note<sup>4</sup> about the risks involved in 'recalling commuters', I prefer the assumptions adopted by the appellant.
17. **In light of the foregoing I consider that the appellant's pitch of 458 units, prior to the consideration of any market signals uplift, is to be preferred to the Council's stance of 413 dwellings per annum.**
18. Turning to the market signals data, Planning Practice Guidance identifies six potential factors. On the first, land prices, there is no reliable data. However, in terms of house prices, it is evident that house prices in Hambleton have risen by over 200% in a 16 year period from 1997 and have remained above the England and North Yorkshire average throughout. The trend in the period 2010 to 2013 was a rise of 14% against a rise of 4% in the region and 7% nationally (excluding London).
19. In addition, rental prices have increased at a faster rate than the national average for one, two and three bed properties since data became available in 2011. The affordability ratio for the five-year period to 2013 shows an increase of 13% against a 1% decline across North Yorkshire; a 3% increase for England; and 15% increases for each of Inner London and Outer London.

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<sup>4</sup> Objectively Assessed Need and Housing Targets

20. Looking at net house completions, against the constrained Core Strategy target of 290 units per annum, under delivery, on a significant scale, has occurred since 2008-09. Finally, the volume and proportion of overcrowded households and concealed families have both worsened between the 2001 and 2011 Census; with 29% of the 20-34 age group living with parents in Hambleton.
21. Overall, there is clear evidence on five of the six market signals and an unambiguous indication of under supply relative to demand. Planning Practice Guidance<sup>5</sup> advises that *'a worsening trend in any of these indicators will require upward adjustment to planned housing numbers compared to ones based solely on household projections ..... In areas where an upward adjustment is required, plan makers should set this adjustment at a level that is reasonable'*.
22. For its part, the appellant concludes that it is highly likely that the delivery of increased supply (in the order of 458 units per annum) would be insufficient to counter the adverse signals; and based on recognised modelling a further 3,000 dwellings might be required but, given the uncertainty about the scale of the uplift that should be applied, it would be reasonable to restrict this to 1,500 dwellings between 2012 and 2026. The resultant total need would be approximately 565 dwellings per annum.
23. The Council does not counter any of the above, save for the principle of applying a market signals uplift associated with a section 78 appeal rather than through the plan making process.
24. The preparation of housing and economic development needs assessments is primarily a function of the plan making process. Paragraph 158 of the National Planning Policy Framework confirms:- *'Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and they take full account of relevant market and economic signals'*. Paragraph 159 indicates:- *'Local planning authorities should have a clear understanding of housing needs in their area .....'*
25. The Planning Practice Guidance identifies paragraph 159 as 'related policy'. Although paragraph 020 (*How should plan makers respond to market signals?*) directs its advice to 'plan makers', the overall tenor of the document is similarly addressed to 'plan makers' rather than 'decision takers'. That is not surprising given the underlying rationale for preparing such assessments.
26. However, where the relevant policies in the development plan are out-of-date, decision takers are faced with the task of assessing housing needs, on the best available evidence, including the consideration of employment trends, on a case by case basis pending a review or replacement of the local plan.
27. Whilst market signals might provide a strong indication of policy failure and a shortage of new homes, the guidance acknowledges that *'market signals are affected by a number of economic factors and plan makers should not attempt to estimate the precise impact of an increase in housing supply. Rather they should increase planned supply by an amount that, on reasonable assumptions and consistent with principles of sustainable development, could be expected to improve affordability, and monitor the response of the market over the plan period'*.

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<sup>5</sup> Housing and economic development needs assessments

28. In this case, the appellant seeks to address the market signals by injecting a quantity of additional homes into part of the district which is identified as an area of restraint, albeit Stokesley is defined as the recognised service centre for the sub-area where at least two-thirds of new housing development will be concentrated. However, such an *ad hoc* housing driven reaction, as opposed to an overall strategic response with employment and travel in mind, would run the risk of undermining the principles of securing sustainable development for the district as a whole.
29. Moreover, the National Planning Policy Framework, at paragraph 47, provides a mechanism for boosting significantly the supply of housing. Whilst this is not described as a response to market signals, where there is persistent under delivery, the consequences are likely to manifest themselves in one or more of the six indicators. The remedy is to increase the buffer in order to provide a realistic prospect of achieving the planned supply. In that instance, the additional housing land would be drawn forward from later in the plan period without undermining the overall strategy of the plan, and its foundation in securing sustainable development. Simply adding more houses without consideration of the wider consequences, as proposed here, would be an unwarranted reflex reaction.
30. It is also of note that the local planning authority has been alive to the consequences of not having a five-year supply of housing land in the measures approved in November 2013 whereby the phasing mechanism in the Core Strategy was removed with the effect of releasing sites which would otherwise have stood idle until either 2016-21 or 2021-26. Whilst that, by itself, is unlikely to fully address the implications of the market signals analysis, it nonetheless provides a considered starting point.
31. **It cannot be denied that Hambleton exhibits a number of adverse market signals, which is likely to be a consequence, at least in part, of the policy of restraining new housing development in the district and past delivery rates. Nonetheless, given the complexities of the factors involved and the task of delivering sustainable development, I consider that a market signals uplift derived from the information before me would not be justified.**
32. Against this background I shall carry forward the appellant's assessment of 458 dwellings per annum as the objectively assessed housing need for Hambleton from the base date of 2012.

#### **Five-year requirement**

33. Annual net housing completions are available for the period 2004-05 to 2014-15. Whilst the early years, with the exception of 2004-05, show completions running above requirements, the trend suffered a small reversal in 2008-09 and a more marked decline thereafter resulting in, in round terms, an annual average of 200 dwellings, against the restrained Core Strategy target of 290 homes. Although the Inspector in the Huby decision saw the 'recent' failure to meet housing targets as not 'untypical', given the recession and difficulties in securing finance, that trend has continued into 2014-15. On its face, prior to examining potential underlying considerations, this represents 'persistent under delivery'.

