



# Appeal Decision

Inquiry Held on 7 August 2017

Site visit made on 16 August 2017

**by S R G Baird BA(Hons) MRTPI**

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

**Decision date: 02 November 2017**

**Appeal Ref: APP/E2001/W/16/3165930**

**Land north and east of Mayfields, The Balk, Pocklington, East Riding of Yorkshire YO42 1UJ**

- 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 Gladman Developments Limited against the decision of East Riding of Yorkshire Council.
- The application Ref DC/16/03253/STOUT/STRAT, dated 29 September 2016, was refused by notice dated 15 December 2016.
- The development proposed is the erection of up to 380 residential dwellings (Use Class C3, including up to 25% affordable housing), local centre with a children's day nursery (Use Class D1); a convenience store with up to 280 sq. m of retail floor space (Use Class A1); a 60 bed care home (Use Class C2); formal and informal public open space to include allotments, community orchard, children's play area, skate park and multiple use games area; structural planting and landscaping; surface water flood mitigation and attenuation and associated ancillary works.

## Preliminary Matters

1. The application was made in outline with all matters other than means of access reserved. At the opening of the inquiry the appellant requested that means of access be treated as a reserved matter. The local planning authority (Ipa) and Pocklington Town Council (PTC) had no objection to this change. No party would be prejudiced by access being treated as a reserved matter and I have dealt with the appeal on that basis.
2. The Ipa do not pursue; that part of reason for refusal (RfR) 2 which relates to the absence of a sequential/retail impact assessment and the third RfR relating to highways impact. The appellant requested that the submitted highways proof and rebuttal proof of evidence be taken as a written submission. PTC provided a written response to the appellant's highways evidence.
3. The appellant submitted a signed S106 Unilateral Undertaking (UU) providing for financial contributions for: bus stops, an Outdoor Sports Facilities Commuted Sum and a Public Spaces Protection Order. The UU also provides for the laying out and management of the public open space and that 25% of the dwellings would be affordable housing (AH) units.
4. An application for a partial award of costs was made by the East Riding of Yorkshire Council against Gladman Developments Limited. This application is the subject of a separate Decision.

5. Following the close of the inquiry, decisions on an appeal<sup>1</sup> lodged by the appellant relating to the refusal of outline planning permission for residential development on land at Holme-on-Spalding Moor and an application for an award of costs by the Ipa were issued. The parties were given an opportunity to comment on the implications of these decisions for their cases. I have taken the comments into account in coming to my decisions.
6. At the inquiry, the main parties requested that should the Court of Appeal Judgement<sup>2</sup> into a challenge to the High Court's judgement in the case of St Modwen Developments Ltd and (1) Secretary of State for Communities and Local Government (2) East Riding of Yorkshire Council and Save our Ferriby Action Group [2016] EWHC 968 (Admin) be issued before this appeal decision was issued they be given the opportunity to comment on its implications for their cases. I have taken the comments into account in coming to my decisions.

## **Decision**

7. The appeal is dismissed.

## **Main Issues**

8. These are: whether the Ipa can demonstrate a supply of specific deliverable sites sufficient to provide 5-years' worth of housing land supply (HLS); the implications for development plan policy and the planning balance.

## **Reasons**

### 5-year Housing Land Supply

9. Paragraph 47 of the National Planning Policy Framework (Framework) seeks to boost significantly the supply of housing. Lpas are to identify and update annually a supply of deliverable sites sufficient to provide 5-years' worth of housing land against their housing requirements with an additional buffer of 5% or 20% where there has been a record of persistent under delivery of housing. Based on an interim update of the 2016 Strategic Housing Land Assessment (SHLAA), which includes a 20% buffer and adopts the Sedgefield approach to address shortfalls in delivery, the agreed 5-year housing requirement is 11,591 dwellings.
10. Following a round-table session on disputed sites, the appellant identifies a HLS of some 10,610 dwellings (4.86-years) and the Ipa identifies a HLS of some 12,666 dwellings (5.46-years). The parties differ on whether a number of sites without planning permission and allocated in the Local Plan<sup>3</sup> (LP) can be considered deliverable and therefore are legitimately part of the required 5-year supply. The appellant draws particular attention to LP sites, described as "Jurassic" sites, where there is no planning application activity and no identified commitment from the landowner or a developer to bring the site forward within 5 years. These are sites for some 516 dwellings identified in previous LPs dating from 1996 to 1999 and brought forward into

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<sup>1</sup> APP/E2001/W/16/3165880.

