



Appeal Decision

Hearing held on 8 December 2015

Site visit made on 11 December 2015

by Beverley Doward BSc BTP MRTPI

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

Decision date: 9 December 2016

Appeal Ref: APP/L3245/W/15/3135371

Land to the west of Shrewsbury Road, Longden, Shrewsbury, Shropshire

- 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 Mrs M Hardwick against the decision of Shropshire Council.
 - The application Ref 14/00467/OUT, dated 30 January 2014, was refused by notice dated 24 March 2015.
 - The development proposed is described as "outline application for the erection of 14 dwellings to include means of access."
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was submitted in outline with all matters other than access reserved. I have dealt with the appeal on this basis. A layout plan illustrating a scheme for 14 dwellings was submitted with the planning application. However, I have taken this as being for indicative purposes only.
 3. The Council's reason for refusal refers to policies of the Shropshire Local Development Framework: Adopted Core Strategy March 2011 (Core Strategy). In the appeal documentation both main parties refer to the implications for the appeal of the emerging Shropshire Site Allocations and Management of Development (SAMDev) Plan. The Inspector's Report on the examination into the SAMDev Plan was published on 30 October 2015 and the implications for the appeal of the Inspector's Report on the examination into the SAMDev Plan were explored at some length at the Hearing. The SAMDev Plan was adopted on 17 December 2015 and together with the Core Strategy now forms the statutory development plan for the area. Accordingly, I have considered the appeal on this basis.
 4. A signed but undated Unilateral Undertaking (UU) relating to the provision of affordable housing and a footpath link from the site was submitted before the Hearing. Following the discussion of the UU at the Hearing in relation to the matter of the footpath link, a revised UU which was signed, dated and sealed was submitted in accordance with the agreed timetable. In the interests of natural justice the parties were given the opportunity to comment on the final version of the UU. I have had regard to the comments made on the UU in my consideration of the appeal.
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5. At the time of submitting the appeal the appellant's position, as set out in their appeal statement was that the Council could not demonstrate a five year supply of deliverable housing land and that therefore paragraph 49 of the National Planning Policy Framework (the Framework), which states that relevant policies for the supply of housing should not be considered up-to-date if the local authority cannot demonstrate a five year supply of deliverable housing sites, was engaged. At the Hearing session the appellant indicated that in the light of more recent evidence including the Inspector's Report on the examination into the SAMDev Plan and the findings of Inspectors on other appeals in Shropshire it was accepted that the Council could demonstrate a five year supply of deliverable housing land and no evidence was advanced to dispute this.
6. After the Hearing session but during my consideration of this appeal I was made aware of an appeal decision elsewhere in Shropshire in which the Inspector considered that the Council could not demonstrate a 5 year supply of housing land because it did not have a robust housing requirement based on an up-to-date Full Objectively Assessed Need for housing (FOAHN). The appeal decision dated 16 May 2016 relates to a site at Teal Drive, Ellesmere¹. In the interests of fairness and natural justice the parties were given the opportunity to comment on the implications, if any, of that decision for this appeal. The Council subsequently lodged a legal challenge to the Teal Drive decision and it was quashed in the High Court on 2 November 2016. The parties were given the opportunity to comment upon whether there were any further implications for this appeal as a result of the judgment. I return to this matter below.

Main Issues

7. In the light of the discussion at the Hearing and having regard to the evidence submitted since the Hearing I consider that the main issues are:
 - whether the proposal for housing in this location accords with the development strategy for the area;
 - housing land supply considerations;
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on highway safety; and
 - whether the proposal comprises sustainable development.

Reasons

Development Strategy

8. Policy CS4 of the Core Strategy indicates that in the rural area communities will become more sustainable by, amongst other things, focusing investment into Community Hubs and Community Clusters and not allowing development outside these settlements unless it meets policy CS5 of the Core Strategy. It also indicates that Community Hubs and Community Clusters are identified in the SAMDev Plan. In relation to Community Hubs and Community Clusters, the supporting text to policy CS4 of the Core Strategy indicates that development will be within the village or on land that has been specifically allocated for

¹ APP/L3245/W/15/3067596

development. It goes on to indicate that to prevent fragmented development, windfall development adjoining the village is not acceptable, unless it is an exception site for affordable housing or other development allowed under policy CS5.