34. Paragraph 47 of the National Planning Policy Framework requires:- *'To boost significantly the supply of housing, local planning authorities should: ..... identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements ..... where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land .....'*
35. However, Planning Practice Guidance<sup>6</sup> indicates:- *'The approach to identifying a record of persistent under delivery of housing involves questions of judgement for the decision maker in order to determine whether or not a particular under delivery of housing triggers the requirement to bring forward an additional supply of housing. The factors behind persistent under delivery may vary from place to place and, therefore, there can be no universally applicable test or definition of the term. It is legitimate to consider a range of issues .....'*
36. In this regard, the phasing strategy for allocated housing sites was removed in November 2013, in recognition of a marked shortfall in deliverable sites, creating an anticipation of stimulating delivery by some 500 dwellings over a five-year period.
37. Moreover, the Interim Policy Guidance Note, adopted by the Council in April 2015, adds flexibility to the operation of Policy CP4 by making provision for appropriate small scale development within, and adjacent to, smaller settlements where development would not have previously been sanctioned. It is predicted that this could release approximately 90 additional windfall sites per annum. Although it is too early to place any reliance on this estimate, the measure is likely to bring additional small housing sites into the supply chain.
38. A further factor warranting scrutiny is the relationship between planning permissions granted and subsequent completions. Data, for the period 2004-05 to 2010-11, indicates that cumulative completions more-or-less matched cumulative permissions. However, from 2011-12 to the current date (excluding the distorting effect of an approval for a single large scheme in 2012-13), cumulative completions have fallen a long way short of cumulative permissions.
39. In the absence of any evidence to the contrary, it would not be unreasonable to give credence to the Council's position that some of the under delivery can be attributed to the inertia in the housebuilding sector during the recession. Whilst recessionary trends are part of the 'normal' economic cycle, the recent downturn has been particularly acute. Nonetheless, the number of permissions granted between 2011-12 and 2014-15 (omitting 2012-13) showed no hint of 'recessionary effects' in so far as they clearly outstripped those granted in the three years preceding the economic slump.
40. The combination of the positive measures promoted by the Council to boost supply, and the clear indication that there is no inherent shortage of sites with planning permission, provides material considerations of sufficient substance to outweigh the National Planning Policy Framework's call for a 20% buffer. **On this basis a 5% buffer should be applied.**

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<sup>6</sup> Housing and economic land availability assessment (paragraph 036)

41. At the Inquiry, the parties agreed that with an annual requirement of 458 dwellings per annum, a 5% buffer, and a shortfall of 772 units,<sup>7</sup> the five-year requirement would amount to 3,177 dwellings (635 dwellings per annum). This is based on the addition of the buffer to the five-year housing requirement (before adding the shortfall), consistent with the Secretary of State's position in an appeal decision at Gresty Lane, Crewe.<sup>8</sup> However, a number of subsequent appeal decisions have followed the principle that any buffer should be added to the five-year housing requirement and any shortfall, which the appellant prays in aid.
42. The Inspector in the Great Ayton decision explains, carefully and coherently, that *'the purpose of the buffer is to increase the supply of land in the first five year period; it is not to alter the demand side of the equation. The housing requirement, ie. the demand, is the FOAN plus the shortfall from previous years. The Framework states that authorities are required to identify a five year supply against their housing requirement plus a buffer of 5%. Consequently, the buffer can only be added to the requirement once the shortfall has been added on. To do otherwise would be to ignore a part of the requirement (the shortfall) in ensuring that there is a sufficient supply to meet the requirement, plus an additional 5%'*.<sup>9</sup>
43. Whilst the Council maintains that the expressed position of the Secretary of State at Gresty Lane should be preferred, it does not directly address or counter the clear explanation provided in the Great Ayton decision. Rather it relies on the following:- *'by applying the buffer to the requirement and the backlog (which is already part of the requirement – albeit as yet unmet) it is effectively applying the buffer twice to that part of the requirement and therefore double counting. The approach advocated by the Council and the Secretary of State (requirement + buffer + backlog) applies the buffer to all parts of the requirement only once'*.
44. It is helpful to return to the National Planning Policy Framework which sets out that local planning authorities should *'identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) .....*'.
45. Plain reading suggests that the buffer should be added to the total requirement which would, inevitably, include any under delivery from earlier years. In this regard, the purpose of the buffer is to increase the supply of land; it does not change the number of houses required to be built within that period.
46. Put simply, the buffer is not, and it does not become, part of the requirement; it is purely a given excess of land over the land supply necessary to permit the identified need for housing to be delivered. That is the position each year; the buffer does not carry forward into the annual calculation of housing need made in subsequent years; it is itself recalculated on the basis of the need identified to ensure the appropriate degree of choice and competition in the market for land. On this basis, it is not clear how the Council's concern about double counting would arise.