<sup>2</sup> St Modwen Developments Ltd and (1) Secretary of State for Communities and Local Government (2) East Riding of Yorkshire Council and Save our Ferriby Action Group [2017] EWCA Civ 1643.

<sup>3</sup> East Riding Local Plan 2012-2029, Strategy Document Adopted April 2016 & East Riding Local Plan 2012-2029 Allocations Document. Adopted July 2016.

the current LP and Prospectus<sup>4</sup> sites for some 1,116 dwellings. In addition, the appellant highlights that the actual delivery of housing has not met projections in the LP or successive SHLAAs. The appellant says that these factors call into question the realism and deliverability of the 5-year HLS.

11. Framework Footnote 11 identifies that to be considered deliverable, sites should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within 5 years and in particular that development of the site is viable. Planning Policy Guidance<sup>5</sup> (PPG) gives guidance on what constitutes a deliverable site for the application of housing policy. Given the dispute relates to allocated sites, the first sub-paragraph of Paragraph 031 is relevant in this case i.e. "*deliverable sites for housing could include those that are allocated for housing in the development plan ... unless there is clear evidence that schemes will not be implemented within 5 years*". Here, whether the Ipa is able to demonstrate a 5-year HLS in accordance with the Framework revolves around the distinction between what is deliverable and what will be delivered.
12. The Wainhomes judgement<sup>6</sup> confirms that an allocation in an emerging LP may be evidence in support of a conclusion that such sites are deliverable. Here, as the appellant acknowledges, given the LP is adopted the Wainhomes conclusion applies with greater force. The distinction between deliverability and delivery was been considered in the St Modwen Developments judgement<sup>7</sup>. This judgement, a challenge to which was dismissed in the Court of Appeal, highlights that the Framework and the assessment of HLS are concerned with deliverability, which is an assessment of the likelihood that housing will be delivered in the 5-year period on that site. The judgement says, "*The assessment of housing land supply does not require certainty that the housing sites will actually be developed within that period. The planning process cannot deal in such certainties*". I take this to mean that for a site to be deliverable, it should be capable of being delivered not that it will be delivered. Thus as the appellant accepted<sup>8</sup> the decision maker has to have clear evidence<sup>9</sup> to show that there is not simply doubt or improbability but rather no realistic prospect that the sites could come forward within the 5-year period.
13. It is not disputed that over successive SHLAAs and by reference to the LP, completion rates have consistently failed to meet estimates of projected delivery. In determining whether an Ipa has achieved the requirements of the second bullet point of Framework paragraph 47, the calculation has 2 distinct elements. These are identifying (a) requirement/need and (b) supply and are the second and third bullet points of Framework paragraph 47. The illustration of the expected rate of delivery, the housing trajectory, is separate and dealt with at the third bullet point of Framework paragraph 47. In my view, the illustration of the housing trajectory is different from the assessment of what is deliverable. In light of the St Modwen

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<sup>4</sup> East Riding of Yorkshire Council Housing Sites Prospectus February 2017.

<sup>5</sup> Paragraph: 031 Reference ID: 3-031-20140306.

<sup>6</sup> Wainhomes(South West) Holdings and (1) The Secretary of State for Communities and Local Government (1) Wilshire Council (2) Christopher Ralph Cornell and Sarah Cecilia Cornell. [2013] EWHC 597 (Admin).

<sup>7</sup> St Modwen Developments Ltd and (1) Secretary of State for Communities and Local Government (2) East Riding of Yorkshire Council and Save our Ferriby Action Group [2016] EWHC 968 (Admin).

<sup>8</sup> X-Examination of Mr Johnson

<sup>9</sup> Planning Policy Guidance Paragraph: 031 Reference ID: 3-031-20140306.

