



# Appeal Decisions

Inquiry opened on 4 November 2008

Site visit made on 6 November 2008

by **Martin Whitehead** LLB BSc(Hons)  
CEng MICE

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

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Decision date:  
16 March 2009

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## Appeal A Ref: APP/N4720/A/08/2077481

### Land off Fleet Lane, Oulton, Leeds LS26 8HX

- 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 Oulton Hall Ltd against the decision of Leeds City Council.
- The application Ref P/08/00943/OT, dated 15 February 2008, was refused by notice dated 19 May 2008.
- The development proposed is residential development with associated parking and landscaping.

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## Appeal B Ref: APP/N4720/A/08/2077485

### Land off Royds Lane, Rothwell, Leeds LS26 0BJ

- 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 Oulton Hall Ltd against the decision of Leeds City Council.
- The application Ref P/08/00953/OT, dated 15 February 2008, was refused by notice dated 19 May 2008.
- The development proposed is residential development with associated parking and landscaping.

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## Preliminary and Procedural Matters

1. The inquiry sat for 5 days on 4, 5 and 6 November 2008 and 9 and 10 February 2009.
  2. Both appeal applications were submitted in outline form with all matters of detail, except access, reserved for later consideration. The appellant has submitted plans showing the layout of the proposed developments, but has confirmed that they are only indicative. I have dealt with the appeals on this basis.
  3. The appellant has submitted Drawing No 07-452-002 Revision B for Appeal A and Drawing No 07-453-TR-001 Revision A for Appeal B. The Council has accepted that the details shown on these drawings would help to address its concerns about the local highway infrastructure and highway safety. I have taken them into account in the determination of the appeals and I am satisfied that this will not prejudice the interests of any of the parties.
  4. At the inquiry, the appellant submitted an engrossed Section 106 Agreement for Appeal A, and an engrossed Section 106 Agreement for Appeal B. Both would secure contributions towards affordable housing, education, green travel plan monitoring, play space and public transport. I have given the Agreements significant weight as, without them, the appeal proposals would not comply
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with Leeds Unitary Development Plan (Review 2006) (UDP) Policy GP5, and permission should not be granted.

## **Decisions**

### ***Appeal A***

5. I dismiss Appeal A.

### ***Appeal B***

6. I dismiss Appeal B.

## **Main issues- Appeal A and Appeal B**

7. At the inquiry, the Council confirmed that it was satisfied that neither of the proposals would lead to highway capacity or safety problems. I accept that these matters in the 5th reason for refusal have been addressed. Therefore, the main issues in both Appeal A and Appeal B are the effect of the proposal on housing land supply in the region; whether the proposal would be an acceptable development outside defined settlement boundaries; and its effect on the need to travel by private car.

## **Reasons- Appeal A and Appeal B**

### ***Background***

8. The Appeal A site consists of part of a field adjacent to the edge of Oulton. It is bounded by Fleet Lane and the rear of houses to the north, houses off Farrer Lane to the west and Oulton Brook to the south. The Appeal B site consists of a field adjacent to the edge of Rothwell. It is bounded by a golf course to the north and east, sports pitches to the west, Royds Lane, with housing development along it, to the south west and housing development along Arran Way to the north west. The indicative layout plans show 104 x 2, 3 and 4 bedroom houses on the Appeal A site and 114 x 2, 3 and 4 bedroom houses on the Appeal B site.

### ***Housing Land Supply***

9. The spatial vision and core approach for the region over the next 15 to 20 years is given in the Yorkshire and Humber Plan Regional Spatial Strategy to 2026 (RSS). It was adopted in May 2008 and therefore provides up-to-date development plan policies. It seeks to ensure that there will be more sustainable patterns and forms of development, investment and activity. Table 2.2 identifies the method of delivering the core approach over 15-20 years. With regard to housing, in the early years best use should be made of existing allocations and already identified urban potential in cities and towns. This approach is similar to the sequential approach given in the housing policies in the UDP, which have been saved.
10. The Council has published its Housing Land Annual Monitor Report (AMR) for December 2008. The 2008-14 assessment is described in its document: *5 year housing land supply 2008-13 & 2009-14*. It is drawn from three groups of sites, consisting of outstanding permissions and allocations and emerging brownfield sites.