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<sup>7</sup> JB/HDC/09 [458+5%=481; 481x5=2,405; 2,405+772=3,177]. NB The backlog of 772 units was an agreed position (notwithstanding the different figure set out in the Great Ayton decision)

<sup>8</sup> APP/R0660/A/13/2209335 (paragraph 14)

<sup>9</sup> APP/G2713/A/14/2218137 (paragraph 32)



47. **In this particular case the difference in approach would be small in so far as it would increase the five-year housing requirement to 3,215 dwellings (643 per annum).<sup>10</sup> I shall adopt this for my subsequent analysis.**

**Specific deliverable sites**

48. The dispute on the number of dwellings likely to be delivered within the five-year period 2015-16 to 2019-20 centres on the anticipated completion rate on seven allocated sites without planning permission; two allocated sites with planning permission; and the role of windfall sites.
49. Three sites are allocated in Aiskew:- the pig farm (site 765); land to the north-east of the pig farm (site 767); and Wilberts Farm (site 762). The first two have not progressed to the submission of a planning application. Although there is a 'willing land-owner', Aiskew is very popular location and some major sites nearby are nearing completion, the anticipation of full delivery by 2019-20, without any expressed commitment or delivery programme, appears to be optimistic. Forty units, rather than 78, would be a more robust assumption. However, the very recent outline application at Wilberts Farm and expected completions from 2017-18 gives sufficient support for a total of 105 units.
50. Station Yard, West Tanfield (site 776), is cleared and ready for development. Although it is said that it will be brought to the market in the near future, there is no time-scale or assessment of marketing prospects and a total of 20 completions, rather than 40, would be a fairer assessment.
51. The site at Easingwold (site 778) comprises two parts with development underway on the smaller northern part and a planning application under consideration for the southern portion. The difference between the parties is small (14 units), with the discrepancy arising from whether or not the southern portion would start to deliver completions in 2016-17.
52. Whilst there is no indication as to how long the determination of the planning application is likely to take, an 'early' grant of planning permission should provide a reasonable prospect of completions flowing from 2016-17. This allows me to share the Council's confidence that the site would be capable of being built out within the next five years.
53. Turning to the land at east of Stokesley Road, Northallerton (site 787), this site could be developed independently or in conjunction with adjoining land. Whilst the landowner has indicated that development could follow closely behind an approval for adjoining land (which has an application currently under consideration), the position is extremely vague and creates the impression of nothing more than a 'watching brief' at this stage. Whilst approval on adjoining land might precipitate action, it is equally conceivable that the outcome could be a cautious approach, awaiting evaluation of the success of adjacent development. Overall, the lead-in time to bring the site to the market and/or deliver new homes appears to undermine the reality of delivering any of the 72 dwellings within the relevant period.
54. Moving on to Cleveland Lodge, Great Ayton (site 804), the issue turns on whether or not 44 residential units (in conjunction with a 40 bed nursing home) should be considered as dwellings capable of independent living

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<sup>10</sup>  $[458 \times 5 = 2,290] + 772 = 3,062$ ;  $3,062 \times 5\% = 3,215$



within Class C3. The Inspector in the Huby appeal found the units to be dwellings for the purpose of the five-year supply (in the absence of any conclusive evidence from the appellant); and the Great Ayton Inspector agreed with the Council that 44 dwellings was a reasonable estimate on the basis of the evidence which she had heard. For my part, correspondence shows that the holder of an option agreement for the site is clearly seeking to pursue a use within Class C2 (which would avoid any need for an affordable housing contribution) and that no conventional housing is proposed for the site.

55. This casts doubt on the intentions beyond the pre-application enquiry and the form that any subsequent proposal might take which could lead to on-going dispute and delay and, potentially, the need to provide a viability assessment if the units are subsequently determined to be within Class C3. Given the cloud of uncertainty, it would be appropriate to pursue a cautious approach and discount any contribution from this site.
56. Looking next at sites with planning permission, development is underway at Sowerby Gateway (site 808). Although the original building contractor has gone into administration, the houses currently under construction are due to be completed by another party. It is said that some 25 of the 107 units are already occupied; 58 are started and 29 yet to start.<sup>11</sup> The delivery of all of these within the next two years as anticipated, and certainly within five years, is a reasonable assumption.
57. The remaining units are, according to the Council, to be delivered at a rate of 100 units per annum from 2017-18 to 2019-20; and it is said that negotiations are underway to bring in two national housebuilders. Whilst each would, no doubt, wish to substitute its own house types, a lead in time of two years, with completions in year three, does not seem unreasonable.
58. The final site relates to an extra-care development, west of Topcliffe Road, Sowerby (site 839), included within an outline planning permission for a mixed-use development including an 'extra-care facility (C2)'. An approval of reserved matters for the 'provision of a 90 unit extra-care facility .....' followed. Whilst this should place the matter of classification beyond doubt, the district and county councils appear to have been complicit in accepting the units, which are self-contained with a full range of facilities, as dwellings within Class C3. Moreover, some 51% of the units are categorised as 'affordable units'. I am satisfied that, despite the initial descriptions, the units should count towards the five-year supply.
59. In summary, this would put gross completions from allocated sites without planning permission at 1,116 units<sup>12</sup>; 1,035 units<sup>13</sup> on allocated sites with planning permission; and a combined total of 2,151 units.
60. On windfalls, it is agreed, following a comprehensive analysis of extant planning permissions, that gross completions, over five years could amount to 396 units (annual completions:- 142/134/32/22/14). There is every indication, based on past trends, that these will be supplemented by ongoing

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<sup>11</sup> There is an unexplained discrepancy of 5 units – but this is not material

<sup>12</sup> 1,246-[38+20+72]=1,116

<sup>13</sup> 1,079-44=1,035

approvals for small sites across the District;<sup>14</sup> and the Council's Interim Policy Guidance Note.

61. Indeed, windfall completions have averaged some 146 units annually over a period of five years (albeit the average for the last three years is marginally below 100). On this basis, the Council considers it appropriate to apply a 'conservative' windfall estimate of 100 dwellings per annum to the housing supply calculation. Whilst the previous role of windfalls and the current policy regime provide justification for windfalls, at around 100 units per year, to be a factor of the housing supply, the addition of 500 units to the already identified 'pipeline' of 396 is likely to represent a serious over-estimate.
62. Accordingly, the more likely windfall contribution would be the appellant's concession to substitute 100 units in each of years three to five resulting in an overall windfall allowance of 576 units. This would amount to a total five-year supply of 2,727 dwellings. **Given the identified annual requirement of 643 dwellings per annum, the resultant housing supply would be approximately 4.24 years.**<sup>15</sup>
63. On this basis paragraph 49 of the National Planning Policy Framework confirms that '*relevant policies for the supply of housing should not be considered up-to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*'; and paragraph 14 confirms that '*this means ..... where the development plan is absent, silent or relevant policies are out-of-date granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole .....*'.