Developments judgement, the trajectory identifies what is likely to happen and the deliverable supply is an expression of what is capable of happening. Trajectory does not, in my view, go to the process required to determine whether a site is deliverable under the terms of Framework policy. Rather it is, as the St Modwen Developments judgement identifies, that past shortcomings in the supply of land are to be addressed in the manner required by the Framework i.e. through the application of a 20% buffer. In my view not achieving the trajectory does not go to the determination of whether a site is, in planning policy terms, deliverable. Drawing this together, and as reflected in the South Cave<sup>10</sup> and Holme-on-Spalding Moor decisions<sup>11</sup>, the exercise I have to undertake is to determine whether a site is capable of being delivered as opposed to establishing whether it will be delivered in the 5-year period.

14. Regarding the "Jurassic" and Prospectus sites, many of these sites were assessed as part of the recent Local Plan Examination in 2015/2016. Then the Examining Inspector concluded that a 5-year HLS existed. The Inspectors in the March and August 2017 South Cave and Holme-on-Spalding Moor decisions reached similar conclusions. In preparing the SHLAA, the Ipa has adopted a proactive approach, as reflected by the publication of the Prospectus, and a robust procedure that includes input from a cross-section of stakeholders active in the housing sector. Stakeholder input comes via a Core Group of national and local house builders and a Wider Group of other housebuilders and agents. These inputs add substantial weight to the case that a 5-year HLS exists.
15. Regarding the recent submissions by the House Builders Federation (HBF), clearly its overarching experience in the housing sector is a valuable input into the process. However, in terms of the "Jurassic" sites, the submission does not add to the existing process of the annual review of the SHLAA. Indeed, it appears to reflect the robust process that is already being carried out. More fundamentally, the HBF suggest that for allocated sites to be included within the 5-year supply there should be an identified commitment from a landowner/developer to bring the site forward within 5 years. This reflects the divergence between deliverability and delivery as clarified by the St Modwen Developments judgement. The HBF's suggested criterion is neither reflected in the Framework nor in case law. Moreover, PPG does not support this point. What paragraph 020 of PPG<sup>12</sup> does indicate that where a developer/landowner input is identified, the decision maker can have a greater degree of confidence in concluding that a site is deliverable. As indicated above, the Prospectus published by the Ipa earlier this year indicates to me a proactive approach bringing sites currently without planning activity to the wider attention of the market. The fact that a site is included in such a document is not an indication that these sites are not deliverable. Indeed it was accepted by the appellant that several of these sites are now the subject of planning activity.
16. Drawing together these points, I agree with the conclusions of the previous Inspectors that neither the absence of: delivery in the past, planning activity and developer/landowner commitment indicates that the disputed sites are

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<sup>10</sup> APP/E2001/W/16/3151699.

<sup>11</sup> APP/E2001/W/116/3165880.

<sup>12</sup> Paragraph: 020 Reference ID: 3-020-20140306.

undeliverable and should not be included within the 5-year supply. Moreover, I note that even if the "Jurassic" sites were discounted, the Ipa would still be able to demonstrate a HLS in excess of 5 years.

17. The list of disputed sites has not changed significantly since the South Cave and Holme-on-Spalding Moor inquiries. In addition to the issue of developer commitment, a key component of the appellant's contention that sites should not be included within the 5-year supply is that there is no robust evidence set out within the SHLAA to demonstrate that completions will be achieved within the 5-year period. This contention was before the Inspectors in the 2 previous inquiries and did not persuade my colleagues that having regard to Framework paragraph 47 and up-to-date case law that the sites were not deliverable.
18. With regard to the disputed sites before me, the appellant has, following the Holme-on-Spalding Moor inquiry, undertaken further investigations. This exercise involved contacting the agent/landowner seeking information on their intentions and or the current position. Whilst such an exercise is to be commended, it has not, in my view, materially advanced the sum of knowledge regarding deliverability. In many cases no contact was able to be made, in others there was an indication albeit sparse that discussions were taking place between landowners and developers and in others the information clearly contradicted recent information given to the Ipa by the same agents/landowners. The Ipa's description of the appellant's position as "*our evidence is the absence of evidence*" is an apt description and does not amount to clear evidence to show that there is no realistic prospect that the sites would not be capable of coming forward within the 5-year period.
19. Taking all of the above factors into consideration, I agree with the recent conclusion of the Inspector in the Holme-on-Spalding Moor decision that that there is no "...robust evidence to suggest that the SHLAA assessment made, the methodology applied or the up-to date evidence provided by the Council no longer provides a reasonable basis on which to consider the sites deliverable in the terms required by the NPPF." Accordingly, I conclude that, for the purposes of determining this appeal, the Ipa can demonstrate a 5-year supply of deliverable housing land.