11. The national approach to housing is given in Planning Policy Statement (PPS) 3: *Housing*. It requires local planning authorities to demonstrate a 5 year supply of deliverable housing sites. In this respect, the advice produced by the Department for Communities and Local Government (DCLG) is in 3 main stages. The first stage is to identify the level of housing provision to be delivered over the following 5 years which, where available, should be from the adopted development plans. UDP Policy H1 seeks to ensure that provision is made for the annual average requirement for housing identified in the RSS. The required annual average net additions to the dwelling stock for Leeds from 2008 to 2026 is given as 4300 in Table 12.1 of the RSS.
12. Stage 2 of the DCLG advice requires the identification of sites that have the potential to deliver housing during the following 5 years, including unallocated brownfield sites to be considered deliverable in terms of paragraph 54 of PPS 3. Leeds City Council has not completed a Strategic Housing Land Availability Assessment (SHLAA) during 2008 to provide information to identify specific deliverable sites in the 5 year period, which is recommended in paragraph 54 and is given as a requirement of RSS Policy H2.
13. The AMR includes a table which shows that the forecast net housing supply, allowing for clearance losses of 1275, will be 17688 dwellings within the 5 year period 2008-13. This would provide less than the annual average given in the RSS. Even making allowance for a cumulative surplus above the RSS annual requirement of 2260 from 2004 to 2008, the AMR suggests that there would be a prospective deficit of 2722 dwellings over this 5 year period. Its housing trajectory gives 2009-10 as the only year within that period where the net supply is forecast to be above the RSS average. It is not until after the end of the 5 year period that it is forecast to be consistently above that average.
14. The third stage of the DCLG advice is to assess the deliverability of the identified potential sites. Paragraph 54 of PPS 3 establishes criteria for considering whether sites are deliverable. These require the site to be available now, suitable to contribute to the creation of sustainable, mixed communities, and have a reasonable prospect that housing would be delivered on it within 5 years. Taking account of this advice, GVA Grimley has carried out its own assessment of the Council's housing trajectory on behalf of the appellant, which gives a 5 year housing supply of 11157 dwellings. The differences between the AMR figures and those of GVA can mainly be attributed to the following reasons.
15. GVA has discounted 68 dwellings that have been completed on 4 sites, but the Council has suggested that these sites had not previously been included and I have been given no evidence to show otherwise. With regard to duplications, GVA identified 3 sites at the inquiry. Although the schedules give the sites similar addresses, different numbers of dwellings are given and it is not obvious that they are the same sites. Even if any of these sites have been duplicated, the number of units involved would not be great.
16. In terms of the East and South East Leeds (EASEL) Joint Venture schemes, GVA has considered them in line with Bellway's latest programme for development, which was taken to the Council's Executive Committee on 5 November 2008. This represents the most up-to-date programme for delivery. Therefore, the housing figures should be used in calculating the