### **Sustainability**

#### *The economic role*

64. The three dimensions of sustainable development consist of economic, social and environmental roles.
65. The National Planning Policy Framework explains that the economic role includes the availability of sufficient land of the right type, in the right places and at the right time to support growth; and building a strong, competitive economy is a cornerstone of Government policy. **In this regard, the appeal proposal would generate employment arising from construction works (an average of 60 full-time equivalent jobs per annum); and new household expenditure supporting local facilities and services and increased employment arising from that economic activity.**
66. Whilst it is said that those benefits could arise in any event from other residential development, there is, in this instance, no comparable site or sites and there is a pressing need for additional housing which, with conditions to ensure the 'early' submission of reserved matters and commencement of development, could be delivered in the near future. This is a factor of significant weight.

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<sup>14</sup> Notwithstanding the subsequent judgement (dated 31 July 2015) in *West Berkshire District Council and Reading Borough Council v SSCLG* [2015] EWHC 2222 (Admin) in so far as it relates to the threshold for the provision of affordable housing

<sup>15</sup> Applying the 'agreed' position, as set out in paragraph 41 above, the resultant housing supply would have been about 4.29 years:- the difference is not of sufficient materiality to influence the weight which attaches in the overall planning balance

67. Consideration is also to be given to the economic benefits of the site in its existing use as agricultural land in that some 49% of the overall site is best and most versatile land (Grade 2 and Sub-grade 3a). However, as this occurs in 'pockets', its effective use is undermined and it is farmed as if it were Sub-grade 3b land. The value of the best and most versatile agricultural land within the site is therefore negligible.

*The social role*

68. The proposal would provide the homes required to meet the needs of the present and future generations, which Core Strategy Policy CP5 can no longer provide; and it would offer every prospect, through good design, of creating a high quality built environment with accessible local services in Stokesley. **The site would also deliver a mix of housing (including bungalows to meet an identified need related to a high level of residents aged 65 and over) and tenure. At least 50% of the new homes would be affordable, in accordance with Core Strategy Policy CP9 and Development Policy DP15.**
69. This would represent a very significant positive attribute in that the provision of affordable homes has fallen well-below the target for the district particularly in the Stokesley sub-area where affordable units average 25% of all completions. Moreover, the North Yorkshire Strategic Housing Market Assessment concluded that housing needs had increased and that there was a need for an additional 320 affordable homes annually (up to 2016) in Hambleton, with the respective figures for the Stokesley sub-area and Stokesley being 47 and 26 each year respectively.
70. The project would also deliver **public open space, a multi-use path network within the site and re-surfacing of the public right of way passing Neasham House Farm in order to improve connectivity with the town centre.** Whilst these would principally meet the needs of the development itself, there would, nonetheless, be potential benefits to existing local residents albeit it is recognised that those living nearby already use the public footpaths on the eastern and western sides of the site and informal connecting tracks. These are modest benefits to be added into the overall balance.

*Environmental role*

71. Although the appeal site is greenfield land it is adjoined on two sides by the existing built-up area; it is unusually well-contained along the majority of its northern boundary by woodland; and whilst it has an undefined open boundary, to the west, the landscape strategy would be capable of providing effective definition and containment. Despite the presence of some best and most versatile agricultural land (referred to above), the site has no 'special' designation. In this regard the local planning authority has not raised any objections on landscape or visual impacts.
72. Whilst the development plan, and the National Planning Policy Framework, acknowledges the need to protect and enhance the natural environment, it is not disputed that meeting housing needs in Hambleton will require the release of some greenfield sites and development beyond the development limits of some settlements. The loss here, could be minimised by a suitable landscape strategy which would limit the removal of existing hedgerows and trees and provide for additional planting and provision of greenspace.

73. In locational terms, although the Stokesley sub-area is identified as an area of restraint, the majority of development that will take place in the area is to be focused on the 'Service Centre' of Stokesley. Whilst there are local concerns about the distance of the site from the centre of the market town, the quality of public transport routes and opportunities for walking and cycling, the expansion of an urban area will generally mean locating development further from its central services and facilities. That is not to say that such development, as a matter of course, runs counter to the principles of securing sustainable development through Core Strategy Policies CP5A and CP6.
74. In addition, although Stokesley is located within easy commuting distance, by car, of Tees Valley, there is no evidence to show that the development would be likely to contribute, in a significant manner, to unsustainable patterns of commuting having particular regard to the 2011 Census which shows an inward flow into the district as a whole.

*Other considerations*

75. With reference to the numerous written objections,<sup>16</sup> and appearances at the Inquiry, it is said that Hambleton has a robust Local Plan, informed by the community and following the principles of localism. However, the housing policies in the development plan are out-of-date and, as a result, provide insufficient housing land to meet identified needs. Therefore, pending the preparation of a 'new' plan, further housing land will have to be provided on a site by site basis and outside the plan making process.
76. A history of surface water flooding in the locality is well-documented but the technical evidence supporting the application, and scrutinised by the Council's Drainage Engineer and Environment Agency, indicates that it would be possible to ensure that surface water from the site could be managed so as not cause or add to any flooding in the area. The existing problems on adjoining land, including the junction of Tanton Road with B1365, are not a sufficient basis to preclude the proposed development.
77. It is acknowledged that the floor levels of the proposed dwellings would have to be constructed at a specified minimum level and, in some instances, significantly above those of neighbouring houses. However, the relationship of one house with another and the ability to minimise potential adverse over-looking would be a matter for consideration at reserved matters stage.
78. Access is a further concern, but junction capacity assessments show that each of the relevant junctions would be capable of operating in a satisfactory manner; there are no material issues with visibility from and to the junctions; and, despite the accident record in the vicinity of Tanton Road/B1365, there are no inherent shortcomings with the layout of the junction itself although it is recognised that additional street lighting, secured by condition, could be of benefit for night-time safety.
79. The B1365 is a convenient commuting route; it is generally narrow and winding in nature; it has a record of accidents; and the development would bring increased traffic along it. However, there is no technical evidence to support the level of improvements sought by local residents which would go far beyond the impacts generated by the development itself.

