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## Appeal Decision

Inquiry held on 26 to 29 January 2016

Site visit made on 28 January 2016

**by Anthony Lyman BSc (Hons) DipTP MRTPI**

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

**Decision date: 21 March 2016**

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**Appeal Ref: APP/L3245/W/15/3127978**

**Land to the rear of 10 Gorse Lane, Bayston Hill, Shropshire, SY3 0JJ**

- 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 Galliers Homes against the decision of Shropshire Council.
  - The application Ref 14/05324/OUT, dated 25 November 2014, was refused by notice dated 5 May 2015.
  - The development proposed is residential development (with access).
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### Decision

1. The appeal is dismissed.

### Application for Costs

2. At the Inquiry an application for costs was made by Shropshire Council against Galliers Homes. This application is the subject of a separate Decision.

### Procedural Matters

3. The application was made in outline with all matters other than access reserved for future determination. An illustrative plan of the possible layout and landscaping of the site was submitted with the appeal.
4. The appellants submitted a proof of evidence in which it was argued that a five year supply of housing land (HLS) could not be demonstrated. During the Inquiry, the appellants withdrew the evidence and did not call their HLS witness to contest the Council's position that an HLS of 5.53 years existed.
5. A s106 planning obligation dated 15 September 2015, was submitted at the Inquiry, and a Deed of Variation to take account of changes since the agreement was signed, was accepted after the close of the Inquiry. The obligation relates to the provision of affordable housing and will be referred to later in this Decision.

### Main Issues

6. The main issues to be considered are, i) whether the proposed development would be appropriate having regard to national and local planning policies relating to development in the countryside, ii) the effect of the proposal on the character and appearance of the area, and in particular, the nature of 'the gap' between Bayston Hill and Shrewsbury, iii) whether the proposal would
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represent sustainable development with regard to the development plan and the National Planning Policy Framework (the Framework).

## **Reasons**

### *Background*

7. Bayston Hill is said to be the largest village in Shropshire. It lies just to the south of Shrewsbury from which it is separated by the small Rea Brook Valley and the busy A5 trunk road. The appeal site comprises two fields immediately behind a linear row of properties on Gorse Lane. The site is not allocated for development and is outside the settlement boundary for Bayston Hill as defined in the recently adopted Shropshire Council Site Allocations and Management of Development Plan (SAMDev). The site forms an undeveloped part of the gap between the village and Shrewsbury.
8. Access to the site would be from Gorse Lane, to the west of a property known as the White House. Although the application was made in outline, the illustrative plan shows a development of 39 dwellings, areas of open space, and a landscaping belt along the northern edge of the site. According to the Design and Access Statement, some of the dwellings would be affordable homes.

### *Development in the Countryside*

9. The development plan for Shropshire comprises the Core Strategy (CS) adopted in 2011, and the SAMDev which was adopted in December 2015 following examination hearings held in late 2014 and main modifications made during 2015.
10. CS Policy CS1 identifies that approximately 25% of the housing requirement over the plan period to 2026 will be accommodated in Shrewsbury, and around 40% will be in market towns and key centres. In order to enhance the sustainability of rural areas, around 35% of Shropshire's residential development over the plan period will be accommodated predominantly in community hubs and community clusters. Outside of these settlements, the Policy confirms that development will primarily be for economic diversification and to meet the needs of local communities for affordable housing.
11. Bayston Hill is identified as a community hub in the SAMDev, and has a range of services including a primary school and shops. Although the appeal site is in a sustainable location near to village facilities, the predominantly open market housing scheme would be in the countryside outside the settlement boundary, and would not be within the community hub, contrary to the overall strategy of Policy CS1.
12. CS Policy CS4, amongst other things, requires public and private investment in rural areas to be focussed into community hubs and clusters and confirms that development outside these settlements will not be allowed. The supporting text to the Policy explains that, within community hubs, development will be within the village or on land allocated for development, and that windfall development adjoining the village will not be acceptable unless it is an exception site for affordable housing or is for other development allowed under CS Policy CS5.
13. Policy CS5 seeks to protect the countryside, but is permissive of proposals on appropriate sites which maintain and enhance countryside vitality and