- 5 year supply, which the Council has stated would provide 153 fewer dwellings than allowed for in the AMR. GVA accepted at the inquiry that it had mistakenly removed dwellings on 4 sites within the EASEL area which are independent of the Joint Venture, amounting to 369 dwellings.
17. Of the 5 sites that GVA has suggested involve a developer that is in liquidation, the Council's witness stated that the Pollard Lane site had been taken over by another company and the 109 dwellings on it were being actively sold. Whilst I am satisfied that these dwellings should be included in the 5 year supply, the Council has not provided any further information with regard to the other sites to convince me that they would be able to make a significant contribution to it.
  18. GVA has stated that it has adjusted the AMR figures following empirical research through meetings with house builders and telephone and e-mail contact to ascertain whether sites with planning permission will be implemented as consented. This approach is recommended in the DCLG advice. The Council has not disputed that the research has been carried out, but questions the accuracy of the information provided. In the absence of any other detailed information about the sites, I am satisfied with the GVA approach, but accept that it may be pessimistic with regard to the likely number of dwellings from each site and the build-rate.
  19. The Council has accepted that a large percentage of the sites that it has identified relate to apartments in Leeds City Centre, and there is a greater need for more family housing. The need for family housing is supported by the findings of the Leeds City Centre Residential Market Report 2007. Build rates for new flatted development would, therefore, be likely to be significantly below the historical rates, due to less demand for them. On this basis, the Council appears to have been over optimistic on the supply of housing from these sites.
  20. Sites identified in the National Affordable Housing Programme 2008-11, sites in the Council's Affordable Housing Strategic Partnership, sites in the Council's Capital Receipts programme and Private Finance Initiative sites do not have planning permission. However, the AMR identifies schemes that have secured National Affordable Homes Agency (NAHA) funding for about 400 dwellings to be developed over the period 2009-11, together with schemes for a further 450 dwellings to be submitted for funding from the remaining NAHA 2008-11 regional budget. Whilst I accept that there is a reasonable prospect that housing would be delivered on these sites within the 5 year period, there is less certainty over the deliverability of other sites within these programmes.
  21. The DCLG advice states that unallocated sites that are not likely to make a significant contribution to the delivery of housing during the relevant 5-year period should not be taken into account until planning permission has been granted and the land supply reviewed. The Inspector in appeal decision ref APP/B1605/A/08/2067428 has interpreted this as meaning sites of 20 or more as being the threshold of making a significant contribution, subject to a clear demonstration of deliverability. On this basis, I accept that GVA's removal from the Council's figures of infill sites and sites delivering fewer than 10 units would be appropriate, as these unallocated sites would fail to make a significant contribution to the 5 year supply.

22. At the inquiry, the Council conceded that its inclusion of student accommodation was contrary to DCLG advice on calculating net additional dwellings to show levels of housing delivery, given in Core Output Indicators-Update 2/2008. As such, 915 student dwellings should not be included in the housing supply. As the advice is a clarification of the definition of dwelling, student units should also be deducted from the housing surplus for the period 2004-8. The Council has suggested that its records indicate that 989 student units were completed in the 4 years, rather than the GVA estimate of 3932 units. Allowing for this deduction from the surplus up to the end of March 2008, the over supply would be 2943, which would be equivalent to 196 units per year over 15 years.
23. With regard to the viability of emerging sites, the largest site is Lumiere, which would provide 838 flats. Based on recent statements submitted by the appellant, the development appears to be 'mothballed'. Work has not resumed and there is no certainty that it will provide any dwellings within the 5 year period. The Council has not provided sufficient up-to-date details of the position in relation to other emerging schemes to show that there would be a reasonable prospect that housing would be delivered on any of them within 5 years.
24. Taking the above into account, a more realistic estimate of the deliverable supply calculated in accordance with the DCLG advice would be likely to be about 3 years at the RSS annual average. On this basis, the Council has not at present demonstrated a robust 5 year supply of housing land. Therefore, applications should be considered favourably in accordance with the guidance in PPS 3, having regard to the policies in the PPS, including considerations in paragraph 69.
25. This shortfall in the 5 year housing supply must be seen in the light of RSS Table 12.2, which lists Leeds as one of the areas where annual net housing growth is likely to rise from below the 2008-2026 average to above it. Leeds is expected to provide a relatively large increase in annual average net additions to the dwelling stock between the periods 2004-08 and 2008-2026. RSS Policy H2 establishes measures to ensure that the supply and delivery of housing is managed and stepped up. The RSS does not give any timescale for this stepping up.
26. An e-mail provided by the Council confirms that the Leeds allocation of the Housing and Planning Delivery Grant for 2008/2009 is on the basis of the Local Area Agreement (LAA) housing target being used for land supply purposes. The LAA sets a target for an average annual net increase of 3400 dwellings over the 3 years 2008-11. Whilst this indicates that the DCLG have accepted a lower rate of delivery in the early years and, in practice, it would be unlikely that Leeds would achieve a sudden and sustained increase in annual completions, I am not convinced that the RSS is allowing the Council to adjust gradually to the new housing targets.
27. The UDP seeks to address any shortfalls in housing supply under Policy H3, which establishes 3 phases for the controlled delivery of housing land release. Sites under Phase 2 should be released if existing housing land supply is demonstrably short, and then Phase 3 sites released after that to address the shortage. The criteria to indicate a shortage, given in paragraph 7.2.10 of the

UDP, have not been shown to exist. However, these criteria, which allow for a 2 year lapse of time before action is taken to remedy a shortfall, have now been superseded by the RSS housing supply targets and the PPS 3 requirement for a 5 year supply.