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<sup>16</sup> Endorsed by Rishi Sunak, Member of Parliament for Richmond (Yorks)

80. In terms of the criticism of the Residential Travel Plan, the document sets out aspirations to encourage alternatives to single-occupancy car journeys and to ensure that residents have access to, and a choice of, travel options. Despite the scepticism expressed, the document reflects best practice and provides a genuine attempt in seeking to influence travel modes, albeit where journeys on foot to the town centre might be beyond a readily attractive distance and bus services serving a market town and its rural hinterland are likely to be limited. Nonetheless, the offer of improvements<sup>17</sup> to Neasham Lane (described as '*a muddy, unpaved, and unlit rural footpath*') would be a genuine advantage in providing a useable and direct route to the town centre.
81. The claimed '*permanent loss of our community green space amenity for walkers and wildlife enthusiasts*' has to be placed in context in so far as the site currently offers two peripheral public footpaths which would be retained as part of the development and supplemented by other public green space. As open farmland, there is limited wildlife presence, albeit the hedgerows and woodland, which would be retained for the most part and supplemented to mitigate any losses, offer a variety of habitats which, through appropriate measures, could be safeguarded and enhanced.
82. Although it is said that the proposal would place a strain on local health and education services, none of the relevant providers oppose the development. A variety of other concerns have been noted, but none provide a compelling reason to count against the proposal.

*Conclusion on sustainability and the planning balance*

83. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework is a material consideration in planning decisions.
84. The three roles of sustainable development are mutually dependent. The proposal would deliver significant economic and social benefits; and the pattern of growth would be in a generally sustainable location. Its negative impacts on the countryside would be minimal and capable of being offset by a landscape strategy; and the loss of best and most versatile agricultural land would be of negligible consequence. Whilst the views of local people are an important consideration, the limited adverse impacts arising from the development would not significantly and demonstrably outweigh the very clear benefits of the scheme when assessed against the policies in the National Planning Policy Framework taken as a whole.
85. In terms of the development plan, the housing target in Policy CP5 is out-of-date which undermines the restraining function of defined development limits set out in Policies CP6, CP4 and DP9. However, the proposal would be generally consistent with Policies CP1 and CP2 and the underlying spatial principles. It would also achieve the provision of affordable housing in accordance with Policies CP9 and DP15. It can therefore be seen to be generally consistent with the development plan when read as a whole.

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<sup>17</sup> Submitted on the last day of the Inquiry

## Conclusion

86. Returning to the main issues identified at the beginning of this decision, the determining factors leading to my decision are:- the Council does not have a five-year supply of deliverable housing land; the proposed development can be considered to be sustainable having particular regard to the Council's strategy for the scale and distribution of new housing development and the identification of the Stokesley sub-area as an area of restraint; and, as the Council is unable to demonstrate a five-year supply of deliverable housing land, there are no material considerations which would significantly and demonstrably outweigh the benefits of the scheme. I shall therefore allow the appeal.

## Planning Conditions

87. As an outline application, a condition to secure the submission of reserved matters is necessary. In view of the requirement for finished floor levels to be a minimum of 67.5 metres above ordnance datum, and to achieve a satisfactory relationship with neighbouring properties, a condition will be imposed requiring floor levels to be agreed.<sup>18</sup> **[Conditions 1 and 2]**
88. The number of dwellings is not to exceed 226 units, in order to limit the scope of the permission consistent with the submitted details. The development is also to be carried out following the principles described in the Development Framework Plan and in the Design and Access Statement, to provide an appropriate form of development. As details of the two access routes into the site are not reserved matters, the development is to be undertaken in accordance with the submitted access drawings, in the interests of highway safety. **[Conditions 3, 4 and 5]**
89. In order to ensure that the proposed development delivers new homes as soon as reasonably practicable, the submission of reserved matters is to be made in a period of no more than 18 months from the date of this decision; and the development is to be commenced either within the same period or within 12 months from the date of the last of the reserved matters to be approved, whichever is the later. The 12 month period, rather than 9 months sought by the local planning authority, will provide an appropriate balance between prompt delivery and the flexibility required by a developer. **[Conditions 6 and 7]**
90. A phasing scheme is essential for a properly planned and co-ordinated development, having regard to the size of the site, the number of houses to be built and the related facilities to be provided. Landscaping, as a vital element of site design, will require the submission of a landscape masterplan as part of the landscaping reserved matters. **[Conditions 8 and 9]**
91. The provision of affordable housing, secured by condition, would help offset the shortage of such accommodation in the district in compliance with Core Strategy Policy CP9, which seeks to achieve a 50% contribution in the Stokesley sub-area, and to set out a mechanism as required by Development Policy DP15. I have made some minor revisions to the wording of the condition for improved clarity. **[Condition 10]**

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<sup>18</sup> Although it was agreed that details of floor levels should be included within condition 1, the meaning of 'reserved matters' in The Town and Country Planning (Development Management Procedure) (England) Order 2015 is:- 'access; appearance; landscaping; layout; and scale.'

