

Final Comments on behalf of the Appellant

Land To The South And East of Senuna Park, Station Road, Ashwell

Town and Country Planning Act 1990
(Section 78) Planning Appeal against
refusal of Planning Application for
Residential development of 36 no.
dwellings including creation of vehicular
access off Station Road, associated
parking, drainage, amenity space and
landscaping

Appeal Ref: 6011739

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FINAL COMMENTS ON BEHALF OF THE APPELLANT

These final comments should be read alongside the Appellant's Statements of Case and are confined to matters arising from the Local Planning Authority's Statement and third-party representations.

The starting point for determination of the appeal is the Council's acknowledged housing land supply position. The Council can demonstrate only a **2.6-year supply of deliverable housing land**, representing a shortfall of **3,347 dwellings** against its five-year requirement. The presumption in favour of sustainable development in paragraph 11(d) of the NPPF is therefore engaged.

This is a substantial housing land supply shortfall. The appeal proposal would deliver **36 dwellings through a full planning application, including 14 affordable homes (40%)**, and the Council's own Planning Officer attributed significant weight to the delivery of these homes. Having considered the identified policy conflicts and other adverse effects, the Officer concluded that those adverse impacts would **not significantly and demonstrably outweigh the benefits** of the proposal and accordingly recommended that planning permission be granted.

Against that background, the principal issue for the appeal is not whether the proposal gives rise to any adverse effects; some change arising from the development of an undeveloped site is acknowledged. Rather, the relevant question under paragraph 11(d) is whether the adverse impacts would **significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole**.

The Appellant submits that nothing contained within the LPA's Statement or the third-party representations provides new substantive evidence which alters the assessment undertaken

by the Council's professional officers or demonstrates harm sufficient to outweigh the substantial benefits of the proposal under that test.

The comments below are provided on behalf of the appellant in response to the Local Planning Authority Statement, the 3rd party Statements and the Draft Conditions.

Response to LPA Statement

The Local Planning Authority Statement begins by noting that it is a Statement in support of the appeal, and paragraph 1.0 that follows appears somewhat unclear as it appears to state that the Committee's view is that even with the tilted balance applied, the harms do not outweigh the benefits of new homes. This seems to be contrary to the Committee's decision to refuse.

The Statement that follows on provides some brief comments on a few issues, to which the appellant wishes to respond below to correct inaccuracies or provide context and rebuttal.

The appellant would note that any conflict with policy on housing need from the Neighbourhood Plan (NP) should be considered in light of the NP not providing allocations to meet an identified housing requirement and therefore the NPPF states that conflict with the NP will be unlikely to significantly and demonstrably outweigh the benefits in the tilted balance. Also, where reference is provided to the housing officer agreeing the scheme does not meet housing need, this should be placed in the context that during the discussions at Committee, the planning officer noted that for the affordable housing, there was a single bedroom difference and overall there were five more bedrooms than policy and therefore the impact of this was not considered to outweigh the delivery of new homes.

The further matters raised regarding pedestrian and cycle routes and the removal of trees have been suitably addressed in the application submission with mitigation measures where required, supported by statutory consultees. The proposal includes links to the adjacent housing development and routes beyond and around the site and the removal of the trees to accommodate the access route through the woodland are mitigated significantly by additional planting and habitat upgrades across the site to an extent well in excess of those prescribed by policy and national standards on biodiversity net gain.

Accordingly, nothing raised in the Council's Statement materially alters the assessment undertaken by its professional officers or demonstrates adverse impacts which would significantly and demonstrably outweigh the considerable benefits of the proposal for the purposes of paragraph 11(d) of the NPPF.

Response to 3rd Party Comments

The Parish Council refers to the appeal proposal, together with the adjacent Senuna Park development, resulting in a total of 64 dwellings and suggests that this exceeds the scale of a previously refused proposal for 46 dwellings. This comparison is not accurate and does not provide an appropriate basis upon which to assess the appeal proposal.