28. The appeal sites are not allocated under Phase 2 or Phase 3 in the UDP. They are listed under UDP Policy N34 as 'Protected Areas of Search' (PAS). The Policy restricts new development on these sites to that which is necessary for the operation of existing uses together with such temporary uses as would not prejudice the possibility of long term development. Paragraph 5.4.9 suggests that the suitability of these sites for development will be comprehensively reviewed as part of the preparation of the Local Development Framework (LDF), and in the light of the next RSS. At the inquiry the Council indicated that its planned timescale for the delivery of the LDF Core Strategy is 2010.
29. RSS Policy H2 B establishes measures that local planning authorities should take to identify and manage the release of land to maintain the momentum of urban transformation. The appeal schemes would be too small to cause any significant harm on their own to the urban regeneration of Leeds by schemes within EASEL and Aire Valley Area Action Plans. The Council accepted that none of the greenfield sites that it identified at the inquiry as being planned for release are PAS sites, and applications had been received on only 3 of them. However, the appellant has agreed that the release of the appeal sites for development would not support the transformation approach. Also, I am concerned that should permission be granted for the appeal schemes, it would make it more difficult for the Council to resist other similar schemes on greenfield sites, which would undermine the core approach and sub area policies regarding housing supply, contrary to RSS Policy H1.
30. The appellant has claimed that the appeal sites would be capable of providing much needed additional homes within the 5 year period. At the inquiry, the appellant's witness indicated that development on the sites could start within a year of the grant of outline permission, with an output on each site of about 50 dwellings per year. This would be at the higher rate for sites of 50 plus dwellings completed in Leeds outside the city centre since 1991, based on the Council's records, and the Council has stated that they were mostly for flats.
31. The Strategic Housing Market Assessment, 2007 (SHMA) indicates, in paragraph 7.2.3, that 2, 3 and 4 bedroom houses are the most preferred form of residential accommodation by existing householders and, in paragraph 7.2.7, Rothwell is one of the most preferred neighbourhoods within Leeds. Furthermore, both schemes would contribute towards the accepted shortage of affordable housing by way of Section 106 Agreements. This would be in line with RSS Policy H4, which gives a proportion of new housing that may need to be affordable in Leeds as 30-40%.
32. The appellant is the landowner of both the sites and, as yet, has not marketed them. Also, I have not been given any details of correspondence or dialogue with potential developers or programmes for development should permission be granted. Therefore, I am not convinced that the appeal sites would be likely to deliver their full potential of dwellings during the 5 year period. However, I am satisfied that, should I allow these appeals, the sites would be capable of

- making some contribution towards the 5 year housing supply, as they would each have a capacity of over 100 dwellings.
33. GVA has allowed for the release of Phase 2 and Phase 3 sites from 2010-11 in its assessment of housing supply within the 5 year period, but has indicated that this would not be sufficient to address the shortage. The Council has not allowed for such a provision and has not given any detailed assessment of the deliverability of Phase 2 and Phase 3 sites.
34. PPS 3 was published in 2006 and was designed to give a step change in housing delivery. It calls for local planning authorities to carry out SHLAAs in order to provide comprehensive assessments of all sites available for housing, going beyond more limited urban capacity studies; to take a more pro-active approach; and to cease relying upon windfalls. The step change for Leeds now required in the RSS was promoted in the draft RSS and is referred to in the Council's 2007 housing monitoring report. It is required to match recent growth in the economy and jobs. The Council has not shown that it has adequately addressed this step change, as it has failed to carry out a SHLAA and has not demonstrated a 5 year housing supply in accordance with government advice.
35. The appeal proposals would contribute towards the 5 year housing supply, and the Council has failed to demonstrate that the release of Phase 2 and 3 sites would fully address the shortfall. However, it would be premature to release PAS sites at this stage in the plan before the release of Phase 2 and 3 sites. The appeal proposals would be contrary to UDP policies H3 and N34 and, should I allow the appeals, would be likely to lead to other similar applications on greenfield sites which the Council would find hard to resist. This could well undermine the core approach given in the RSS. The appellant has not demonstrated sufficient benefits to outweigh this resulting harm. Therefore, I conclude on this issue that both Appeal A and Appeal B would have an adverse effect on housing land supply in the region.