92. The inclusion of bungalows within the overall housing mix would be advantageous as Stokesley has a high proportion of households where the occupants are aged 65 and over. Whilst there would be no formal mechanism to secure occupancy to this age group, it would, nonetheless, widen the choice of homes available in the locality. **[Condition 11]**
93. Taking into account the size of the site, the proximity of neighbouring houses and the duration of construction works, it is necessary to ensure that building operations are undertaken in an appropriate manner through the safeguards of a construction method statement. I have reworded the final requirement relating to emergency access to the site, during the construction phase, for clarity. **[Condition 12]**
94. Surface water and foul drainage arrangements need to be agreed to ensure satisfactory disposal and to minimise the risk of surface water flooding arising from the development. **[Conditions 13 and 14]**
95. Further investigation of the site is required to safeguard any archaeological finds that might be revealed and to counter any potential ground contamination. **[Conditions 15 and 16]**
96. A suite of conditions is required to safeguard the biodiversity interest within the site; and also to retain the landscape framework of existing hedgerows. **[Conditions 17, 18, 19 and 20]**
97. The construction of energy efficient homes is also an important pre-requisite, in accordance with the requirements of Policies CP18 and DP34. So too is the implementation and management arrangements for open space and related facilities in order to provide a good standard of amenity. **[Conditions 21 and 22]**
98. A travel plan, with measures for auditing and updating, reflects the national policy aim of achieving the fullest possible use of public transport, walking and cycling. As the current limit of street lighting runs out in the vicinity of the proposed site access on to Tanton Road, and given the short distance between the access and the junction of Tanton Road with B1365, it would be prudent to require this short stretch of highway to be provided with street lighting to offset the increased usage of this part of the highway network. Improvements to the footpath running south from the site towards the town centre would help to encourage greater use. **[Conditions 23, 24 and 25]**

### **Community Infrastructure Levy Contributions**

99. The Council's Community Infrastructure Charging Schedule came into effect in April 2015. It applies to market housing at a rate of £55 per square metre and by way of estimate would yield over £500,000.

### **Stokesley Neighbourhood Plan**

100. The National Planning Policy Framework confirms that '*Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community*'. The community is in the early stages of preparing a Neighbourhood Plan with a public consultation event due to take place on 6 June 2015. No formal documents were drawn to my attention.



**Conclusion**

101. Having considered these and all other matters raised I find nothing of sufficient materiality to lead me to a different conclusion. The appeal is therefore allowed subject to the conditions set out in the attached schedule.

*David MH Rose*

Inspector

## **SCHEDULE OF PLANNING CONDITIONS (1 – 25)**

### **APPROVAL OF DETAILS**

- 1) Details of the appearance, landscaping, layout and scale of the dwellings (hereinafter called 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- 2) Details of the finished floor levels of the dwellings shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.
- 3) The development hereby permitted shall comprise no more than 226 dwellings.
- 4) The development shall be carried out in general accordance with the details shown on the Development Framework Plan, drawing number 2013-033-100-02 Rev D and the Design and Access Statement – February 2013.
- 5) Access to and within the development shall be carried out in full accordance with the details shown on the Access Plans – 3065/SK001/001 and 3065/SK001/002 before the occupation of the first dwelling on the site.

### **TIMING OF IMPLEMENTATION**

- 6) Application for approval of the reserved matters shall be made to the Local Planning Authority not later than 18 months from the date of this permission.
- 7) The development shall be begun either before the expiration of:
  - (a) 18 months from the date of this permission; or
  - (b) 12 months from the date of approval of the last of the reserved matters to be approved, whichever is the later.

### **PHASING**

- 8) Prior to commencement of development a scheme outlining the phasing of development (the 'phasing scheme'), including a site layout plan identifying land uses such as formal and informal open space, hard and soft landscaping, pedestrian and cyclist access routes and infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing scheme.

### **LANDSCAPING**

- 9) The reserved matters application for landscaping shall be accompanied by a detailed Landscape Masterplan and Strategy (in substantial accordance with the Framework Plan 2013-033-100-02 Rev D) to demonstrate that the landscaping proposals have taken account of, and been informed by, the existing landscape characteristics of the site and by any loss of existing vegetation on the site. The Landscape Masterplan and Strategy, following its approval by the Local Planning Authority, shall be implemented in accordance with the phasing details approved under condition 8 above.

### **AFFORDABLE HOUSING**

- 10) The development shall not begin until a scheme for the provision of affordable housing as part of the development (the 'affordable housing scheme') has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved affordable housing scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it.

The affordable housing scheme shall include:

- (a) the numbers, size, type, tenure and location on the site of the affordable housing provision which shall consist of not less than 50% of the overall total number of housing units on the site. The affordable housing provision shall comprise either houses or bungalows and shall accord with the Council's Affordable Housing Supplementary Planning Document (and/or any additional or successive relevant planning policy document adopted by the Council);
- (b) a timetable for the delivery of the affordable housing and its phasing in relation to the occupancy of the market housing which shall provide for the final affordable unit to be made available for occupation before the occupation of the 100<sup>th</sup> open market dwelling on site;
- (c) the arrangements for the transfer of the affordable housing to an affordable housing provider and these arrangements shall be in accordance with the provisions of the Council's Affordable Housing Supplementary Planning Document (and/or any additional or successive relevant planning policy document adopted by the Council). The arrangements shall ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- (d) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

### **HOUSING MIX**

- 11) At least 5% of the dwellings hereby permitted, both market and affordable, shall comprise 2 bedroom bungalows.

