



RIDGE

**SUMMARY PROOF OF EVIDENCE
OF GUY WAKEFIELD MRTPI
FOR LAND NORTH OF VIADUCT,
ADJOINING ORCHARD BUSINESS
PARK, LEDBURY,
HEREFORDSHIRE, HR8 2QY**

June 2020

PROOF OF EVIDENCE FOR LAND NORTH OF VIADUCT, ADJOINING ORCHARD BUSINESS PARK, LEDBURY, HEREFORDSHIRE, HR8 2QY

Appeal Reference: APP/W1850/W/20/3244410

LPA Reference: 171532

Prepared for

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SUMMARY PROOF OF EVIDENCE

- 1.1. This Proof of Evidence has been prepared by Guy Wakefield on behalf of Bloor Homes Western in respect of Herefordshire Council's refusal of planning application (reference: 171532) which is described as follows:

"Site for a mixed use development including the erection of up to 625 new homes (including affordable housing), up to 2.9 hectares of B1 employment land, a canal corridor, public open space (including a linear park), access, drainage, and ground modelling works and other associated works. The proposal is for outline planning permission with all matters reserved for future consideration with the exception of access".
- 1.2. The application was refused at planning committee, with the decision notice being dated 12th December 2019. The Council subsequently decided not to contest the appeal. Following on from this, Ledbury Town Council were granted Rule 6 Status.
- 1.3. As is set out in the SoCG with Herefordshire Council (CD4.1), the only matters which remains as disagreement is the level of shortfall in the five-year housing land supply. This is a matter which has been dealt with in detail within the proof of Mr Pyecroft.
- 1.4. Having regard to all the evidence set out above, the following conclusions have been drawn:
- 1.5. The site is allocated for development by policy LB2 of the Herefordshire Core Strategy. As is demonstrated within Section 6 of this Proof, the proposals accord with the policy. The reasons for refusal predominantly related to Highways, impact on the AONB and the impact on the Ledbury Conservation Area. These matters have all been dealt with and addressed within the proofs of Mr Millington, Mr Jackson and Mr Sutton.
- 1.6. It is therefore the appellants view that the appeal proposals accord with the Development Plan and therefore in line with paragraph 11(c) of the NPPF and Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning permission should be granted without any further delay.
- 1.7. Notwithstanding the above, if the Inspector were to conclude that the proposals did not accord with the Development Plan then other material considerations would weigh in favour of the scheme such that the proposal should be approved in line with Section 38(6) of the Planning and Compulsory Purchase Act 2004. Furthermore, the Council is unable to demonstrate a 5-year housing land supply. As a result, and because paragraph 14 does not apply for the reasons explained within the Proof, the tilted balance is engaged in accordance with paragraph 11(d) of the NPPF.
- 1.8. In accordance with paragraph 8 of the NPPF achieving sustainable development means that the planning system has three overarching objectives: economic, social and environmental. It is in relation to these three objectives that the tilted balance should be applied. However as is set out in paragraph 9 of the NPPF, *"they are not criteria upon which every decision can or should be judged."*

- 1.9. Where it is agreed in the SoCG with the LPA (CD4.1) that there is some harm to the Grade II Listed Viaduct this is considered to be less than substantial, at the lower end of the spectrum, and the public benefits significantly outweighs the less than substantial harm for the purpose of paragraph 196 of the NPPF. In the context of section 69 of the Planning (Listed Building & Conservation Area) Act 1990 the heritage harm is outweighed by the heritage benefits such that the proposal is consistent with the Act or in the words of Mr Sutton re the legislative test within the Act "... *this equates to 'preserving its special architectural and historic interest'...*".
- 1.10. There are no technical matters which would preclude the grant of planning permission.
- 1.11. For these reasons, therefore, the Secretary of State is respectfully invited to grant planning permission.

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