9. Longden is identified by virtue of policy S16.2 (xi) of the SAMDev Plan as a settlement within a wider Community Cluster. The policy indicates that development by infilling, conversions of buildings and groups of dwellings may be acceptable on suitable sites within the villages, with a housing guideline for the Cluster of approximately 10-50 additional dwellings over the period to 2026. Of these dwellings 25-30 are to be in Longden village with the remainder spread evenly amongst the other Cluster settlements. The policy also refers to the Longden Parish Development Statement (LPDS) (2013) adopted by the Parish Council as an addendum to the Parish Plan (2010) which indicates that no individual site should be of more than 10-15 houses, expresses a preference for lower cost 2-3 bedroom properties and identifies zones with associated guidance for development in Longden. The appeal site lies within Zone 1 which is indicated in the LPDS as providing opportunities for limited development as long as the visual impacts to neighbouring properties are limited and suitable access to the site is developed. The LPDS also indicates that to minimise the impact on current dwellings, the preferred option within Zone 1 would be to site potential dwellings at the west end of the site along Plealey Lane (near the 'Little Barnyard' development).
10. The appeal site is part of a field which lies beyond the edge of the existing built form of the village of Longden at its northern end to the west of Shrewsbury Road and at the rear of the properties that front Plealey Lane. Accordingly, the proposed development would not be within the village of Longden or within the location of the preferred option for development in Zone 1 as indicated in the LPDS. Although the LPDS is not a formal Neighbourhood Plan it is afforded some weight, given its reference within policy S16.2 (xi) of the SAMDev Plan. At the Hearing the Council indicated that since 2011, 46 dwellings have been completed or committed within the wider Community Cluster, 23 of which are within Longden. Information provided since the Hearing indicates that the figure for Longden has increased further. Nevertheless the grant of planning permission for a further 14 dwellings beyond that previously indicated alone would exceed the guideline figures for both the wider Community Cluster and for Longden itself. Accordingly, the amount and location of the proposed development would be contrary to policy S16.2 (xi) of the SAMDev Plan.
11. As indicated above, the proposed development would not be within the village of Longden but rather would extend into the countryside on the edge of the village. In such areas policy CS5 of the Core Strategy indicates that new development will be strictly controlled in accordance with national planning policies protecting the countryside. It indicates that development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted where they improve the sustainability of rural communities by bringing local economic benefits, particularly where they relate to certain identified types of development including rural workers dwellings, affordable housing to meet a local need and the conversion of rural buildings. Although the list is not exhaustive, market housing, other than conversions of rural buildings is not identified as being permitted in the countryside.

12. Policy MD7a of the SAMDev Plan further clarifies the approach to housing development in the countryside. It indicates, amongst other things, that further to Core Strategy policy CS5, new market housing will be strictly controlled outside of Shrewsbury, the Market Towns and Community Hubs and Clusters. Accordingly, the appeal proposal for market housing within the countryside, albeit would contribute some affordable housing through the provisions of the UU, would be contrary to policy CS5 of the Core Strategy and policy MD7a of the SAMDev Plan.
13. I note the appeal decision at West Felton² referred to by the appellant. I also note that this decision pre-dates the adoption of the SAMDev Plan. As indicated above, the list of developments indicated within policy CS5 of the Core Strategy as acceptable within the countryside is not exhaustive. However, as also indicated above, policy MD7a of the SAMDev Plan complements Core Strategy policy CS5 and is clear in indicating that new market housing will be strictly controlled within the countryside. The SAMDev Plan has been found to be sound. Therefore I am satisfied that the approach adopted within policy MD7A of the SAMDev Plan with regard to development within the countryside should be considered consistent with national policy as too should policy CS5 of the Core Strategy which it complements.
14. The appellant contends that there is a need for a step-change in housing delivery in Shropshire in order to meet the Core Strategy requirement. The appellant also indicates that policy CS1 of the Core Strategy requires around 10,000 dwellings to be provided in the rural area over the plan period and states that less than half that amount will be provided for in the Community Hubs and Clusters having regard to the number of dwellings already built or committed and the SAMDev settlement guidelines. Accordingly, the appellant contends that over half of the dwellings to be provided in the rural area over the plan period need to be provided in the countryside and that the appeal site would contribute, as a windfall site, to meeting this requirement.
15. Policy MD3 of the SAMDev Plan relates to the delivery of housing development. It indicates that in addition to the development of the allocated housing sites set out in the Settlement Policies S1-S18, planning permission will also be granted for other sustainable housing development subject to the policies of the Local Plan, particularly policies CS2, CS3, CS4, CS5, MD1 and MD7a. It goes on to indicate the design requirements that all residential proposals should meet and then to indicate that the settlement housing guideline is a significant policy consideration, explaining the approach to be adopted where development would result in either more or less dwellings than the guideline figure. There is nothing in the evidence before me to lead me to conclude that the settlement housing guideline figure for Longden will not be met.
16. The supporting text to policy MD3 of the SAMDev Plan indicates that a key component of the housing land supply is the allocated sites with related guidelines. It goes on to indicate that 'windfall' development on other sites is also important, both within settlements and in the countryside, including both brownfield and, where sustainable, greenfield sites, having due regard to the policies of the Local Plan.
17. My reading of policy MD3 of the SAMDev Plan together with its supporting text lead me to the view that windfall developments within the countryside need to

