

# **STATEMENT OF CASE OF THE LOCAL PLANNING AUTHORITY**

**Town and County Planning Act 1990**

**Section 78 Appeal**

**Planning appeal by:** Beechcroft Land Ltd & Henry Bouskell C/O Trustees of the Wimbush  
Droitwich Settlement

**Location:** Land to the north of Droitwich Spa, Droitwich, WR9 0NU

**Development:** Outline planning application for the erection of up to 102 dwellings, new  
vehicular and pedestrian access, and associated works. All matters reserved except for access.

**Wychavon District Council Reference:** W/22/00201/OUT

**Inspectorate Reference:** APP/H1840/W/22/3305934

## **CONTENTS**

- 1.0 Introduction
- 2.0 The Site and its Location
- 3.0 Planning History
- 4.0 Planning Policy Context
- 5.0 The Council's Case
- 6.0 Summary and Conclusions
- 7.0 Planning Conditions
- 8.0 Presentation of Evidence at Inquiry

## **APPENDICES**

- A South Worcestershire Development Plan (adopted February 2016)
- B Waste Core Strategy for Worcestershire 2012-2027(adopted November 2012)
- C South Worcestershire Design Guide Supplementary Planning Document (March 2018)
- D Affordable Housing SPD (October 2016)
- E Renewal and Low Carbon Energy SPD (July 2018)
- F Developer Contributions SPD (July 2018)
- G Waste Management and Flooding SPD (July 2018)
- H Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)
- I Guidelines for Landscape and Visual Impact Assessment Third Edition (Landscape Institute and Institute of Environmental Management & Assessment 2013) (GLVIA3)
- J Technical Guidance Note (TGN) 02-21: Assessing Landscape Value Outside National Designations (Landscape Institute 2021)
- K Landscape Character Assessment Technical Handbook (Worcestershire County Council August 2013)

- L Landscape Character Assessment Supplementary Guidance (Worcestershire County Council August 2012)
- M National Character Area profile 106: Severn and Avon Vales (Natural England 2014)
- N Historic Environment Good Practice Advice in Planning: 2: Managing Decision Making in the Historic Environment (Historic England, 2015)
- O Historic Environment Good Practice Advice in Planning: 3: The Setting of Heritage Assets (Historic England, 2nd Edition 2017)
- P Land off Morris Road, Broadway - Appeal Ref: APP/H1840/W/21/3289569 - Decision date: 13th June 2022
- Q Land at Leigh Sinton Farms, Leigh Sinton Road (B4503), Leigh Sinton, Malvern - Appeal Ref: APP/J1860/W/21/3289643 -Decision date: 5th July 2022 .
- R No. 1 and The Neuk No. 3 Bretforton Road, Badsey, WR11 7XG - Appeal Ref: APP/H1840/W/21/266573 – Decision date 20th September 2022
- S Planning Application W/22/00201/OUT, Delegated Report dated 19<sup>th</sup> October 2022
- T Land to the North of Droitwich Spa – Appeal Ref: APP/H1840/W/18/3218814 – Decision Date 28<sup>th</sup> January 2020

## 1.0 INTRODUCTION

- 1.1 This appeal has been lodged by Beechcroft Land Ltd & Henry Bouskell C/O Trustees of the Wimbush Droitwich Settlement ('the Appellants') on the basis that Wychavon District Council ('the Council') did not determine outline application ref: W/22/00201/OUT within the prescribed period.
- 1.2 The proposed development comprises an outline planning application for the erection of up to 102 dwellings, new vehicular and pedestrian access, and associated works. All matters are reserved except for access. The site is land to the north of Droitwich Spa, Droitwich.
- 1.3 The planning application was validated on 3<sup>rd</sup> February 2022 and a Delegated Officer Report was published on 19<sup>th</sup> October 2022 setting out as to how the Council would have determined the proposals if the Council had remained the determining authority. The Officer Report considered the proposals and advised that the Council be minded to refuse the application proposals for the following reasons:

