



Chave Planning

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2nd October 2023
Our ref. 1239.L04

The Planning Inspectorate
3D Eagle Wing
Temple Quay House
2 The Square
Bristol
BS1 6PN

By email only to north2@planninginspectorate.gov.uk

Dear Sir/Madam,

Town and Country Planning Act 1990

Appeal by Qudos Homes LTD ref APP/Y2003/W/22/3312089

Site Address: Land off Main Street, Sturton, Brigg, DN20 9DL

Thank you for the opportunity to provide comments on behalf of the appellant in respect of the Council's new evidence in the form of the North Lincolnshire Council Five Year Housing Land Supply Statement July 2023 'the statement'.

The appellant notes that the Council reports a deliverable housing supply of 6 years and 10 months in the statement. In their covering email of 4th September 2023 the Council states that:

"Therefore, full weight can be attributed to the Local Plan and Local Development Framework policies. The council's new position is that the 'tilted balance' set out in paragraph 11(d) of the NPPF is not engaged in relation to this appeal".

The appellant would dispute this point. Whilst the five year housing land supply position (taken on face value) does not result in the tilted balance being engaged, paragraph 11 d) of the Framework indicates that the tilted balance is also engaged if the policies which are most important for determining the application are out-of-date. The policies most important for determining the application in this case are policy RD2, DS1, H5 and H8 of the North Lincolnshire Local Plan, and CS2, CS3, CS5 and CS7 of the North Lincolnshire Core Strategy. Both of these plans were adopted more than 5 years ago. Guidance at paragraph 33 of the Framework says that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Given that policies in the Core

Strategy and Local Plan are now 12 and 20 years old respectively; and were adopted prior to even the first version of the Framework being published; this puts them at significant risk of being out of date and they should be reviewed in terms of their consistency with the Framework.

These Local Plan and Core Strategy policies set out when development is allowed in the countryside. The level of control over development in the countryside is significantly more restrictive than the Framework, with development being 'strictly' controlled or limited and only certain exceptions being allowed. In contrast, the Framework takes a more balanced approach to development in the countryside, seeking at paragraph 79 that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Aside from isolated dwellings, the Framework does not set out to restrict residential development in the countryside. The Local Plan and Core Strategy policies do not reflect this balanced approach; instead they apply a significantly more restrictive approach; and therefore they are considered inconsistent with the Framework. The Local Plan and Core Strategy policies also do not include any balancing exercise as set out in the Framework. Furthermore, they apply a sequential approach to the development of brownfield land before greenfield land, which is not consistent with the Framework.

Overall, it is considered that the basket of policies that are most important in determining the application are out of date and the tilted balance is therefore engaged. According to the Framework, when the tilted balance is engaged, permission should be granted unless; the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

There are no policies in the Framework protecting areas of assets of particular importance on this development site. It therefore falls to consider whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the Framework taken as a whole. The appellant's statement and final comments have already set out the case that the proposed development would have no significant impact on the countryside, therefore the tilted balance falls in favour of the granting planning permission.

Furthermore, it is considered that the 5-year housing land supply is a minimum; not a cap. Paragraph 60 of the Framework requires local authorities to significantly boost the supply of housing and therefore the contribution towards local housing supply is in any case a material consideration in favour of the proposals. Where there is no significant harm to the countryside, housing proposals can be supported whether or not the tilted balance is engaged.

Thank you for drawing these comments to the attention of the Inspector.

Yours sincerely



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Director
Chave Planning