- character, and improve the sustainability of rural communities by bringing local economic and community benefits. The Policy lists several types of developments that will be allowed in the countryside including affordable housing to meet local need, and agricultural dwellings. Although the list is not exhaustive, market housing, other than conversions of rural buildings, is not identified as being permitted in the countryside. The proposal would not satisfy Policy CS4 or CS5.
14. The recently adopted SAMDev seeks, amongst other things, to achieve the 'rural rebalance' identified in Policies CS4 and CS5, and establishes the community hubs and clusters wherein some development will be appropriate in principle. To achieve this, the SAMDev provides development housing guidelines for settlements based on any environmental and infrastructure constraints, and taking account of local aspirations such as within Parish Plans.
  15. SAMDev Policy S16.2.(ii) confirms a housing guideline in the plan period to 2026, of around 50 to 60 new dwellings for Bayston Hill, '*where development by infilling, groups of houses and conversions of buildings may be acceptable on suitable sites within the development boundary identified on the Policies Map.*' The Policy also advocates the retention of the gap of undeveloped land between Bayston Hill and Meole Brace, Shrewsbury as an important objective of the strategy for the village. The potential impact of the proposal on the gap will be considered later in this Decision under 'character and appearance'.
  16. The SAMDev includes a number of other relevant policies, including Policy MD3 which, amongst other things, supports sustainable housing development on sites not allocated for development having regard to other local plan policies. Policy MD3 also confirms that the housing guideline figures for settlements are a significant policy consideration, and states that where a settlement housing guideline appears unlikely to be met, additional sites outside the settlement development boundaries may be acceptable. SAMDev Policy MD7a confirms, amongst other things, that new market housing will be strictly controlled outside of Shrewsbury, the market towns, key centres and community hubs and clusters. Suitably designed and located exception site dwellings and residential conversions will be considered where they meet evidenced local housing needs and other relevant policy requirements.
  17. The proposed development on a greenfield site outside the defined and recently confirmed settlement boundary for Bayston Hill, would not comply with the type of development specified in Policy S16.2.(ii). Furthermore, given the amount of residential development that has taken place or has been granted planning permission in the village, both parties agreed that Bayston Hill is likely to exceed the guideline figure of 50 to 60 new dwellings, well within the plan period. Although the guideline figure is not a ceiling, the exception allowed by Policy MD3 for additional sites outside development boundaries in the event of the guideline figures not being met, is not applicable. As only a small proportion of the proposed dwellings would be affordable homes to meet local housing need, SAMDev Policy MD7a would not be satisfied.
  18. The appellants contend that under Policy CS1, around 10,000 homes are to be provided in the rural areas during the lifetime of the plan, and that the SAMDev settlement guidelines allow for less than half that amount. Therefore, according to the appellants, the guideline figures will inevitably have to be exceeded and windfall sites allowed in the countryside, in accordance with

Policy MD3, if the CS housing requirement is to be achieved. The appellants argue that the Council have produced no evidence to demonstrate that the need for further rural houses to meet the requirement by 2026, can be accommodated within settlement boundaries, and refer to an appeal Decision at West Felton, Oswestry<sup>1</sup> in which the Inspector considered that the use of agricultural land will be necessary in the future to meet Shropshire's housing need. However, the SAMDev Inspector concluded that affordable housing exception schemes and the conversion of rural buildings will be significant sources of windfall development in rural areas based on historic performance.

19. Furthermore, in the case of Bayston Hill, evidence was submitted to the Inquiry about an unallocated brownfield site in the middle of the village, about which negotiations with the Council are at an advanced stage for a possible development of up to fifty dwellings. This sustainable, previously used site, within the community hub, would satisfy many national and local planning policy objectives. If the site were to be developed, the guideline housing figure for Bayston Hill would be significantly exceeded, without the need to release greenfield sites for open market housing outside the boundary.
20. Given the uncontested Council position that a HLS of about 5.5 years exists, and the strong probability that the housing guidance figure for Bayston Hill, which is a significant material consideration, will be comfortably exceeded, I conclude that there is little justification in policy terms for the release of the appeal site for mainly open market residential development in the open countryside. The proposal would not be for economic diversification or for solely affordable homes and would conflict with CS Policies CS1, CS4, CS5 and SAMDev Policies S16.2.(ii), MD3 and MD7a. As the SAMDev has been adopted only recently, having been found to be sound, its policies carry weight. I acknowledge that the CS policies pre-date the Framework's more balanced approach to sustainable development in the countryside. Nevertheless, with regard to paragraph 49 of the Framework, and on the basis of the evidence put to me, the Council's relevant policies for the supply of housing should be regarded as up-to-date.