### Reason for Refusal 1

- 1) The application site lies entirely outside the settlement boundary of Droitwich as defined under policy SWDP 2 of the South Worcestershire Development Plan 2016 (SWDP). The site is therefore defined as open countryside where development shall be strictly controlled. The proposed development fails to accord with the provisions of policy SWDP2 part C of the SWDP. The proposed development would go against the SWDP Development Strategy and the principles it is based upon (as set out under policy SWDP2) in that it would not safeguard or enhance the open countryside nor encourage the effective use or re-use of brownfield land. The proposal fails to take into account the latest Landscape Character Assessment and its guidelines. Development on this site would not be appropriate to, or integrate with, the character of the landscape setting and would impact adversely upon a valued landscape. Furthermore, the proposed development would result in adverse visual impacts in the local landscape, including in views from a promoted leisure walking route. The significant and demonstrable landscape and visual harm would not be outweighed by the benefits of the proposal contrary to the provisions of adopted South Worcestershire Development Plan (2016) Policies SWDP1, 2, and 25 as well as guidance contained in the National Planning Policy Framework (2021) including paragraph 174 (a). As such the proposal would not constitute sustainable development.

### Reason for Refusal 2

- 2) The character of Hampton Lovett is of linear development of period properties set within large plots surrounded by farmed land. Hampton Lovett is not a nucleated village with a central core and therefore the character of the settlement is dependent upon the retention

of the rural setting along the lane. It is considered that the proposal to develop the existing farmed land with dwellings would alter the character of Hampton Lovett causing harm to the setting of the Grade I listed church of St Mary and the period properties which form the settlement. This represents a less than substantial harm, which is not outweighed by public benefits. The significant and demonstrable harm identified provides a clear reason for refusing the development. The proposal fails to accord with policies SWDP6, 21 & 24 of the South Worcestershire Development Plan as well as guidance contained in Section 16 of National Planning Policy Framework. As such the proposal would not constitute sustainable development.

### Reason for Refusal 3

3) Whilst noting the applicant's willingness to enter into a Section 106 legal agreement, no secure arrangements are currently in place to secure:

- Financial contributions towards education provision (school places);
- Financial contributions towards off-site built leisure facilities and formal sports pitches;
- Financial contributions towards local primary healthcare provision;
- Financial contributions towards sustainable travel comprising expansion of lo bus services and towards community transport for the elderly and disabled;
- The provision of on-site public open space and management; and
- The provision of on-site affordable housing.

As such, the proposed development does not meet the objectives of sustainable development and cannot be delivered with acceptable impacts on the community and the environment. Therefore, the application is contrary to adopted South Worcestershire Development Plan Policies SWDP1, 7, 15 and SWDP 39 and guidance in the Council's Developer Contributions SPG and Affordable Housing SPG, as well guidance contained in the National Planning Policy Framework 2021.'

1.4 As set out below, the Council expect that putative reason for refusal 3 will be addressed by appropriate s106 obligations, however if this is not the case, the Council will demonstrate the harm arising from the absence of obligations to address those matters.

## **2.0 THE SITE AND ITS LOCATION**

2.1 Descriptions of the site and its location are contained in the Officer's Delegated Report and the Appellants' Statement of Case.

### 3.0 PLANNING HISTORY

3.1 The application site was subject to a previous application for development under application 17/01631/OUT relating to an 'Outline planning application for the erection of up to 144 dwellings (including 58% affordable), access and associated works. Matters relating to Appearance, Landscaping, Layout and Scale are reserved for future consideration'. The application was refused permission on 18 June 2022 and a subsequent planning appeal was dismissed under appeal decision reference APP/H1840/W/18/3218814 on 28 January 2020.

3.2 In dismissing the appeal, the Inspector noted, amongst other matters, that:

- The proposed development, as a whole, would be harmful to the open countryside, landscape character, and upon the character of the settlement of Hampton Lovett
- There would be harm to the Church of St Mary. In terms of the Planning (Listed Buildings and Conservation Areas) Act 1990 the proposed development would fail to preserve the setting of the Church of St Mary.
- The benefits of the proposal, would not outweigh the harm identified

### 4.0 PLANNING POLICY CONTEXT

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70(2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

4.2 The Development Plan comprises the South Worcestershire Development Plan (adopted February 2016) (SWDP) (**Appendix A**) and the Waste Core Strategy for Worcestershire 2012-2027(adopted November 2012) (**Appendix B**) and a number of 'made' Neighbourhood Development Plans, none of which are applicable to this appeal.