***Whether Acceptable Development outside Settlement Boundaries.***

36. The appellant has accepted that both the appeal sites are outside the defined settlement boundaries for Rothwell and Oulton shown on the UDP Inset Plan. RSS Policy YH4 makes Regional Cities and Sub Regional Cities and Towns the prime focus for housing, employment, shopping, leisure, education, health and cultural activities and facilities in the region. Paragraph 2.32 states that the Regional Cities are based on the Regional Settlement Study (2004). The study shows Rothwell and Oulton as a linked settlement, which is classified as part of the main urban core of a settlement. The SHMA includes Rothwell within the 'Outer South' housing zone of Leeds. Therefore, although Rothwell and Oulton are surrounded by green belt land, I am satisfied that they form part of Leeds Regional City for the purposes of RSS Policy.
37. RSS Policy YH7 establishes a priority for the allocation of sites for new development. The first priority is the re-use of previously developed land and buildings and the more efficient use of existing developed areas within cities and towns; the second priority is other suitable infill opportunities within cities and towns; and the third priority is extensions to the cities and towns. Although the appeal sites are not within a city or town, I am satisfied that the

proposals would represent an extension to Leeds Regional City, which would be the third priority.

38. The Inspector's Report on Objections to the Leeds Unitary Development Plan, February 1999, suggests that development on the Appeal A site would in general constitute a rounding off of the settlement. With respect to the Appeal B site, the report states that housing on it would have little visual impact on the wider area of green belt and open countryside to the south. The report concludes, in paragraph 700.41 for the Appeal A site and paragraph 701.16 for the Appeal B site, that both sites are suitable for housing development. The Inspector found that future housing supply could be met by other means at that time.
39. The subsequent Inspector's Report on objections to the Leeds UDP Review, November 2005, states in paragraph 5.16 that provided that brownfield land continues to be brought forward at a satisfactory rate there is no need to even contemplate release of PAS sites. In paragraph 5.18, the Inspector accepts that the debate over sustainability has moved on since the last report, but suggests that at the very least the PAS sites comprise a substantial reservoir of land, possibly with varying degrees of sustainability, but from which sustainable sites could be drawn after proper appraisal should the need arise in the long term.
40. Taking the above into account, I conclude on this issue that both the Appeal A and the Appeal B sites would be acceptable for future housing development outside defined settlement boundaries, subject to an appraisal regarding their sustainability.

#### ***The Need to Travel by Private Car***

41. With regard to the sustainability of the appeal sites, I have considered the effect that the proposals would have on the need to travel, and in particular by private car.
42. The Appeal A site is a convenient walk away from a small supermarket, but is further away from the limited facilities in Oulton. The shortest walking route to the nearest railway station, at Woodlesford, is along Eshald Lane, which for part of its length is secluded and has no separate footway. This would compromise the safety of pedestrians. The appellant agreed with the Council that the alternative route would be about 1.3km and that trains in the peak hours run at capacity. I am concerned that these factors would deter the use of rail transport by future occupants of the proposed houses.
43. With regard to the bus, the Council submitted a plan at the inquiry that showed walking routes from the centre of the site to the nearest bus shelters on the A639, Leeds Road. The shortest route is given as 585m and involves the use of an unmade and unlit public footpath. Even with the replacement of styles with gates, which is covered by the Section 106 Agreement, this footpath would be unattractive to use, especially when it is muddy and at night. The alternative route is given as 947m, and to access the northbound buses it would be necessary to cross Leeds Road, which is a busy dual carriageway with no controlled crossing. A feasibility study, secured by condition, would not guarantee a safe means of crossing that road, as it may conclude that such a crossing would not be feasible.



