

NEDDC Note on the Impact of recent Appeal Decisions on the Publication Draft Local Plan.

Land at Deerlands Road Wingerworth

1. On the 19th November 2018, the Council received the Inspector's decision¹ regarding a section 78 Appeal against a refusal to grant outline planning permission, on land at Deerlands Road, Wingerworth. Wingerworth is identified as a level 2 settlement in the Publication Draft.
2. The appeal is allowed and planning permission is granted for residential development for up to 180 dwellings, public open space, landscaping, highway and drainage works and associated infrastructure in accordance with the terms of the application, Ref 17/00268/OL, and subject to the conditions appended to the published decision.
3. The Inspector's decision on the section 78 Appeal refers to the existing Local Plan being out of date and the Draft Local Plan having limited weight. This therefore triggers paragraph 11 of the 2018 NPPF.

Land at Mansfield Road, Winwick, Hasland

4. On the 27th November 2018, the Council received the Inspector's decision² regarding a section 78 Appeal against a refusal to grant planning permission, on land at Mansfield Road, Winwick, Hasland. The site is located immediately adjacent to Chesterfield Borough.
5. The appeal is allowed and planning permission is granted for residential development of 160 dwellings including necessary infrastructure and public open space in accordance with the terms of the application, Ref 17/00806/FL, and subject to the conditions appended to the published decision³.

¹ Inspector's decision available at: https://planapps-online.ne-derbyshire.gov.uk/online-applications/files/66561DFA01B9C3C1A8BDF038713B40A9/pdf/17_00268_OL-APPEAL_DECISION-2318326.pdf

² Inspector's decision available at: https://planapps-online.ne-derbyshire.gov.uk/online-applications/files/BE0C42C53538AF3F3F4E5C11E649D273/pdf/17_00806_FL-APPEAL_DECISION-2320973.pdf

³ The appeal consisted of two parts: A) for reserved matters approval pursuant to appearance, landscaping, layout and scale condition of outline permission for up to 160 dwellings; B) for full permission for residential development of 160 dwellings including necessary infrastructure and public open space, on the same site as A. Plans for Appeal B replaced plans for Appeal A.

Impact of Appeal Decisions

6. The impact of these decisions upon the Draft Local Plan is as follows:
- Supply from sites with planning permission, is increased from 5,038 dwellings, as included in the Council's Hearing Statement⁴ to 5,378 dwellings.
 - Overall housing supply is increased from 6,693 dwellings, as included in the Council's Hearing Statement⁵ to 7,033 dwellings.
 - The proportion of housing supply in level 1 settlements and strategic sites is decreased to 52% of the overall supply (7,033).
 - Supply of dwellings from level 2 settlements is increased to 2,626 dwellings, 37% of the overall supply (7,033).
 - Supply of dwellings from level 3 and 4 settlements and other locations is increased to 759 dwellings, 11% of the overall supply (7,033)
 - The Council considers that the most appropriate way to deal with these sites is to add them to the flexibility allowance; increasing it from 13% to 19% (433+825/6600).

⁴ Council's response to Inspector's question 11.5, taking into account the most recent housing monitoring

⁵ Council's response to Inspector's question 11.10