4.3 Other material policy considerations include:

- The National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance
- South Worcestershire Design Guide Supplementary Planning Document (March 2018)
- Affordable Housing SPD (October 2016)
- Renewal and Low Carbon Energy SPD (July 2018)

- Developer Contributions SPD (July 2018)
- Waste Management and Flooding SPD (July 2018)
- Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended)
- Guidelines for Landscape and Visual Impact Assessment Third Edition (Landscape Institute and Institute of Environmental Management & Assessment 2013) (GLVIA3)
- Technical Guidance Note (TGN) 02-21: Assessing Landscape Value Outside National Designations (Landscape Institute 2021)
- Landscape Character Assessment Technical Handbook (Worcestershire County Council August 2013)
- Landscape Character Assessment Supplementary Guidance (Worcestershire County Council August 2012)
- National Character Area profile 106: Severn and Avon Vales (Natural England 2014)
- Historic Environment Good Practice Advice in Planning: 2: Managing Decision Making in the Historic Environment (Historic England, 2015)
- Historic Environment Good Practice Advice in Planning: 3: The Setting of Heritage Assets (Historic England, 2nd Edition 2017)

4.4 The Council reserves the right to also introduce reference to other documents in support of its case. This will likely include references to other appeal decisions.

4.5 Councillors at Worcester City, Malvern Hills District Council and Wychavon District Council will be considering a Draft Version of the South Worcester Development Plan Review to 2041: Regulation 19 Publication Document between 17<sup>th</sup> October and 19<sup>th</sup> October 2022. If approval is given by the three South Worcestershire Councils to put the document out to public consultation, the document will go out to a six-week public consultation from 1 November 2022. If the document is approved for public consultation, the document will be forwarded to the appellant and the Inspector, alongside confirmation of relevant emerging policies which can be afforded at least some weight in the decision-making process.

4.6 The Development policies relevant to this appeal are as follows:

***South Worcestershire Development Plan 2016 (SWDP)***

- SWDP1 (Overarching Sustainable Development Principles)
- SWDP2 (Development Strategy and Settlement Hierarchy)
- SWDP3 (Employment, Housing and Retail Provision Requirement and Delivery)
- SWDP4 (Moving Around South Worcestershire)
- SWDP5 (Green Infrastructure)
- SWDP 6 (Historic Environment)
- SWDP7 (Infrastructure)
- SWDP13 (Effective Use of Land)
- SWDP14 (Market Housing Mix)
- SWDP15 (Meeting Affordable Housing Needs)
- SWDP20 (Housing to Meet the Needs of Older People)
- SWDP21 (Design)
- SWDP22 (Biodiversity and Geodiversity)
- SWDP24 (Management of the Historic Environment)
- SWDP25 (Landscape Character)
- SWDP26 (Telecommunications and Broadband)
- SWDP27 (Renewable and Low Carbon Energy)
- SWDP28 (Management of Flood Risk)
- SWDP29 (Sustainable Drainage Systems)
- SWDP39 (Provision for Green Space and Outdoor Community Uses in New Development)
- SWDP48 (Droitwich Spa)

***Waste Core Strategy for Worcestershire 2012-2027(adopted November 2012)***

- WCS1 (Presumption in favour of sustainable development)
- WCS17 (Making provision for waste in new development)

## **5.0 THE COUNCIL'S CASE**

### ***Reason for refusal 1***

- 5.1 The Council's first reason for refusal relates to the principle of housing development in this location, and the significant and demonstrable landscape and visual harm that would arise from the development which would not be outweighed by benefits and that the proposal does not comprise sustainable development. These matters are set out separately below
- 5.2 Paragraph 8 of the NPPF states that achieving sustainable development means pursuing economic, social and environmental objectives in mutually supportive ways. Whilst the Council accept that these objectives are not criteria against which every decision should be judged, the Council will demonstrate that by reason of the cumulative harms arising from the putative reasons for refusal(s), that the proposal is not for the right type of scheme in the right place and does not protect and enhance the natural environment, and that when the harms and benefits are considered as a whole, the proposal does not constitute sustainable development.
- 5.3 In regard to the principle of housing development in this location, section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 5.4 The application site lies entirely outside the settlement boundary of Droitwich as defined under policy SWDP2 of the SWDP. The site is therefore defined as open countryside where development should be strictly controlled. The proposed development would fail to accord with the provisions of policy SWDP2 part C of the SWDP. The proposed development would go against the SWDP Development Strategy and the principles it is based upon (as set out under policy SWDP2) in that it would not safeguard or enhance the open countryside contrary to provisions of SWDP Policies SWDP1, 2, 25 and guidance contained in paragraph 80 of the National Planning Policy Framework, which provides that development in the isolated countryside should be avoided unless there are specific circumstances as set out in paragraph 80 that the development accords with.