### **CONSTRUCTION METHOD STATEMENT**

- 12) No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority; and the approved statement shall be adhered to throughout the construction period. The statement shall provide for:

- (a) the hours of work;
- (b) the parking of vehicles of site operatives and visitors;
- (c) loading and unloading of plant and materials;
- (d) storage of plant and materials used in constructing the development;

- (e) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- (f) wheel washing facilities;
- (g) measures to control the emission of dust and dirt during construction;
- (h) a scheme for recycling/disposing of waste resulting from construction works;
- (i) means of protection of trees and hedgerows during site preparation and construction; and
- (j) access arrangements for emergency vehicles during the construction phase.

**SUSTAINABLE DRAINAGE**

- 13) No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the Local Planning Authority. This sustainable drainage scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. The details of the scheme shall include:
- (a) a timetable for its implementation; and
  - (b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

**FOUL DRAINAGE**

- 14) No development shall take place until details of foul water drainage works have been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the drainage works required for that building have been implemented in accordance with the approved details. The approved foul water drainage works shall be retained and managed thereafter in accordance with the approved details.

**ARCHAEOLOGY**

- 15) No development shall take place within the application site until a written scheme of archaeological investigation, including the methodology of further investigation works and a programme for the works to be undertaken (the 'archaeological scheme'), has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed archaeological scheme.

### **GROUND CONTAMINATION**

- 16) No part of the development shall be commenced on site unless and until:
- (a) a site investigation has been designed for the site using the information obtained from the desktop investigation (Preliminary Risk Assessment (Phase 1 Desk Study) LKC 13 1131 – February 2014. This shall be submitted to and approved in writing by the Local Planning Authority prior to the investigation being carried out on site;
  - (b) the site investigation and associated risk assessment have been undertaken in accordance with details submitted to and approved in writing by the Local Planning Authority; and
  - (c) a method statement and remediation strategy, based on the information obtained from (b) above, including a programme of works, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved remediation strategy.

### **BIODIVERSITY**

- 17) Before development commences detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds (including swifts and house sparrows) and protected species including a timetable for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The proposals shall be installed in accordance with the approved details and timetable and retained thereafter.
- 18) Before any development or other operations commence, and within one month of the planned commencement of works, an assessment of the trees on the site for bat roosts shall be undertaken by a licensed bat ecologist. A copy of the assessment report shall be submitted to the Local Planning Authority and any necessary mitigation plan shall be approved, implemented (and if necessary maintained in consultation with Natural England) and confirmed in writing by the Local Planning Authority.
- 19) No tree/shrub clearance works shall be carried out on the site between 1<sup>st</sup> March and 31<sup>st</sup> August inclusive, in any year, unless the site has been surveyed within that period for breeding birds and a scheme to protect breeding birds is submitted to and approved in writing by the Local Planning Authority. If such a breeding bird protection scheme is submitted and approved the development shall thereafter only be carried out in accordance with the approved scheme.

### **BOUNDARY TREATMENTS**

- 20) No part of the existing boundary hedges of the site shall be uprooted or removed or reduced in height to a height below 1.5 metres (except for access) other than in accordance with details that have been submitted to, and approved in writing by, the Local Planning Authority.

### **SUSTAINABLE ENERGY**

- 21) At least 10% of the energy supply of the development shall be secured from decentralised and renewable sources or otherwise through design measures. Details of a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to, and approved in writing by, the Local Planning Authority as part of the reserved matters submissions. The approved details shall be implemented in accordance with the approved timetable and retained thereafter.

### **PROVISION OF ON-SITE AMENITY SPACE, CHILDREN'S PLAY AND YOUNG PEOPLE'S FACILITIES**

- 22) The development hereby approved shall not begin until arrangements (including a timetable for implementation and management plan) for the provision of on-site amenity space, children's play and young people's facilities have been submitted to and approved in writing by the Local Planning Authority. The on-site amenity space, children's play and young people's facilities shall be provided in accordance with the approved arrangements and the future management transferred to a management company to be managed in perpetuity.

### **TRAVEL PLAN**

- 23) No dwelling in the development hereby approved shall be occupied until a Travel Plan based on the Framework Travel Plan ('the Travel Plan') accompanying the application has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include the objectives, targets, mechanisms and measures to achieve the targets, implementation timescales, provision for monitoring, and arrangements for a Travel Plan co-ordinator, who shall be in place until 5 years after the completion of the final phase of development. The approved plan shall be audited and updated and submitted for the written approval of the Local Planning Authority at intervals no greater than 18 months. The measures contained within the approved plan and any approved modifications shall be carried out in full.

### **STREET LIGHTING**

- 24) No dwelling shall be occupied until a scheme, previously submitted to and approved in writing by the Local Planning Authority, for the extension of the street lighting system between the site access on to Tanton Road and the junction of Tanton Road with B1365 has been implemented in accordance with the approved details.

### **STOKESLEY FOOTPATH 10.140/2/2**

- 25) Development shall not commence until a survey and scheme for footpath surfacing works to Footpath Ref No:10.140/2/2 running northwards from North Road, passing to the east of Neasham House Farm to the development boundary, as shown on Drawing Stokesley Footpath 10.140/2/2, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be completed prior to the occupation of the first dwelling on the site.

