

Appendix 1 – Appeal Decision relating to LNRS



Planning Inspectorate

Appeal Decision

Hearing held on 12 November 2025

Site visits made on 11 and 13 November 2025

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 12 January 2026

Appeal Ref: APP/N4205/W/25/3365804

Vacant plot of land to the South and East of 82 Meadowcroft, Longsight Lane, Harwood BL2 4JU

The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.

The appeal is made by Oaktree (Construction, Design and Management) Ltd against the decision of Bolton Metropolitan Borough Council.

The application Ref is 15170/22.

The development proposed is erection of 20 no. dwellinghouses including affordable housing together with associated access and parking, landscaping and drainage infrastructure.

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for an award of costs was made by Oaktree (Construction, Design and Management) Ltd against Bolton Metropolitan Borough Council. That application is the subject of a separate Decision.

Preliminary Matters

3. The planning application form refers to the proposed number of dwellings as 26. However, the Council accepted amended plans during the processing of the application which reduced this number. I have therefore taken the description of the development from the decision notice in the banner heading above.
4. The applicant in the application form and the appellant in the appeal form is named as Mr Paul Mossdrop of Oaktree Construction. However, the appeal is proceeding in the name of the company only, since representatives of a company can change over time as has happened in this case.
5. A signed and dated Unilateral Undertaking (the UU) was submitted after the appeal was made. This includes obligations to make financial contributions towards off-site play space and secondary school places and to deliver affordable housing. As the UU is completed, I have taken it into account in my determination of the appeal.

Main Issues

6. The main issues are:
 - i) Whether the proposal would provide an adequate standard of living conditions for future occupiers, with particular regard to internal space;

- ii) The effect of the proposal on biodiversity, with particular reference to Castle Croft and Bradshaw Brook Site of Biological Importance (SBI) and veteran trees; and
- iii) The effect of the proposal on the operation of the highway.

Reasons

Living conditions

7. The planning application was made on 13 December 2022, at which time there was no policy requirement for new dwellings to comply with the nationally described space standards (NDSS). However, this changed following the adoption in March 2024 of The Places for Everyone Joint Development Plan Document for Bolton, Bury, Manchester, Oldham, Rochdale, Salford, Tameside, Trafford and Wigan 2022 to 2039 (the PFE), and specifically policy JP-H3 which requires that all new dwellings comply with the NDSS.
8. At the time the Council considered the application, the affordable house types were illustrated¹ as 2-storey dwellings with 70.4sqm floor area and 2 bedrooms, 12.4sqm and 11.6sqm respectively. The NDSS requires that, in order to provide 2 bedspaces, a double (or twin) bedroom has a floor area of at least 11.5sqm. Consequently, and irrespective of the furnished layouts, each bedroom meets the space standard for double bedrooms and therefore 2 people each. However, the houses fail to meet the NDSS requirement for a 2-storey dwelling with 2 bedrooms and 4 bed spaces to have minimum gross internal floor area of 79sqm.
9. The Council's officer report acknowledged that all bar one house type met the NDSS and stated that amended plans were to be submitted to demonstrate full compliance with PFE policy JP-H3. However, the suggested list of planning conditions in the officer's report does not include a condition requiring amended plans and the approved plans condition refers to the non-compliant rev C plans.
10. There was a discussion at the hearing as to whether or not the affordable houses were intended to be occupied by 3 or 4 persons and whether occupancy could be controlled by the housing provider. Irrespective, revised plans² were submitted with the appeal that increase the size of bedroom 1 to 12.8sqm and reduce the size of bedroom 2 to 10.9sqm. On this basis, the revised Welbeck House Type meets the NDSS requirement for 2-storey dwelling with 2 bedrooms and 3 bed spaces.
11. The Statement of Common Ground records that this is a matter that could be addressed by a planning condition specifying the approved plans, in the event the Inspector accepts the revised plans and if the appeal is allowed.
12. The Procedural Guide: Planning appeals – England is clear that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially the same scheme that was considered by the LPA and by interested parties. In this case, the amendments to the house type are minor and do not involve a substantial difference or fundamental change to the application. I am therefore satisfied that accepting the proposed amended plans would not prejudice the interests of any interested party. As such, this is a matter that could be satisfactorily addressed by planning condition.