44. There is a less frequent bus service along the A642, Aberford Road. The nearest bus stops for these services are near to the junction with Fleet Lane, about 440m from the centre of the site. There are also school bus services available at these stops. Although they would be further away from the site than the recommended maximum in the Institution of Highways and Transportation (IHT) publication: '*Planning for Public Transport*', the shelters and facilities at the nearest bus stops would be improved using contributions made under the Section 106 Agreement.
45. The site is within reach of a major employment site at Cross Green and Stourton, and Leeds City Centre via a cycle network that links up with cycle lanes along Fleet Lane. However, the appellant's modal split for cycling in its Travel Plan gives about 1% of journeys, which indicates that this would represent an insignificant form of transport.
46. The 1999 Inspector's Report finds that the site is in a sustainable location. However, that report pre-dates the government advice in Planning Policy Guidance Note 13: *Transport*, PPS 1: *Delivering Sustainable Development*, and PPS 3. As such, the emphasis on reducing the need to travel by car was not as strong as it is now.
47. With respect to the Appeal B site, the 1999 Inspector's report accepts that it is not near to a railway station, but identifies that there are good bus services from the centre of Rothwell. Rothwell town centre is well served by shops and facilities, that include a Morrisons supermarket. There are also bus stops within it that provide access to services to Leeds City Centre and other centres of employment, shops and facilities. Pedestrian access to the town centre from the site would be either via Royds Lane or Arran Way, and these routes are about 800m long, with the nearest bus stops being over 600m from the centre of the site. A footway provides pedestrian access from the site to Royds High School, which is about 1.5km away, and school buses stop along Royds Lane near to the site.
48. The advice set out in '*Guidelines for Providing for Journeys on Foot*', published in 2000 by the IHT, which is referred to in the Travel Plans, gives the acceptable walking distance to a town centre as 400m, commuting to school as 1000m, and elsewhere as 800m. On this basis, neither the Appeal A site nor the Appeal B site are within an acceptable walking distance of town centres, schools or most other facilities. The appellant company has based its assessments on walking times, but they are more difficult to gauge due to variations in walking pace.
49. The Council has referred to its Supplementary Planning Document (SPD): *Public Transport Improvements and Developer Contributions*, August 2008. In paragraph 4.3.15, it specifies criteria to determine the minimum level of accessibility to public transport in relation to the parameters to be used for determining whether a contribution towards public transport enhancements or improvements would be required. At the inquiry, the appellant accepted that neither of the sites would comply with the guidance given in the SPD regarding walking distances to bus stops and frequency of bus services.
50. I have taken account of the appellant's Travel Plans that have been agreed with the Council. Under the Travel Plan, a co-ordinator would positively market

and promote the use of train and bus services to all residents, promote cycling and walking, explore the possibility of creating informal car sharing schemes, and advise residents on alternative working and shopping practices. The developer would provide residential MetroCards to the occupiers of the dwellings. Whilst these measures are targeted to reduce car travel in line with the SPD, the Travel Plan acknowledges that they may be difficult to introduce and enforce because of the individual nature of the developments.

51. Based on the above, I am concerned that future residents at both the appeal sites would have an over reliance on the private car to access jobs, schools, and necessary facilities for families. Although the Travel Plans and S106 contributions towards public transport could help to reduce this reliance, the need for such measures to help make the proposed developments acceptable emphasises the fact that the appeal sites are in relatively unsustainable locations.
52. I conclude on this issue that both the Appeal A proposal and the Appeal B proposal would result in an unacceptable increase in the need to travel by private car. Also, they would fail to accord with UDP policies T2 and SP3 with regard to being adequately served by public transport and having acceptable walking distances to local facilities; and paragraph 69 of PPS 3, in that the sites would be unsuitable for housing in terms of their environmental sustainability.