#### Other Considerations

##### Highway Safety

20. Initially the highway authority (HA) objected to the proposal. However, following a reassessment of the Transport Assessment (TA) the HA has withdrawn its objection. The TA is robust and accident data relating to The Balk/A1079 York Road junction does not indicate a material deficiency in the design/operation of the junction. In the absence of objective evidence, I have no reason to conclude that traffic generated by this development would materially affect highway safety.

##### Landscape

21. The East Riding of Yorkshire Landscape Character Assessment – Selected Settlements Update 2013<sup>13</sup> examines the finest grain and is the most relevant in assessing the landscape and visual impact of this scheme. The

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<sup>13</sup> This updates the East Riding of Yorkshire Landscape Character Assessment – November 2005.

site is located within Landscape Character Type (LCT) 1 - Flat Open Farmland - Area C, which covers an extensive area to the south of Pocklington. This is a flat undulating landscape consisting of medium sized arable fields. In this relatively featureless landscape, vegetation is limited to small, fragmented woodlands to the south of Burnby Lane and around Willow Waters/Willow Waters Fishery. Public views are largely to the south from The Balk and Public Footpath No. 8 that links it to Burnby Lane. Views to the east and north-east to the Yorkshire Wolds are limited, even in winter, by the dense woodlands along Burnby Lane and around Willow Waters/Willow Waters Fishery.

22. The 2013 Update assesses landscape character sensitivity, visual sensitivity and landscape value as Medium giving an overall landscape sensitivity to change of Medium. Since the 2013 Update, land to the north-west of the appeal site on the opposite side of The Balk has been developed for housing and planning permission has been granted for residential development on land immediately to the north of the public footpath. Noting what the Ipa say about the appellant's Landscape and Visual Impact Assessment (LVIA), I consider the LVIA, the evidence provided by the appellant to the inquiry and the conclusions reached are robust and comprehensive.
23. In terms of landscape character, the change from a featureless agricultural landscape would, at the time of construction, have a moderate adverse impact. Post-construction, with the maturing of the proposed green infrastructure within and on the margins of the site, the overall effect would be that of a minor adverse impact on the landscape character of what is an extensive LCT that has medium sensitivity to change.
24. As to visual impact, the appeal site has a limited visual envelope, which restricts the number of potential receptors to a few dwellings that abut or are close to the site and users of Public Footpath No. 8/The Balk. Given there are unrestricted views over the appeal site, the immediate visual impact of the development would be a major/moderate adverse effect. However, as the proposal is submitted in outline and a substantial amount of green infrastructure is proposed the visual impact of the development could be acceptably mitigated. Post-construction, the visual impact would be no higher than minor adverse.
25. Turning to whether the appeal site should be identified as part of a "valued" landscape and, in the context of Framework paragraph 109, one who's enhanced planning status should be taken account of in the planning balance. All landscapes are valued by someone at some time, particularly countryside that is threatened by development. However, that does not necessarily make it a valued landscape for the purposes of Framework paragraph 109. Although the Framework refers to valued landscapes it does not provide a definition of what type of landscape that might be. Case law and Inspectors' decisions have identified that "valued" means something more than popular, i.e. if it had physical attributes which took it out of the ordinary. The Guidelines for Landscape and Visual Impact Assessment (GLVIA3), provides at Box 5.1 a range of factors that can help in the identification of valued landscapes. These include landscape quality/condition - medium; scenic quality – generally featureless; rarity and representativeness – here the site forms part of an extensive LCT; conservation interests – negligible; recreation value – none on the site;

perceptual aspects and associations - negligible. Drawing these factors together, the overall quality of the landscape in this area is ordinary. Thus the site does not fall to be considered in the planning balance as a "valued" landscape.