2017 APPLICATION/APEAL SITE

In 2017 the appellant submitted proposals for 46 dwellings, children's play area, 2 sports pitches, pavilion and associated infrastructure. This application was refused and dismissed at appeal on 26th October 2018.

As illustrated on the plan below, the proposed 46 dwellings were all identified north of the tree belt and offset from the eastern boundary by two sports pitches, pavilion and a parking area.



2020 APPLICATION/APPEAL SITE

The adjacent and fully constructed Senuna Park development was allowed at appeal and formed a residential development of 28 dwellings and landscaping including pond, wildflower meadow, woodland and associated infrastructure.



The above landscape layout demonstrates that the 28 consented dwellings were confined to a much smaller site area than the previously dismissed appeal, but once again with the built form being north of the tree belt only.

2025 APPLICATION/APPEAL SITE

The current appeal proposes 36 dwellings on land to the east of the fully constructed Senuna Park development and south of the tree belt, as shown on the landscape layout below.



Importantly, if considering the Parish Council's statement in practical terms, the bulk of those 46 dwellings previously proposed were located on the area on which the 28 dwellings have now been built at Senuna Park. The site areas and densities of the proposals forming this appeal are not comparable in the way to the dismissed 2017 appeal as the Parish Council states.

The character of the development proposed, in the context of the adjacent built form and local policy is detailed in the submitted appraisals by Barnes Walker to the application and to the appeal.

The Parish Council considers that access to local services is constrained by pedestrian and cycling infrastructure. However, the previous Inspector considering the adjoining Senuna Park development found the location acceptable for residential development. Since that decision, the accessibility of the site has improved further through infrastructure delivered as part of Senuna Park, including pedestrian connections and the new bus stop on Station Road. The Council's own Planning Officer concluded that walking and cycling into the village is a realistic prospect and that the proposal is well connected, whilst the Highway Authority concluded that the site benefits from good accessibility to a wide range of sustainable transport options offering viable alternatives to private car use. The proposal should therefore be assessed in its rural context and is consistent with the sustainable transport objectives of the NPPF.

Response to Draft Conditions

The appellant has reviewed the draft conditions provided by the LPA to the appeal . The appellant had previously agreed to these draft conditions with the LPA prior to the Committee, as the Committee Report recommended that planning permission be granted subject to these same conditions. The appellant has no further comment on the conditions.

Conclusion

The Appellant acknowledges that the proposal would result in development outside the defined settlement boundary and would introduce built development onto presently undeveloped land. There are also matters relating to housing mix which fall to be weighed in

the planning balance. These matters were, however, fully considered by the Council's professional officers before they recommended approval of the application.

They must also be considered in the context of a **2.6-year housing land supply**, a shortfall of **3,347 dwellings**, and a proposal which would deliver **36 homes, including 14 affordable homes**, through a full and therefore readily deliverable planning permission.

Importantly, the representations made at appeal stage do not undermine the technical evidence which informed the Officer's recommendation. The Highway Authority raises no objection to the development in respect of highway safety, network capacity or accessibility; the Council's landscape adviser ultimately raised no objection subject to appropriate conditions; and no other technical matter has been identified which would prevent the development from proceeding.

The adjoining Senuna Park appeal decision is also an important material consideration. Residential development immediately adjoining the appeal site was allowed notwithstanding acknowledged landscape and urbanising effects and at a time when the Council's housing land supply position was materially stronger than it is today. The subsequent construction of Senuna Park has also changed the physical context of the appeal site and provided additional pedestrian and public transport infrastructure from which the appeal development would benefit.

The Council's Planning Officer concluded that the adverse impacts of the proposal would not significantly and demonstrably outweigh its benefits. Nothing contained within the LPA's appeal Statement or the third-party representations provides a substantive evidential basis for reaching a different conclusion.

Accordingly, when assessed against the policies of the Framework taken as a whole, the adverse impacts of granting permission would not significantly and demonstrably outweigh the substantial benefits of the development. The presumption in favour of sustainable development therefore applies and the Appellant respectfully requests that the appeal be allowed and planning permission granted, subject to the agreed conditions and planning obligations.



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