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## **APPEARANCES**

### **FOR THE LOCAL PLANNING AUTHORITY:**

Jonathan Easton (of Counsel) Assisted by Constanze Bell (of Counsel)	Instructed by Legal Services Department Hambleton District Council
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### **They called**

Robin Miller BA (Hons)	Understanding Data Ltd
Andrew McCormack BSc, MRTPI	Planning Policy and Conservation Team Leader Hambleton District Council
Mark Harbottle BSc, MRTPI	Head of Planning and Housing Hambleton District Council

### **FOR THE APPELLANT:**

John Barrett (of Counsel)	Instructed by Mark Johnson Johnson Brook Limited
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### **He called**

Darren Wisher BA, MA Econ	Director Regeneris Consulting
Mark Johnson BSc, MRTPI, MRICS	Managing Director Johnson Brook Planning and Development Consultants

### **INTERESTED PERSONS:**

Councillor Andy Wake	District Councillor and Chairman of Stokesley Parish Council
Susan O'Donoghue	Keep Stokesley Special
Councillor Stewart Brennan CEng FIMechE	Parish Councillor
Councillor Bryn Griffiths	County and District Councillor
Graeme Twedde	Local Resident
Councillor Ian Blakemore	Parish Councillor
Councillor Sean Carey	Parish Councillor
Reverend Paul Huchinson	Rector of Stokesley and school governor



## DOCUMENTS SUBMITTED AT THE INQUIRY

<b>JB/HDC/01</b>	Huby Appeal Decisions – APP/G2713/A/13/2194376 – APP/G2713/A/13/2194410
<b>JB/HDC/02</b>	Nomis – Unemployment Data
<b>JB/HDC/03</b>	Johnson Brook – 5YHLS Sheet (Dated 29/05/2015)
<b>JB/HDC/04</b>	Extract from Barton Willmore - Huby Addendum Proof of Evidence (Feb 2015)
<b>JB/HDC/05</b>	Easingwold – Edge Analytics (Dr P Bowden – October 2014) PoE
<b>JB/HDC/06</b>	Great Ayton – Edge Analytics (Dr P Bowden – January 2015) PoE
<b>JB/HDC/07</b>	HDC Briefing Note – 2010/11 – 2014/15 Permissions V Completions (28/05/15)
<b>JB/HDC/08</b>	HDC Briefing Note – IPGN and other Policy on Windfalls (29/05/2015)
<b>JB/HDC/09</b>	Johnson Brook - Hambleton Housing Requirement and Supply Speaking Note (03/06/2015)
<b>JB/HDC/10</b>	Harrogate BC – SHMA Extract (Feb 2015)
<b>JB/HDC/11</b>	Judgement – Crane Vs SOS – [2015] EWHC 425 (Admin)
<b>JB/HDC/12</b>	HDC Affordable Housing SPD Adopted 7 April 2015 - Extract
<b>JB/HDC/13</b>	Update to Appendix 3 of McCormack’s Proof – Note on Windfall Allowance
<b>JB/HDC/14</b>	Adopted Interim Policy Guidance (2015)
<b>JB/HDC/15</b>	HDC – Five Year Supply Windfall Allowance – Stokesley Sub Area at 398 OAN and at 454 OAN.
<b>JB/HDC/16</b>	Cleveland Lodge Letter – Prospect (14 <sup>th</sup> Jan 2015)
<b>JB/HDC/17</b>	HDC – Cleveland Lodge Letter (NLP March 2015)
<b>JB/HDC/18</b>	Hambleton Committee Report Extract – 2 <sup>nd</sup> December 2014 – Settlement Hierarchy and Housing Development in the Rural Areas – Draft Interim Policy Guidance Note
<b>JB/HDC/19</b>	Email from GDL to JB – Anticipated Delivery Schedule of Stokesley Site (04/06/2015)
<b>JB/HDC/20</b>	Stanton Under Bardon Appeal Decision – APP/K2420/A/13/2200224
<b>JB/HDC/21</b>	Burton-Upon-Trent SOS Recovered Appeal Decision – APP/B3410/A/13/2197299
<b>JB/HDC/22</b>	Fairford Appeal Decision – PP/F1610/A/14/2213318
<b>JB/HDC/23</b>	Natural England Technical Information Note – Agricultural Land Classification
<b>JB/HDC/24</b>	Susan O’Donoghue (for Keep Stokesley Special) – Flooding Concerns
<b>JB/HDC/25</b>	Stewart Brennan (for Keep Stokesley Special)

<b>JB/HDC/26</b>	Bryn Griffiths – Potential Road Traffic Issues
<b>JB/HDC/27</b>	Graeme Tweddle – Residential Travel Plan Statement
<b>JB/HDC/28</b>	Ian Blakemore Written Submission
<b>JB/HDC/29</b>	Sean Carey – Historic Flooding Photographs
<b>JB/HDC/30</b>	Joint Note and Spreadsheet on Five Year Supply – 05/06/2015
<b>JB/HDC/31</b>	PPG Paragraph 35 – 3-035-20140306
<b>JB/HDC/32</b>	SOS Appeal Decisions – APP/R0660/A/13/2197532 and APP/R0660/A/13/2197529
<b>JB/HDC/33</b>	CIL contributions note from HDC
<b>JB/HDC/34</b>	Letter to PINS from Rishi Sunak, MP for Richmond
<b>JB/HDC/35</b>	Photograph – site levels (Susan O’Donoghue)
<b>JB/HDC/36</b>	Additional/amended conditions 22 and 25
<b>JB/HDC/37</b>	Opening Points on behalf of the Local Planning Authority
<b>JB/HDC/38</b>	Opening on behalf of the appellant
<b>JB/HDC/39</b>	Closing Submissions on behalf of the Local Planning Authority
<b>JB/HDC/40</b>	Closing on behalf of the appellant
<b>JB/HDC/41</b>	Statement of Common Ground
<b>JB/HDC/42</b>	Letter of notification and list of persons notified
<b>JB/HDC/43</b>	List of sites: Timescale from initial planning permission to site start

**DOCUMENTS SUBMITTED FOLLOWING THE CLOSE OF THE INQUIRY<sup>19</sup>**

<b>JB/HDC/44</b>	Planning Appeal Decision: Land off Station Road, Great Ayton (APP/G2713/A/14/2218137)
<b>JB/HDC/45</b>	Correspondence from Hambleton District Council dated 22 & 30 July and 20 August 2015
<b>JB/HDC/46</b>	Correspondence from Johnson Brook dated 22 & 28 July and 25 August 2015

<sup>19</sup> See paragraph 3 of decision