#### Impact on Local Businesses

26. Willow Waters, a private fishery, located adjacent to the site and comprises 2 fishing lakes, several holiday lodges and an owner's dwelling. Separate and located immediately to the south-east are several buildings used for permanent residential accommodation. To the north are 2 large agricultural storage buildings and a large detached house, also, confusingly, called Willow Waters, which is set within dense deciduous woodland (Duck Belt).
27. Only a small part of the fishery in the north-east corner would abut the proposed development. Even then the fishery would be separated from the proposed development by the access track to the agricultural buildings. The illustrative Development Framework Drawing shows a belt of open space located in this area, the extent and nature of which could be determined at the reserved matters stage. In these circumstances, the substantial separation provided by Willow Waters, Duck Belt, the agricultural buildings/land and the proposed open space would ensure that the appeal scheme would have no material impact on the operation or attractiveness of Willow Waters Fishery.
28. PTC and others assert a shortage of town centre car parking suggesting that traffic generated by the development would exacerbate this shortage. I visited the town centre on several occasions at different times of the day. Whilst the centre was busy, on and off-street parking was generally available. This availability was confirmed by a survey undertaken by the appellant in July. Whilst my observations and the appellant's survey are snapshots, they do not bear out the concerns of PTC. Moreover, town centre parking is under the control of the Council who has the ability to ensure that car parking capacity is managed to serve the needs of the short-term shopper/visitor.
29. To address the second RfR the appellant produced a Retail Policy Assessment, which satisfied the Ipa's concerns regarding potential impact on vitality and viability. Although the town centre has limited provision of convenience goods retailing, it appears a vital and viable centre with high levels of pedestrian activity and few vacant units. I have no reason to conclude that these were unique observations. The retail assessment, which was not challenged, does not suggest that this proposal would materially harm the vitality and viability of Pocklington town centre. I have no reason to disagree with its conclusion.

#### Development Plan Policy

30. LP Strategy Document (SD) Policy S3 identifies a settlement network to be the main focus for growth with, The Major Haltemprice Settlements; Principal Towns and Towns as the top 3 tiers. Development is to be focussed within settlement limits. The objective of defining a settlement network is to "*...ensure that the right level of development takes place in the right place*" i.e. sustainable development. Policy S3 (A) identifies Pocklington as a Town. Towns are to provide the local focus for development to support and

complement the 2 tiers above and the City of Hull. The appeal site is located adjacent to but outside the identified settlement limits of Pocklington. The supporting text to Policy A6 indicates that development will be promoted "*...on suitable sites within the existing development limits and where required on urban extensions identified through the Allocations Document or Neighbourhood Plan*". Policies S3 and AD6 also need to be read together with AD Policy S5 which identifies an allocation of 1,250 dwellings for Pocklington. The allocations under Policy S5 are not a cap and as such the appeal proposal would not be in conflict with Policy S5. The AD has identified and allocated sites within Pocklington. Currently, there is no neighbourhood plan and the allocations document does not identify any required urban extensions. On a fair reading of these 2 policies there is no tension between them and as the appeal site is outside the development limits it is in conflict with AD Policy S3.

31. SD Policy S4 refers to development in villages and the countryside. Policy SD4 part A indicates that outside the Policy S3 settlements development will be supported where, amongst other things, it is of an appropriate scale to its location taking into account the need to support sustainable patterns of development, does not involve significant loss of land and in the case of development in the countryside accords with part C of the policy. Policy S4 part C indicates that land outside the development limits is regarded as countryside and lists several forms of development that may be supported none of which include the appeal. Thus, when this policy is read as a whole, the appeal proposal would conflict with SD Policy S4.
32. Having regard to my conclusions at paragraphs 20, 27 and 29, I consider the proposal would not conflict with the relevant parts of SD Policies S7, EC3 and EC4. The level of AH would be consistent with SD Policy H2. The supporting text to SD Policy H1 identifies that the majority of specialist accommodation needed in the East Riding is for older people and recognises there is relatively little extra care housing provision in the East Riding in relation to the size and growth of the retired population. The development of extra care housing in Towns should be considered where it would meet an identified need. Proposals for specialist accommodation on unallocated sites will be supported where the development is commensurate with the role and scale of the settlement. In terms of the scale of the proposed provision, I consider it would be consistent with the role and scale of Pocklington. As to need for this type of provision on an unallocated site, in light of current proposals/provision within the local area, I consider the evidence does not demonstrate that this proposal would accord with SD Policy H1. Having regard to my conclusions regarding impact on landscape character and visual impact, there would be conflict with SD Policy ENV2, albeit any harm would be limited.
33. As acknowledged by the appellant, SD Policies S3, S4 and S5 are overarching policies. In my view, they go to the heart of the Ipa's objective as expressed in SD Policy S1 regarding sustainable development. Based on my observations and having reviewed the evidence regarding the site's location in relation to the town centre and other facilities, I consider the site is in a sustainable location. That said, the conflict with the overarching LP policies for promoting sustainable development and managing the scale and location of development to achieve that goal leads me firmly to the

conclusion that the proposal conflicts with the development plan when taken as a whole.