#### *Character and Appearance*

21. Both parties submitted proofs of evidence from their expert landscape witnesses who had both used the third edition of Guidelines for Landscape and Visual Impact Assessment to assess the likely impact of the proposal. Although the two experts reached different professional judgements, I have had regard to their assessments and to my own observations on the site visits.
22. The two small fields that comprise the appeal site, together with an adjacent large arable field, form part of the southern side of the Rea Brook Valley. The large field slopes more steeply to the brook and is a prominent feature of the landscape. There is a defined break in slope at the highest edge of the field, with the more gently sloping and less prominent appeal site partly obscured by a hedgerow along its boundary with the larger field. Although the appeal site backs on to a linear development of houses on Gorse Lane, it retains a distinctly rural character surrounded and crossed by mature hedgerows and containing several substantial trees protected by a tree preservation order.

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<sup>1</sup> APP/L3245/W/15/3003171

23. The smaller hedged field pattern of the appeal site is recognised in the Shropshire Landscape Typology 2006 (SLT), as a feature of the Upstanding Enclosed Commons Landscape Type within which the site is located. The SLT confirms that this landscape type occurs in a limited number of locations in Shropshire.
24. The Shrewsbury and Atcham Landscape Sensitivity and Capacity Study (the Study) prepared in 2007, assessed the potential suitability of land around Shrewsbury and other settlements, for either housing or employment development. It is a more detailed assessment of landscape sensitivity and capacity. The appeal site lies within a parcel of land defined as 'Bayston Hill O4'. In the detailed assessment, this land parcel is considered to be of high/medium sensitivity (that is, vulnerable to change and/or having high value as a landscape resource), and as having a medium/low capacity for housing development. The justification for this assessment cites the prominent, rising nature of the area, its open character and the fact that the land forms part of a gap between Bayston Hill and Shrewsbury.
25. The retention of this gap of undeveloped land, is confirmed as an important objective of the strategy for the village in SAMDev Policy S16.2.(ii). The appellants argue that little weight should be attributed to this element of Policy S16.2.(ii) as '*it amounts to a blanket embargo on any form of development that is more onerous than the controls that apply in National Parks, AONBs and Green Belts*' and is inconsistent with paragraphs 76-78 of the Framework. I am not persuaded by this argument given that the SAMDev has only recently been found to be sound. Furthermore, recently allowed developments within the gap demonstrate that the Policy does not impose a 'blanket embargo'.
26. The appeal site and the surrounding fields are not covered by any planning designation in relation to character or beauty. Nor do they form part of a 'valued' landscape that the Framework advocates should be protected and enhanced. Nevertheless, despite the lack of public access to the appeal fields, the area is locally valued for its open rural character, and extensive countryside views towards Shrewsbury, particularly by walkers using the various public rights of way in the area, including footpath No. 21 which runs close to the appeal site boundary.
27. From various points along the footpaths and from the other side of the valley, the lines of residential development on Gorse Lane and Pulley Lane are visible. Although linear development is not generally a characteristic of the Bayston Hill settlement, the long line of dwellings on Gorse Lane is a distinctive feature along what appears to be the crest of the valley side. However, as shown in submitted photographs, many of the dwellings, particularly those abutting the appeal site, are less prominent in views from the north and from the footpaths due to the distance involved, the local topography and the intervening boundary hedges, restricting views mainly to the roof tops.
28. In this context, the proposed development of up to 39 dwellings would appear incongruous, projecting up to about 180m from the established and easily read development boundary of the village. The effect would be emphasised by the adjacent elongated field which would be left isolated between the development and the line of dwellings on Pulley Lane. For these reasons I am not persuaded that the proposal would 'round off' the village boundary. The proposal would not respect the local character of linear development which is mainly all that is

visible of Bayston Hill in views from the footpaths and from the other side of the valley.