- 5.5 In light of the above, it is clear that the appeal proposal does not accord with the spatial strategy of the SWDP and the principle of housing in this location is contrary to policies SWDP 1, 2 and 25 and the development plan when read as a whole. However, whilst the principle of housing in this location is clearly contrary to the development plan it is also the case that the Council cannot currently demonstrate a 5-year supply of deliverable housing sites.
- 5.6 The council's current position (for the purposes of this appeal only) is that following subsequent appeal decisions, the Council concede that it cannot take into account oversupply as part of their housing land supply calculation and, as such, cannot demonstrate a 5 year land supply.
- 5.7 These appeal decisions are:
- Land off Morris Road, Broadway - Appeal Ref: APP/H1840/W/21/3289569 - Decision date: 13th June 2022 (Appendix P)
  - Land at Leigh Sinton Farms, Leigh Sinton Road (B4503), Leigh Sinton, Malvern - Appeal Ref: APP/J1860/W/21/3289643 -Decision date: 5th July 2022 (Appendix Q).
  - No. 1 and The Neuk No. 3 Bretforton Road, Badsey, WR11 7XG - Appeal Ref: APP/H1840/W/21/266573 – Decision date 20th September 2022 (Appendix R).
- 5.8 With oversupply set aside the Council accept that the supply for South Worcestershire is 4.31 years and at a District level for Wychavon 4.76 years.
- 5.9 Therefore, without oversupply, the Council cannot demonstrate a 5 year supply. The Council consider that the 5 year housing land position with oversupply removed within Wychavon District, whether monitored jointly or individually, for the purpose of this appeal, is between 4.31-4.76 years.
- 5.10 For the purposes of this Inquiry, the Council hopes that this position can be agreed with the appellant in a Statement of Common Ground prior to the Inquiry, to avoid Inquiry time being spent analysing the 5-year supply position. It is suggested that this is discussed further at the Case Management Conference.
- 5.11 Paragraph 11d of the NPPF sets out that in circumstances where the most important policies for determining an application are out of date (and this includes circumstances where the local planning authority cannot demonstrate a five year supply of deliverable housing sites, as is the case here) there is a presumption that planning permission be granted unless:
- '(i) the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- (ii) 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.'*

- 5.12 The protected areas or assets of particular importance referred to at (i) above are defined in footnote 7 of the NPPF. The protected areas or assets of particular importance as defined by footnote 7 which are of relevance are:
- Grade I listed Church of St Mary its Grade II listed Lych Gate
- 5.13 The Council will demonstrate that the appeal proposal would have an unacceptable impact on the setting of the Grade I listed Church of St Mary and Grade II listed Lych Gate. It will be demonstrated that the proposed works do not put great weight on conservation of the affected heritage assets and do not sustain and enhance the significance of heritage assets, therefore leading to less than substantial harm to the significance of the heritage assets. It will be demonstrated that this level of harm is at the upper end of “less than substantial” resulting from the significant change in the rural setting of the heritage assets. In weighing this harm against the public benefits of the proposal, through the provision of housing and other public benefits, it will also be demonstrated that the public benefits of the proposals do not outweigh the harm caused to the significance of the affected heritage assets. The Council will therefore demonstrate that the appeal proposal is in conflict with Chapter 16 of the NPPF and that the application of these NPPF policies that protect assets of particular importance provides a clear reason for refusing the development proposed.
- 5.14 The Council will thus demonstrate that the ‘tilted balance’ is not applied in this case and that in respect of the principle of development therefore, the proposed development conflicts with SWDP policies 1, 2, 25 and the appeal site is not an appropriate location for new residential development.
- 5.15 In regards to landscape harm and visual impact, the Council will demonstrate how the development would be highly visible from dwellings on Kidderminster Road to the NW corner of the site, on The Forest to the north (especially in winter months when the existing vegetation is not in leaf) and on Doverdale Park Homes to the south/west, and also from the Public Right of Way (PRoW) to the northern boundary which is also part of the Monarch’s Way long distance footpath. These visual receptors are regarded as being amongst those most susceptible to change. The development would also be visible from transport routes including the A442 highway to the western boundary of the site and the railway line to the eastern boundary – where visual receptors are regarded as having a moderate susceptibility to change. Even after 15 years of growth of vegetation as shown indicatively, the residual effect on views from residential properties, from the PRoW to the north, and from the highway and railway would remain adverse in varying degrees
- 5.16 Having regard to the above, the Council will demonstrate how the proposal details fail to take account of the Landscape Character Assessment and its guidelines with respect to settlement pattern. It will show how the development would not integrate with the character of the landscape setting and thus would not accord with adopted policy SWDP25.