### ***Other Matters***

53. The appellant has referred to a Secretary of State decision regarding proposals for housing at Wickford, Essex in support of the appeal proposals. However, it involves significantly different circumstances from those of the present appeals, particularly with regard to the development plan policies and dates, meeting past housing supply requirements, and the relative location of the site. Whilst I have noted the points made, no direct comparisons can be made and I have dealt with these appeals on their own individual planning merits in the light of prevailing policies and guidance.

### ***Overall conclusions***

54. For the reasons given above, I have found that both the appeal proposals would represent acceptable development outside settlement boundaries. However, Table 2.2 of the RSS indicates that it is only in the later years of the delivery of the core approach that additional urban extensions, such as those represented by the appeal proposals, should be considered, if necessary. I am not convinced that such a need has been demonstrated, given that Phase 2 and 3 sites under UDP Policy H3 have not been released for development. The proposals could therefore have a harmful effect on housing land supply in the region and the resulting increase in the need to travel by private car would not be justified. On this basis, and having regard to all other matters raised, I conclude that both Appeal A and Appeal B should fail.

***M J Whitehead***

INSPECTOR

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Mr Robert White	Of Counsel, instructed by the Solicitor of Leeds City Council
He called	
Mr Stephen Speak MRTPI	Chief Strategy and Policy Officer, Leeds City Council
Mr Peter Anderson Beck Chartered Accountant	Programme Manager for EASEL and AVL programmes, Leeds City Council
Mr David Newbury BA(Hons) MRTPI	Area Planning Manager for South Leeds, Leeds City Council
Mr David Stainsby HNC (Civ Eng)	Senior Highway Development Control Officer, Leeds City Council
Mr John Townsend	Senior Planner, Data Team of Planning & Economic Policy Services, Leeds City Council

### FOR THE APPELLANT:

Miss Frances Patterson	QC, instructed by Miss Beverley Smith, GVA Grimley Ltd
She called	
Ms Elizabeth Green BEng MSc CEng MICE FIHT	Bryan G Hall, Suite E8, Josephs Well, Leeds LS3 1AB
Miss Beverley Smith MA(TP) MRTPI	GVA Grimley Ltd, 29 King Street, Leeds LS1 2HL
Mr Mark Johnson BSc MRICS MRTPI	Dacre, Son and Hartley, 9 York Place, Leeds LS1 2DS

### INTERESTED PERSONS:

Councillor Don Wilson	Councillor, Leeds City Council, 7 The Paddock, Rothwell LS26 0PA
Mr John Crapper	Chairman of The Oulton Society, 6 Fleet Lane, Oulton LS26 8HX
Councillor Stuart Golton	Councillor, Leeds City Council, 5 Farrer Lane, Oulton LS26 8JP
Ms Victoria Hinchliff Walker	Case Officer, Appeal A, Leeds City Council (attended site visit)
Mr Mike Howitt	Case Officer, Appeal B, Leeds City Council (attended site visit)

## **DOCUMENTS SUBMITTED BY THE APPELLANT AFTER OPENING THE INQUIRY**

- A1 Draft Section 106 Agreement- Appeal A, submitted on 4 November.
- A2 Draft Section 106 Agreement- Appeal B, submitted on 4 November.
- A3 Amended Table 6.4 in Proof of Evidence of Beverley Smith, submitted on 4 November.
- A4 Agreed proposed conditions- Appeal A, submitted on 4 November.
- A5 Agreed proposed conditions- Appeal B, submitted on 4 November.