29. The Council and local residents referred to an appeal Decision<sup>2</sup> which dismissed a proposal for two dwellings at 10 Gorse Lane, one of which would have been behind that dwelling, within its curtilage. In that Decision, the Inspector described the established pattern of development along the edge of the settlement on Gorse Lane and Pulley Lane as essentially single plot depth. Accordingly, the Inspector considered, amongst other things, that the rear dwelling would be out of character with the locality and would be an anomalous and prominent projection from the actual settlement edge. Although that Inspector did not have the benefit of a landscape sensitivity appraisal, it follows that, with regard to that Decision, the proposed housing estate of 39 dwellings would be an even greater, more harmful incongruity, relative to the established settlement pattern in the immediate locality.
30. In support of the development, the appellants refer to a recently approved scheme for nine dwellings adjacent to 'Leylands' on Pulley Lane and argue that, as part of the site will be four plots deep, the development will not respect the Council's claimed linear character of the settlement edge. I attach little weight to this argument as the scheme is an infill, frontage development between two dwellings on Pulley Lane and will largely not extend any further into the gap than the rear boundaries of the existing properties that make up the linear edge. In views from the public rights of way and from the other side of the valley, the new dwellings will appear as part of, and would strengthen, that linear edge. Furthermore, in the Study referred to above, this development site is classified as 'Bayston Hill 03' and is described as having low intrinsic sensitivity as it forms part of the settlement edge and having capacity for housing. The appeal site is not so described in the Study.
31. Although the indicative plan shows a tree belt along the northern boundary of the site, and the retention of the existing protected trees, the new houses would be prominent on the skyline, close to the top of the steeply sloping arable field. For walkers on footpath No 21, despite the traffic noise from the A5 disturbing tranquillity, the experience would change from a walk in open countryside, to one alongside a housing estate, albeit, with some buffer planting in between. Walking uphill along footpath No. 22, towards the village, the development would be seen as a highly intrusive extension into the countryside along the skyline.
32. The proposed development would be an encroachment into the undeveloped parts of the gap between the village and Shrewsbury. The extent of the gap is not defined in the SAMDev, there is no real assessment of its landscape quality and it is not designated as a strategic gap. Nevertheless, Policy S16.2.(ii) states that the retention of the gap of undeveloped land is an important objective of the strategy of the village.
33. It is accepted that not all parts of the gap are of equal value, and that some development can be permitted. For instance, an exception site for affordable housing is currently under construction in the parish of Bayston Hill on the other side of the valley adjacent to the built up area of Shrewsbury, in accordance with that part of Policy S16.2.(ii) which states that affordable housing is a priority requirement identified by the Parish Council. The infill

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<sup>2</sup> APP/L3245/A/11/2161088

development at Leylands referred to above is another example. Irrespective of these developments and the appellants' argument that the proposal would be no closer to Shrewsbury than some existing housing areas, the proposed houses would be far more visually prominent on the skyline than existing development on Gorse Lane, and would unacceptably impinge on the gap between the settlements.

34. I acknowledge that this proposal would not, in itself, lead to coalescence of Shrewsbury and Bayston Hill and that the two settlements would remain distinct. However, the undeveloped parts of the gap would be significantly reduced and the proposal would be likely to make it more difficult for the Council to resist similar applications that would further erode the gap.
35. On this issue, I conclude that, for the reasons given, the development would harm the character and appearance of the area and would fail to maintain and enhance countryside vitality. The housing estate would not be sympathetic to the existing build form of the settlement, as seen from nearby footpaths and from across the valley, and would be prominent on the skyline despite the proposed landscaping which, in any case, would take time to mature. The housing estate would be seen to encroach into the undeveloped parts of the gap. The proposal would, therefore, be contrary to SAMDev Policy S16.2.(ii), CS Policies CS4 and CS5, and would not accord with the sustainable design and development principles of Policy CS6, which amongst other things, requires development to protect, restore, conserve and enhance the natural environment taking into account local context and character.

#### *Sustainable Development*

36. The Framework promotes the presumption in favour of sustainable development which involves seeking positive improvements in the quality of the built, natural and historic environment. There are three dimensions to sustainable development, namely the economic, social and environmental roles, that the Framework advocates should be sought jointly and simultaneously if sustainable development is to be achieved.
37. In terms of economic benefits, the development would, amongst other things, generate substantial investment in the construction industry by a housing developer with a presence in the area. Substantial Community Infrastructure Levy contributions would also be made, the majority of which, according to the appellants, would be spent in the local area on projects identified by the Parish Council. The occupants of the 39 dwellings would also generate spending power in the local economy. However, some of this expenditure would be displaced from elsewhere and, given the extensive services and facilities nearby in Shrewsbury, a high proportion would be likely to be spent there, although there would be some support for local businesses and services in Bayston Hill. Nevertheless, many of these claimed economic benefits could also be generated by developments within the settlement boundary, such as on the potential housing site within the village referred to above, and therefore, the weight attributable to them in this scheme is less than substantial.
38. The provision of a choice of housing, including some affordable homes to meet the present and future needs of the community would be a social benefit to which I attach some weight.