- 5.17 The Council will demonstrate that this site is a Valued Landscape. The Landscape Officer, in her Proof of Evidence for the previous Inquiry on the site, referred to landscape value - but this was prior to the publication of Landscape Institute Technical Guidance Note (TGN) 02-21: Assessing Landscape Value Outside National Designations (Landscape Institute 2021). (TGN02-21). This guidance contains additional information around the criteria to be used to define valued landscapes to include 'Cultural Heritage' and cites the example of 'landscape which contributes to the significance of heritage assets, for example forming the setting of heritage assets'. The previous Inspector set out very clearly in her Decision Notice that this site was part of the wider setting of the Grade I Heritage Asset and did contribute to its significance. As such, having regard to the previous Inspector's decision and TGN02-21, the Council will demonstrate that this site is a 'valued landscape' for the purposes of NPPF 174(a). The Council will also demonstrate that the proposed development on this site would not be appropriate to, or integrate with, the character of the landscape setting and would impact adversely upon a Valued Landscape.
- 5.18 Although it is the case for the Council that the "tilted balance" in para 11 of the NPPF has no application in the present case as the application of policies in the framework that protect assets of particular importance (Grade II Listed Church of St Mary and its Grade II listed Lych Gate) provide a clear reason for refusal, the Council will demonstrate that, even if the tilted balance were to apply, that the significant and demonstrable landscape and visual harm impacts of granting planning permission significantly and demonstrably outweighs the benefits of the proposal when assessed against the policies of the NPPF taken as a whole.

### ***Reason for Refusal 2***

- 5.19 The application site lies adjacent to designated heritage assets. At the eastern end of The Forest is the Grade I listed St Mary's and All Saints Church with its Grade II listed Lych Gate and Pakington tomb.
- 5.20 Other heritage assets in the wider area are not considered to be affected by the proposed development.
- 5.21 The Council will provide evidence on the significance of the heritage assets identified at paragraph 5.19, including contribution made by their setting. The Council will demonstrate that the appeal proposals would have a harmful impact on the setting of the designated heritage assets.
- 5.22 Ultimately the Council will demonstrate that the impact of the proposal on the setting of the heritage assets is unacceptable in heritage terms. The proposed works do not sustain and enhance the designated heritage assets. The evidence will identify that the proposal would cause less than substantial harm (at the upper end of the scale) to the significance of the affected designated heritage assets.

- 5.23 As part of the planning balance exercise, the Council will consider what public benefits may arise from the development and demonstrate that these benefits would not outweigh the harm caused to the significance of the heritage assets. Similarly, it will be identified that there is not a clear and convincing justification for the harm caused to the significance of the designated assets.
- 5.24 As such the Council's evidence will demonstrate that the appeal proposal is contrary to Section 66(1) of the Planning (Listed Building and Conservation Area) Act 1990, Policies SWDP6 and SWDP24 of SWDP and Chapter 16 of the NPPF.