- A6 The Yorkshire and Humber Plan Regional Spatial Strategy to 2026, submitted on 4 November.
- A7 Copy of advice produced by the DCLG Demonstrating a 5 year Supply of Deliverable Sites, submitted on 4 November.
- A8 Housing Land Monitor Report, 30 September 2007, submitted on 4 November.
- A9 Housing Land Monitor Report, 31 March 2008, submitted on 4 November.
- A10 Leeds City Council 5 Year Housing Land Supply Interim Assessment 2007-2012, submitted on 4 November
- A11 Department for Communities and Local Government Guidance on Producing Housing Trajectories, submitted by the Council on 4 November.
- A12 The Yorkshire and Humber Plan Schedule of Secretary of State's Proposed Changes and Reasons for Public Consultation 2007, submitted on 4 November.
- A13 Table of Housing and Planning Delivery Grant 2008/2009 – Provisional Allocations, from communities web site, submitted on 5 November
- A14 Suggested condition for a travel plan, submitted on 5 November.
- A15 Copy of Inspector's Report on objections to the Leeds Unitary Development Plan, February 1999, Chapter 21: Rothwell, submitted on 5 November.
- A16 Supplementary Proof of Evidence of Beverley J Smith, received on 13 January.
- A17 Appendices BJS 2.1, 2.2, 3.2, 3.3 and 3.4 to Supplementary Proof of Evidence of Beverley J Smith, received on 13 January.
- A18 Appendix BJS 3.1 to Supplementary Proof of Evidence of Beverley J Smith, received on 13 January.
- A19 Rebuttal Statement to the Richard Fenton Proof of Evidence by Mark T Johnson, received on 13 January.
- A20 Copy of engrossed Section 106 Agreement- Appeal A, submitted on 9 February.
- A21 Copy of engrossed Section 106 Agreement- Appeal B, submitted on 9 February.
- A22 Copy of Travel Plan for Appeal A, submitted on 9 February.
- A23 Copy of Travel Plan for Appeal B, submitted on 9 February.
- A24 Supplementary Proof of Evidence of Beverley J Smith, submitted on 9 February.
- A25 Minutes of the proceedings of the meeting of the Leeds City Council held on 19 November 2008, submitted on 9 February.
- A26 Copy of Appeal Decision APP/B1605/A/08/2067428, submitted on 9 February.
- A27 Letter from HBF, dated 19 December 2008, submitted on 9 February.
- A28 Minutes of meeting of Leeds Housing Partnership on 10 November 2008, submitted on 9 February.
- A29 Article from the Yorkshire Post, dated 4 February 2009, submitted on 9 February.
- A30 Extracts from the Yorkshire & Humber RSS Settlement Study, June 2004, submitted on 10 February.
- A31 RSS and LDF Core Output Indicators- Update 2/2008, submitted on 10 February.
- A32 Flood Risk Assessment- Appeal B, submitted on 10 February.

### **DOCUMENTS SUBMITTED BY THE COUNCIL AFTER OPENING THE INQUIRY**

- C1 Tables in draft Housing Land Monitor Report for December 2008, submitted on 4 November.
- C2 Leeds City Council News Release on EASEL Scheme, submitted on 4 November.
- C3 Council's letters of notification and lists of those notified of the resumption of the inquiry, received on 24 December.
- C4 Proof of Evidence of John Townsend, received on 26 January.
- C5 The Council's report on 5 year housing land supply 2008-13 & 2009-14, received on 26 January.
- C6 Detailed Site Schedules for the report on 5 year housing land supply, received on 26 January.
- C7 Supplementary Written Statement of Stephen Speak, received on 26 January.
- C8 Comments by Richard Fenton on Mark T Johnson's Rebuttal Statement, received on 26 January.
- C9 Copy of details of Appeal A site as Contract Leads, dated 3 April 2008, submitted on 10 February.

### **DOCUMENTS SUBMITTED BY INTERESTED PARTIES AFTER OPENING THE INQUIRY**

- IP1 Letter, dated 3 November 2008, submitted by Jonathon Dunbavin of I D Planning on 4 November.
- IP2 Letter, dated 1 November 2008 from 2 Norfolk Drive, submitted by Mr Crapper on 5 November.
- IP3 Written Submissions of Malcolm Brocklesby for the Campaign to Protect Rural England, submitted by Mr Crapper on 5 November.
- IP4 Written Submissions of The Oulton Society, submitted by Mr Crapper on 9 February and read by him on 10 February.

### **PLANS SUBMITTED AT THE INQUIRY**

- A Appeal A- Plan of walking route distances from the site, submitted by the Council on 4 November.
- B Leeds Unitary Development Plan (Review 2006) Map 29, submitted by the Council on 10 February.