#### Planning Balance and Overall Conclusions

34. The development plan is recently adopted and the Ipa can demonstrate a 5-year HLS. In relation to this proposal the development plan is neither absent, silent nor out-of-date. As such the presumption in favour of sustainable development and the tilted balance provided for by Framework paragraph 14 are not engaged<sup>14</sup>. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
35. The Framework (paragraphs 6-10) promotes sustainable development, which is defined as having 3 dimensions, economic, social and environmental, these gains to be jointly and simultaneously. Moreover, Framework paragraph 47 spells out the Government's clear message that the supply of housing should be boosted significantly.
36. This proposal to provide up to 380 dwellings of which 25% would be AH would be a boost to the housing supply, and along with the retail unit, a day nursery and a 60-bed care home would bring social and economic benefits. In economic terms the benefits would be employment during the construction, spending by the residents new to Pocklington, the payment of the New Homes Bonus and additional Council Tax revenue. The provision of public open space, which would be available to and benefit existing residents as well and those occupying the development and the green infrastructure, would provide social and biodiversity benefits.
37. Whilst the range of benefits associated with this proposal go towards the achievement of sustainable development, the majority are generic and non-specific and are no more than would be expected from any development. As such these benefits attract limited positive weight. The weight to be attached to benefits associated with the provision of the care home are, given the absence a demonstration of local need, difficult to assess. However, given the indications expressed in the supporting text to SD Policy H1 regarding a general need, its provision is something to which I also attach limited weight. In a district where there is an acknowledged shortage of AH, the provision of up to 95 units would be major boost and a benefit that I attach significant weight to.
38. Drawing these factors together, whilst the benefits contribute to sustainable development they do not address the fundamental issue of location and the material harm to the overarching settlement strategy of the development plan. In my view the development plan objective of achieving sustainable development is underpinned by the settlement strategy espoused through overarching SD Policies SD3 and 4. The benefits are largely generic and as such do not provide a specific justification for the development. Thus notwithstanding the significant weight I accord to the provision of AH, when

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<sup>14</sup> Barwood Strategic Land II LLP & (1) East Staffordshire Borough Council (2) Secretary of State for Communities and Local Government [2017] EWCA Civ 893.

taken together they do not, in my view, amount to considerations that would outweigh the conflict with the development plan when taken as a whole.

39. In coming to the above conclusion, I have taken careful note of the Apostle Oak Cottages appeal decision<sup>15</sup> which has a number of similarities to the case before me. In that case the Inspector attached considerable weight to the Framework objective of boosting significantly the supply of housing and found that notwithstanding the conflict with settlement boundary policy the development would accord with the remainder of the development plan and found it would be in accordance with the development plan as a whole. The Inspector concluded that the benefits of the scheme would significantly outweigh the policy breach. Whilst I am not familiar with all of the details of this case, the Inspector's conclusions are those of a decision maker applying a planning judgement to the circumstances of the case before him. I have done the same in this case but have reached a different conclusion based on the evidence before me as I am entitled to do.
40. Whilst a S106 UU has been provided I have not reached any conclusion on the appropriateness of its contents as I am dismissing this appeal for other reasons.
41. For the above reasons and having taken all other matters into consideration the appeal is dismissed.

*George Baird*

Inspector

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<sup>15</sup> APP/J1860/W/16/3144810 May 2016.

## **APPEARANCES**

### **FOR THE APPELLANT**

John Barrett of Counsel, instructed by Gladman Developments Limited

He called:

M Johnson MRICS, MRTPI.  
Managing Director, Johnson Mowat.