² APP/L3245/W/15/3003171

be considered against the relevant Local Plan policies, namely policy CS5 of the Core Strategy and policy MD7a of the SAMDev Plan which seek to strictly control new market housing in the countryside. Accordingly, in so far as the appeal proposal would essentially be for market housing it would not satisfy these policies and therefore, having regard to the policies of the Local Plan, as required by policy MD3, it would not be an appropriate windfall housing development. Consequently, notwithstanding that the guideline figures for settlements are not maximum figures, the appeal proposal would not fall to be assessed against the considerations which apply where the guideline figure for a settlement would be exceeded as set out in the second part of policy MD3.

18. I note the appeal decision at Ludlow³ to which the appellant refers. However, I am mindful that the Council did not advance any evidence in support of its reason for refusal at the Inquiry into that appeal. Each case needs to be judged on its own merits, on the basis of the evidence before the Inspector, and it is on this basis that I have determined this appeal.
19. The Core Strategy policies and the policies of the SAMDev Plan referred to above are broadly consistent with the Framework, specifically the advice contained at paragraph 55 that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities and that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. Policy CS5 of the Core Strategy and policy MD7a of the SAMDev Plan are also broadly consistent with the core planning principle of the Framework that planning should recognise the intrinsic character and beauty of the countryside.
20. Drawing together all of the above therefore, the proposal for housing in this location would be contrary to the overall development strategy for the area and would fail to satisfy policies CS4 and CS5 of the Core Strategy and Policies MD3 and MD7a of the SAMDev Plan.

Housing land supply considerations

21. As indicated above although the appellants sought to cast some doubt over whether the housing requirement in the Core Strategy would be delivered they accepted at the Hearing session that the Council could demonstrate a five year supply of deliverable housing land based on the housing requirement set out in the Core Strategy.
22. Following the Teal Drive appeal decision which found that the Council could not demonstrate a 5 year supply of housing land because it did not have a robust housing requirement based on an up-to-date FOAHN. The Council produced a Full Objectively Assessed Housing Need Report (FOAHN report) dated 4 July 2016 which it indicates is intended to inform the upcoming partial review of Shropshire's Local Plan (2016-2036). The Council also indicates that the FOAHN report forms the most up-to-date evidence of housing need in the County up to 2026, the current Plan Period, and that therefore it considers that it is material to the determination of current planning applications and appeals.
23. The Council indicated that the FOAHN report supports its contention that it is correct and justified in continuing to use the Core Strategy housing requirement figure as the basis for calculating its housing land supply and that