### ***Reason for Refusal 3***

- 5.25 No agreement has been reached and planning obligations have not been completed to secure:
- Financial contributions towards education provision (school places);
  - Financial contributions towards off-site built leisure facilities and formal sports pitches;
  - Financial contributions towards local primary healthcare provision;
  - Financial contributions towards sustainable travel comprising expansion of local bus services and towards community transport for the elderly and disabled;
  - The provision of on-site public open space and management; and
  - The provision of on-site affordable housing.
- 5.26 The Council hopes that the absence of completed and agreed planning obligations will be resolved by the preparation of suitable planning obligations in advance of the Inquiry and negotiations/discussions will continue. Worcestershire County Council (WCC) as Local Education Authority and County Highways Authority have requested the planning obligations towards education provision and sustainable travel to make the development acceptable in planning terms. If a suitable planning obligation is not provided in advance of the Inquiry in regard to these matters, WCC will demonstrate that in the absence of a planning obligation the proposed development does not adequately provide for education and sustainable travel and why the development is not acceptable in planning terms.
- 5.27 Whilst discussions will continue, if suitable planning obligations are not provided in advance of the Inquiry, the Council will demonstrate that the proposed development does not meet the objectives of sustainable development and cannot be delivered with acceptable impacts on the community and the environment and that the application is contrary to adopted SWDP Policies SWDP1, 7, 15 and SWDP 39 and guidance in the Council's Developer Contributions SPG and Affordable Housing SPG, as well guidance contained in the National Planning Policy Framework.

## **6.0 SUMMARY AND CONCLUSIONS**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate

otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

- 6.2 The appeal proposals do not accord with the development plan strategy for the area and are therefore contrary to adopted SWDP Policies SWDP1, 2, and 25. Whilst the Council cannot currently demonstrate a 5 year supply of deliverable housing sites, when applying the policies of the NPPF that protect assets of particular importance, the impacts on designated heritage assets represent a clear reason for refusal which disappplies the tilted balance.
- 6.3 In addition to the adverse harm to heritage assets, the appeal proposals would have significant and demonstrable landscape and visual harm impacts on a Valued Landscape. The Council will demonstrate that even if paragraph 11(d)(i) of the NPPF was considered not to apply in this instance, that the adverse impacts of granting planning permission in respect to both heritage and landscape impacts would significantly outweigh the benefits, in accordance with paragraph 11(d)(ii).
- 6.4 Furthermore, the appellants have not provided appropriate planning obligations as follows::
- Financial contributions towards education provision (school places);
  - Financial contributions towards off-site built leisure facilities and formal sports pitches;
  - Financial contributions towards local primary healthcare provision;
  - Financial contributions towards sustainable travel comprising expansion of local bus services and towards community transport for the elderly and disabled;
  - The provision of on-site public open space and management; and
  - The provision of on-site affordable housing.
- 6.5 It is hoped that these matters will be resolved by the preparation of suitable planning obligations. However, if suitable planning obligations are not provided, the Council will demonstrate that these planning obligations are necessary to make the development acceptable in planning terms and that failure to provide each of these planning obligations either individually, or cumulatively, would weigh significantly against the proposal in the planning balance.
- 6.6 The Council is not blind to the benefits arising from a scheme of this nature. The Council acknowledge the benefits of the scheme that include its contribution towards the supply of both market and affordable housing which in light of the 5-year housing land supply position is considered a significant benefit. It is also recognised that there are economic benefits that

would arise from the proposal both during and post construction, including the economic benefits arising from additional residents supporting local businesses.

6.7 This is a case where the tilted balance is not in play and the identified harms point clearly towards a refusal to such an extent that, even if the presumption in favour of sustainable development were engaged, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole.

6.8 It is for these reasons that the Council will ask the Inspector to dismiss the appeal.

### **PLANNING CONDITIONS**

7.1 Without prejudice to its case, the Council will refer to a list of reasonable planning conditions that should be imposed upon the proposal should this appeal succeed. The Council will negotiate with the appellant to seek to reach agreement on these conditions prior to the commencement of the Inquiry.

### **8.0 PRESENTATION OF EVIDENCE AT INQUIRY**

8.1 The Council anticipates at this stage that it will rely on evidence from witnesses on the following topics:

- Planning Balance
- Landscape
- Heritage

8.2 It is hoped that appropriate planning obligations will be completed. However, if planning obligations are not provided, the Council/WCC will also provide evidence on why these contributions are necessary to make the development acceptable in planning terms, directly related to the development; and fairly and reasonably related in scale and kind to the development.

8.3 For the purposes of this Inquiry, the Council hopes that the 5-year housing land supply position can be agreed with the appellant in a Statement of Common Ground prior to the Inquiry.