39. The Framework describes the environmental role as contributing to protecting and enhancing the natural, built and historic environment and helping to improve biodiversity. The harm that I have identified to the character and appearance of the area, that would be caused by this intrusive housing development outside the settlement boundary, and projecting into the gap of undeveloped land between Bayston Hill and Shrewsbury, would not protect or enhance the natural environment.
40. The appellants argue that the loss of agricultural land would be minimal and that the provision of open space within the development, additional planting along the existing boundary hedgerow and the creation of residential gardens would enhance biodiversity. Although these latter aspects of the proposal may bring some improvements in biodiversity, I have no means before me in planning terms, to ensure the survival of the extensive internal hedgerow that runs through the site, after it has been incorporated into private gardens. The appellants state that only a small length of the hedge would be removed to facilitate a roadway. However, if it was grubbed out and replaced with fencing by future residents, there would be a significant reduction in the biodiversity potential of the site. Furthermore, the erection of 39 dwellings with associated driveways, access roads and other areas of hardstanding, such as patios, would reduce the biodiversity of the area.
41. Overall, the proposal would not protect or enhance the natural environment and would fail to satisfy the environmental role. Accordingly, the three dimensions of sustainable development, as set out above, would not be met jointly and simultaneously. Having regard to the development plan and the policies of the Framework, the proposal would create an unsustainable pattern of development and the presumption in favour of sustainable development would not apply.

*Other matters – Housing Land Supply*

42. At the opening of the Inquiry, the appellants' position, as set out in the submitted proof of evidence, was that the Council could not demonstrate a HLS. On 17 December 2015, the Council had adopted the SAMDev, following the examining Inspector's conclusion that the plan was sound. In the week before the Inquiry, two appeal Decisions<sup>3</sup> relating to residential development on nearby sites, were published, in which the Inspectors had concluded that Shropshire Council could demonstrate a HLS. On the second day of the Inquiry, the appellants withdrew their proof of evidence on HLS and stated that their witness would not be called. In their closing submissions, the appellants confirmed that, although they disagreed with HLS, it would not be contested for the purposes of this Inquiry. Therefore, the Council's position, that a HLS of 5.53 years can be demonstrated, was uncontested by the appellants.
43. Core Strategy Policy CS1 establishes the total housing requirement of around 27,500 dwellings during the plan period to 2026. Although this figure was initially based upon former Regional Spatial Strategy statistics, it was accepted as the basis for the Council's HLS in the SAMDev Inspector's Report that found that the Council had, at that time, a supply of 5.2 years. The Council published its Five Year HLS statement in August 2015 which was updated in November 2015 following publication of the Inspector's report into the SAMDev. This update indicated that the Council had a supply of 5.53 years, which was the

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<sup>3</sup> APP/L3245/W/15/3007929 (published 20 Jan 2016); and APP/L3245/W/15/3011886 (published 19 Jan 2016)



Council's position at the Inquiry. In arriving at this figure, the Council had used a phased approach to delivery over each five years of the plan period, and had applied a 20% buffer to the five year requirement and the shortfall combined.

44. The Council's approach to calculating HLS, as endorsed by the SAMDev Inspector, and as set out in its HLS Statement, appears to be robust. On the evidence before me, and having regard to the findings of the SAMDev Inspector and various recent appeal Decisions referred to me, I have no reason to doubt that the Council have a housing land supply in excess of five years. The Council's policies relevant to the supply of housing are, therefore, up-to-date. Nevertheless, the HLS is not to be taken as a ceiling, and the Framework requires the supply of housing to be boosted significantly.

*Other matters - Highways*

45. The highway authority raised no objections to the proposed access on to Gorse Lane, but considered that improvements would be necessary to the busy mini-roundabout junction at the end of Gorse Lane, to facilitate the increase in traffic that the scheme would generate. Due to the constraints around the junction, the highway improvements would be fairly limited including realignment of road markings, repositioning of some signs, resurfacing and replacing the existing painted mini-roundabout with a domed central island. Subject to the imposition of conditions to secure these improvements, the highway authority would be satisfied that the traffic from the development could be accommodated on the highway network and that the improvements would enhance the operation of the junction for other road users. Although I note the concerns of the Parish Council and local residents regarding traffic impact, I have no reason to disagree with the highway authority's conclusions.