L Herring MsC MRTPI (Housing Need & Supply Round Table)  
Senior Planner Johnson Mowat.

G Venning MA.  
Director, Bailey Venning Associates.

J Evans BA (Hons), PG Dip LA, CMLI.  
Associate Landscape Architect, FPCR.

S Carvel MTCP, MRTPI.  
Senior Planner, Gladman Developments Limited.

### **FOR THE LOCAL PLANNING AUTHORITY**

Charles Banner and Matthew Henderson of Counsel, instructed by Peter Atkinson, Solicitor.

They called:

O Robinson MA, MRTPI.  
Principal Planning Policy Officer.

J Hobson BA (Hons), MA, MRTPI. (Housing Need & Supply Round Table).  
Planning Officer.

S Hunt BA (Hons), MA, MRTPI.  
Principal Development Control Officer.

### **FOR POCKLINGTON TOWN COUNCIL**

David K Hickling BSc, Dip TP, MRTPI.  
Planning Consultant.

### **INTERESTED PERSONS**

Mrs D Slights, Willow Waters Fishery.  
Mr Hicks, Chairman, Pocklington & Wolds Gateway Partnership.  
Mrs S Crooks, East Yorkshire Liberal Democrats.  
Cllr D Sykes, Pocklington Town Mayor.  
Mr J Brown.  
Mr T Jones.  
Mr A Pearce.  
Mrs S Woodcock.

## DOCUMENTS SUBMITTED AT THE INQUIRY

- Doc 1 - Costs application by East Riding of Yorkshire Council.
- Doc 2 - Gladman's Response to costs application.
- Doc 3 - List of agreed suggested conditions.
- Doc 4 - Certified Copy of S106 Unilateral Undertaking.
- Doc 5 - Appellant & ERYC revised position on disputed sites post round table session.
- Doc 6 - EYRC 5-year housing land supply 1/4/17-31/3/22, appellant's revised position post round table session.
- Doc 7 - Statement re CIL Regulation tests.
- Doc 8 - Addendum statement re CIL Regulation tests.
- Doc 9 - PTC response to appellant's highways case.
- Doc 10 - Extract from Manual for Streets.
- Doc 11 - Extract from Guidelines for Providing for Journeys on Foot.
- Doc 12 - Extract from Planning Resource.
- Doc 13 - Bundle of documents re refusal of planning application DC/17/01757.
- Doc 14 - Email dated 8 August 2017 York Housing Market Area.
- Doc 15 - Pocklington Residents Survey (2017) Results.
- Doc 16 - Statement by Mr Hicks.
- Doc 17 - Statement by Mr Brown.
- Doc 18 - Statement by Mr Jones.
- Doc 19 - Statement by Cllr. Sykes.
- Doc 20 - Appeal Decision APP/J1860/W/16/3144810.
- Doc 21 - Note from N. Appleton re proposed C2 development.
- Doc 22 - Appellant's opening submissions.
- Doc 23 - Appellant's closing submissions.
- Doc 24 - Lpa's opening submissions.
- Doc 25 - Lpa's closing Submissions.
- Doc 26 - Pocklington Town Council's opening submissions.
- Doc 27 - Pocklington Town Council's closing submissions.

## DOCUMENTS SUBMITTED AFTER THE CLOSE OF THE INQUIRY

- Doc 28 - Appeal Decision APP/E2001/W/16/3165880
- Doc 29 - Costs Decision APP/E2001/W/16/3165880
- Doc 30 - East Riding of Yorkshire Council's response re Appeal/Costs Decision APP/E2001/W/16/3165880.
- Doc 31 - Gladman response re Appeal/Costs Decision APP/E2001/W/16/3165880.
- Doc 32 - Pocklington Town Council's response re Appeal/Costs Decision APP/E2001/W/16/3165880.
- Doc 33 - East Riding of Yorkshire Council's response re St Modwen Developments Ltd and (1) Secretary of State for Communities and Local Government (2) East Riding of Yorkshire Council and Gladman response re Save our Ferriby Action Group [2017] EWCA Civ 1643.
- Doc 34 - Gladman's response re St Modwen Developments Ltd and (1) Secretary of State for Communities and Local Government (2) East Riding of Yorkshire Council and Save our Ferriby Action Group [2017] EWCA Civ 1643.