³ APP/L3245/W/15/3001117

- on this basis it considered that Shropshire can demonstrate a 5.53 year supply of deliverable housing land.
24. The Council considers that the FOAHN report utilises a methodology consistent with that detailed in the Planning Practice Guidance (PPG) in that it identifies an appropriate housing market area (HMA) for which the assessment can be undertaken, utilises the 2012 based sub-national household projections as its starting point, considers the need to make adjustments in response to past planning policy; past housing provision; market signals; future jobs and employment forecasts; and provides a 'policy off' conclusion on the full and objective housing need for Shropshire. As a result of this analysis the Council indicates that the FOAHN report concludes that the FOAHN for Shropshire over the period between 2016 and 2036 is for some 25,178 dwellings (1,259 dwellings per annum). It also indicates that the first 10 year period covered in the FOAHN report coincides with the last 10 years of the current plan period (2016-2026) and that the FOAHN arising in this ten year period is 13,039 dwellings (1,304 dwellings per annum) compared to the Core Strategy requirement of 14,600 dwellings which uses a phased approach to delivery of 1,390 dwellings per annum (2016-2021) and 1,530 dwellings per annum (2021-2026). The Council contends therefore that the published FOAHN report confirms that it is correct and justified in continuing to use the Core Strategy requirement of 27,500 dwellings as the basis for calculating its housing land supply.
25. The appellant provided comments on the FOAHN report submitted by the Council and contended that it is not compliant with the Framework and PPG. The appellant contended that whilst the FOAHN report was more up-to-date than the Strategic Housing Market Assessment (SHMA) which was referred to in the Teal Drive appeal decision, she considered that the same criticisms that were made of the SHMA in that decision apply to the FOAHN report, namely that it is based on demographic projections only, does not adequately take into account market signals and does not make adjustments for employment trends. The appellant contended that the FOAHN report fails to meet the requirements of the Framework (paragraphs 17 and 47) and the PPG in relation to employment trends (paragraph 2a-018) and to market signals (paragraphs 2a-019 and 2a-020) and that it does not address the issues identified in the Teal Drive appeal decision and that therefore the Council did not have a FOAN and that the issues identified by the Inspector in the Teal Drive decision remained.
26. The appellant's criticisms of the FOAHN report were based on the Inspector's findings in the Teal Drive decision. However, as indicated above that decision has subsequently been quashed and therefore carries no weight. In any event the appellant did not provide an alternative FOAHN figure or housing requirement figure, other than to refer to evidence which had been produced by another part and was to be presented by that party at a public inquiry elsewhere in Shropshire the following month. Although the appellant indicated that evidence was in the public domain I was not provided with copies of it, nor was I provided with any indication as to what the appellant considered the Council's housing land supply position to be in the light of the criticisms expressed on the FOAHN. Furthermore, despite being afforded the opportunity to comment upon whether or not there were any further implications for this appeal as a result of the Teal Drive judgment the appellant has not submitted any further evidence.

27. The latest update of the Council's Five Year Housing Land Supply Statement indicates that it is able to demonstrate a 5.53 year supply of deliverable housing land. Accordingly, on the basis of the evidence that I heard at the Hearing session and the additional evidence submitted since I see no reason to regard the relevant policies for the supply of housing as being not up-to-date with respect to the advice at paragraph 49 of the Framework.

Character and appearance

28. In support of the appeal proposal the appellant has submitted a Landscape and Visual Impact Assessment (LVIA). This indicates that the site is not within an Area of Outstanding Natural Beauty or any designated Landscape Areas. It also indicates that the Shropshire Landscape Character Assessment describes the site and surrounding area as being Principal Settled Farmlands the key characteristics of which are mixed farming land use with a varied pattern of sub-regular, hedged fields.
29. The appeal site, on the northern edge of the existing built form of Longden, forms part of an extensive area of attractive countryside around the settlement which is gently undulating with the predominant land use being mixed farming. It is located to the rear of the linear residential development on the northern side of Plealey Lane and to the west of Shrewsbury Road, the main road that leads into the village from the north through the open countryside which serves to separate Longden from the neighbouring village of Annscroft. Shrewsbury Road rises uphill on the approach to Longden from the north. However, the village is not readily apparent until the brow of the hill. Views of the existing properties on the northern side of Plealey Lane and the property known as Cherry Trees, which fronts onto the western side of Shrewsbury Road, being limited by the existing mature landscaping along their boundaries, the hedgerow which runs along Shrewsbury Road and the hedgerows which form the existing field boundaries to the surrounding fields. Therefore, although the site adjoins the existing residential development along Plealey it appears as part of the wider area of countryside around the settlement and contributes to its rural setting.
30. The site has the physical characteristics and appearance of being open countryside to which policy CS5 of the Core Strategy applies and where all development is required to be consistent with the requirements of policies CS6 and CS17 of the Core Strategy which seek to protect, conserve and enhance the natural environment and make sure that development does not have an adverse visual affect on it.
31. Notwithstanding that the appeal proposal is in outline form with all matters other than access reserved, given the topography of the area, it seems to me that the proposed development of 14 dwellings would be highly visible on the approach to the village from the north along Shrewsbury Road. It would appear prominent extending down the hill from the higher level land at the rear of the properties on Plealey Lane and would appear as an alien urban intrusion into this area of otherwise open countryside. Furthermore, the visibility splays necessary to provide a satisfactory access would extend significantly into the open countryside surrounding the village. Accordingly, the proposed development would give rise to an incongruous and visually intrusive form of development which would cause significant harm to the character and appearance of both the wider surrounding countryside and the essentially rural