*Planning Balance and Conclusion*

46. The proposed development would provide up to 39 market and affordable houses, and would generate economic, social and highway benefits. The submitted s106 obligation, together with the Deed of Variation, would secure the affordable housing. Nevertheless, the housing estate would result in the loss of two agricultural fields that form part of the rural setting to the village, and would be seen as an incongruous projection into the open countryside, beyond the recently endorsed settlement boundary for Bayston Hill.
47. Despite the proposed boundary landscaping, the houses would be seen as a prominent and intrusive development on the skyline that would fail to respect the local context and would harm the character and appearance of the area, particularly when seen from local footpaths and in views from the other side of the valley. The locally important undeveloped parts of the rural gap between the village and the outskirts of Shrewsbury would be eroded, potentially leading to further pressure for development within the gap. For the reasons set out above, the proposal would not represent sustainable development and, therefore, the presumption in favour of such development does not apply.
48. I attach considerable importance and weight to the harm that this unsustainable pattern of development would cause to the character and appearance of the area, and to the locally important gap. That harm would not be outweighed by the benefits of the scheme. I conclude, therefore, that there is little justification for the release of this greenfield site in the open

countryside, beyond the established village development limits, contrary to the CS Policies and SAMDev Policies as set out above.

49. Accordingly, for the reasons given, and having had regard to the various appeal decisions and court cases referred to me by both parties, the appeal is dismissed.

*Anthony Lyman*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

G. A. Grant of Counsel  
He called

Ian Reid DipTP MRTPI DipLD ESP Ltd  
CMLI

Edward West BA(Hons) Principal Policy Specialist - Shropshire Council  
MCD MRTPI

Mark Lynch BSc PGDipTP Consultant Town Planner - Shropshire Council  
PGCMS MRTPI

### FOR THE APPELLANTS:

Thea Osmund-Smith of Counsel  
She called

Allan Moss BA(Hons) BPI Allan Moss Associates  
MRTPI DipLA CMLI

Helen Howie MA(Hons) Berrys,  
MCD MRTPI

### INTERESTED PERSONS:

Adrian Emery	Local Resident
Andrew Goldsmith	Local Resident
Jillian Harvey	Local Resident
Christine Hitchcock	Local Resident
Cheryl Holmes	Local Resident
Jenna Kumiega	Local Resident
Cllr Teresa Lewis	Bayston Hill Parish Council

## **DOCUMENTS SUBMITTED AT THE INQUIRY**

1. Opening Statement by the appellants
2. Location plan of applications referred to by the Council and appellants
3. Planning consent for disposal of spoil from A5 on adjoining site
4. Relevant extracts from GLVIA3
5. Photograph 12: View from Nobold Lane
6. Photograph 13: View from Footpath 0443/59/1 north of Nobold
7. Aerial photograph indicating locations of photos 12 & 13 and angles of view
8. Bayston Hill cases – lead in times
9. Site specific deliverability problems (appendix H4) timeline
10. NLP evidence on lead in times on large sites
11. Various Inspectors' deductions on Shropshire supply figures
12. Erratums
13. Committee report for 2 dwellings at Gorse Lane 11/01316/FUL
14. Location map of Whittington site (ML appendix 8)
15. Oadby and Wigston Borough Council v SoS for DCLG and Bloor Homes [2015] EWHC 1879 (Admin)
16. City and District Council of St Albans v Hunston Properties and SoS for DCLG [2013] EWHC Civ 1610
17. Gallagher Homes and Lioncourt Homes v Solihull Metropolitan Borough Council [2014] EWHC 1283 (Admin)
18. Composite Table of All Sites Still in Dispute
19. Appeal Decision APP/L3245/W/15/3138824
20. Agreed Dimensions Plan
21. Copy of S106 Agreement dated 11 September 2015
22. Draft of Deed of Variation Pursuant to S106 Agreement
23. Description of 'Paddocks and Closes'
24. Page 2 of the Adopted Core Strategy
25. Letter from J and LG Williams dated 26 January 2016 inviting site visit party to view site from their property
26. Presentation by Mrs P C Hitchcock
27. Application for a partial award of costs by the Council
28. Copy of Court of Appeal Judgement re North Wiltshire District Council v Secretary of State for the Environment and Clover - (1993) 65 P & CR 137
29. Appellants' response to the application for costs
30. Closing Statement on behalf of the Council
31. Closing Statement on behalf of the appellants

## **DOCUMENT SUBMITTED AFTER THE INQUIRY**

32. Signed Deed of Variation dated 9 February 2016 relating to the original Section 106 Agreement dated 11 September 2015.