setting of the northern edge of the village. I am not persuaded that this harm would be materially reduced by landscaping either in the short or longer term. Therefore, the proposed development would conflict with policies CS5, CS6 and CS17 of the Core Strategy which are consistent with the core planning principle of the Framework that planning should take account of the character of different areas and recognise the intrinsic character and beauty of the countryside.

Highway safety

32. The Council's Highways Officer raises no objections to the proposal. Vehicular access to the proposed development would be provided off Shrewsbury Road and would provide 2.4m x 79m visibility splays in either direction onto Shrewsbury Road. I note the concerns of interested parties regarding the actual speed that traffic travels at along Shrewsbury Road in the vicinity of the proposed vehicular access and their views regarding the impact of the access on highway safety. However, the issue of traffic exceeding the speed limit is an enforcement matter. I have no reason to disagree with the Council's Highways Officer's conclusions in respect of the impact of the proposed vehicular access on highway safety.
33. There is no existing footway on Shrewsbury Road. In providing the necessary visibility splays the indicative layout plan shows that a section of footway would be provided along the western side of Shrewsbury Road from the access point towards the village. However, this would not extend beyond the property known as Cherry Trees. Accordingly, it is also proposed to provide a pedestrian/cycle link to Plealey Lane through the adjacent housing association garage site. Although I have some concerns regarding the submitted UU in so far as it relates to the provision of this link a suitably worded Grampian type condition could be imposed instead to bind the developer to provide the footpath link. Taking account of all of the above therefore, overall I am satisfied that the appeal proposal would not cause material harm to highway safety and would comply with the requirement of the Framework to achieve a safe and suitable access for all people to the site.

Sustainable development/Planning balance

34. Paragraph 7 of the Framework sets out three dimensions of sustainable development, namely the economic, social and environmental roles. These are mutually dependent and should be sought jointly to achieve sustainable development.
35. The appeal proposal would deliver some social and economic benefits. It would provide housing development which may provide some short term employment opportunities during the construction phase and then in the longer term would provide homes whose future occupants may contribute to the local economy and help support the local services and facilities in Longden. The proposal would also contribute to the supply of market housing and provide affordable housing through the provisions of the UU. Accordingly, these benefits are afforded some weight in favour of the proposal.
36. However, in relation to the environmental role the appeal proposal would cause significant harm to the character and appearance of the wider surrounding countryside and the rural setting of the northern edge of Longden. This would be contrary to the core planning principle of the Framework that planning

should take account of the character of different areas and recognise the intrinsic character and beauty of the countryside.

37. Taking all of the above into account therefore, I consider that the adverse impacts relating to the environmental role would be significant and are not outweighed by the benefits such that the appeal proposal would not comprise sustainable development as defined in the Framework. Moreover, the development plan is not out of date and the conflict that I have identified with it above is not outweighed by any other material considerations.

Other matters

38. The submitted UU includes provision for affordable housing and aims to ensure that a footpath link is provided from the site to Plealey Lane. It is common ground that both are necessary to make the development acceptable in planning terms, are directly related to the scheme and are fairly and reasonably related in scale and kind. Based on the submitted evidence I find no reason to disagree. However, as detailed above I have some concerns about the UU in so far as it relates to the provision of a pedestrian/cycle link from Plealey Lane to the site through the adjoining housing association garage site. From the evidence I cannot be satisfied that the named Housing Association has title to all of the land necessary. Accordingly, I cannot be certain that the UU would be competent to provide the rights claimed although a suitably worded Grampian type condition could be imposed instead. However, given my conclusions on the appeal, there is no need for me to consider this matter further.

Conclusion

39. To conclude therefore, although the appeal proposal would not cause material harm to highway safety it would not accord with the overall development strategy for the area as set out in the development plan and would cause significant harm to the character and appearance of the area in conflict with a number of policies of the Core Strategy as detailed above. Accordingly, it would be contrary to the development plan as a whole and would not comprise sustainable development. I have found no material considerations which would warrant making a decision other than in accordance with the development plan.
40. For the reasons set out above and having regard to all other matters raised therefore, I conclude that the appeal should be dismissed.

Beverley Doward

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Helen Howie MRTPI	Berrys
Amy Henson	Berrys

FOR THE LOCAL PLANNING AUTHORITY:

Andrew Gittens	Principal Planning Officer, Shropshire Council
Edward West MCD, MRTPI	Principal Planning Officer, Shropshire Council

INTERESTED PERSONS:

Cllr Roger Evans	Ward Councillor
N Evans	Vice Chair Longden Parish Council
Clive Roberts	Kembertons Town Planning Consultant on behalf of Longden Village Action Group
A F Macdonald C. Eng. MICE	A F Macdonald & Partners on behalf of Longden Village Action Group
Jackie Ingham	Longden Village Action Group (LVAG)
Paul Arnold	LVAG
John Loader	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

1. Photograph and photomontage
2. Shropshire Core Strategy policy CS1
3. SAMDev Plan policy MD7a
4. Plan titled approved planning applications in Longden Parish 2012-2015
5. Schedule titled applications granted or resolved to grant subject to S106 post 31st March 2015
6. Shropshire Council Conditions Appended to Statement of Case

DOCUMENTS SUBMITTED AFTER THE HEARING

1. Completed Unilateral Undertaking
2. Comments of Shropshire Council on Unilateral Undertaking
3. Comments of Interested Parties on Unilateral Undertaking
4. Comments of Appellants in response to comments on Unilateral Undertaking
5. Correspondence from appellant dated 17 May 2016 enclosing appeal decision APP/L3245/W/15/3067596.
6. Comments from Shropshire Council dated 27 June 2016 on implications of appeal decision APP/L3245/W/15/3067596, confirming that the Council has lodged a s288 statutory challenge against the decision and enclosing copies of the claim form, statement of facts and grounds and a letter from the Court.
7. Further comments from appellant dated 3 July 2016 on implications of appeal decision APP/L3245/W/15/3067596 and enclosing second defendant's grounds of resistance to legal challenge.
8. Correspondence from Shropshire Council dated 12 July 2016 enclosing Shropshire Full Objectively Assessed Housing Need report published on 5th July 2016 and an accompanying note outlining its key findings.

9. Correspondence from Shropshire Council dated 14 July 2016 confirming that the Council has lodged a s288 statutory challenge against the decision and enclosing copies of the claim form, statement of facts and grounds, a letter from the Court, Shropshire Full Objectively Assessed Housing Need report published on 5th July 2016 and an accompanying note outlining its key findings.
10. Correspondence from Jackie Ingham on behalf of LVAG dated 6 July 2016 providing comments on implications of appeal decision APP/L3245/W/15/3067596.
11. Correspondence from Jackie Ingham on behalf of LVAG dated 14 July 2016 enclosing further comments on implications of appeal decision APP/L3245/W/15/3067596.
12. Correspondence from appellant dated 15 July 2016 enclosing comments on Shropshire Full Objectively Assessed Housing Need report published on 5th July 2016 and an accompanying note outlining its key findings.
13. Correspondence from Shropshire Council dated 20 July 2016 enclosing further comments on implications of appeal decision APP/L3245/W/15/3067596.
14. Correspondence from Shropshire Council dated 11 November 2016 attaching copy of Teal Drive judgment and extract from Planning magazine and confirming that it did not wish to make any further comments.
15. Correspondence from Jackie Ingham on behalf of LVAG dated 17 November 2016 providing comments on implications of Teal Drive judgment.