¹ Drawing no. 2256-PL-04 Rev C – Plots 1-7 Affordable House Types Proposed Plans Welbeck House Type

² Drawing no. 2256-PL-04 Rev D – Plots 1-7 Affordable House Types Proposed Plans Welbeck House Type

13. Therefore, I conclude that the proposal would provide a satisfactory standard of living conditions for future occupiers, with particular regard to the nationally described space standards. It would comply with the aims of PfE policy JP-H3.

Biodiversity, including the SBI and veteran trees

14. Retained policy CG6AP of Bolton's Allocation Plan Adopted December 2014 (the BAP) identifies the appeal site as Other Protected Open Land (OPOL), where development is permitted subject to meeting one of a limited number of exceptions none of which apply to the proposal. Policy CG6AP supports the Council's aims of urban regeneration and seeks to maintain the open character of the land and protect the character and appearance of the countryside.
15. A review of Bolton's protected open land (LUC and MVGLA, November 2018) identifies the appeal site as part of parcel LUC45: Longsight Lane, together with the Harwood and Bradshaw Millennium Woodland and part of the SBI. Habitats in the parcel as a whole include woodland, rough tussocky grassland and scrub. Its high ecological value is due to the presence of the SBI and the extent and distribution of a range of habitat types of principal importance including woodlands, grasslands and watercourses which are likely to provide important habitats and movement corridors for wildlife within the landscape.
16. The recent ecological surveys of the appeal site carried out by ERAP Consultant Ecologists report the presence of unmanaged semi-improved and species-poor grassland, tall-herb vegetation, bramble scrub and broad-leaved trees. With the exception of trees, the common and widespread plant species and habitats in the appeal site are of local biodiversity value only. The woodland and priority habitat constraints to the development of LUC45 as identified by the 2018 review therefore appear to relate to the SBI and Millennium Wood rather than to the appeal site.
17. Much of the appeal site would be developed for housing, gardens and roads. The remaining area of public open space would comprise retained and created habitats. While habitat losses could not be adequately mitigated or compensated on site, Biodiversity Net Gain (BNG) could be secured off site by the imposition of a planning condition.
18. The neighbouring SBI covers a large area of land encompassing the semi-natural habitats along Bradshaw Brook and its tributaries. It includes lowland broad-leaved woodland on its upper slopes, lower-lying wet woodland along the watercourses, reservoirs, scrub, grassland and marsh. It supports a range of wildlife including invertebrates, amphibians, breeding birds, bats and mammals.
19. Direct impacts on the SBI, and Millenium Wood, would be avoided. While the proposal has potential for indirect effects, there is little substantive evidence for adverse effects on the hydrology of adjacent habitats as a result of surface water run off or changes to the water table due to tree removal. Indeed, the Flood Risk and Drainage Assessment sets out that there would be no runoff and no connection to the watercourse in the SBI. Further details of the drainage strategy could be secured by a pre-commencement planning condition. As is standard practice, a planning condition could also be imposed securing a construction environment management plan to include measures to protect the SBI and other biodiversity features during construction. Construction mitigation measures for impacts on associated protected and priority species could be similarly secured.

20. Although not explicitly mentioned in the Council's reason for refusal or statement of case, the hearing explored effects on the Greater Manchester Local Nature Recovery Strategy (LNRS). The system of LNRS is a legally binding target in the Environment Act 2021 and the Council has a biodiversity duty under the Act to have regard to LNRS including as part of the planning process. This is reflected in the PfE, including policy JP-G2, which aims to protect and enhance green infrastructure in order to contribute to the LNRS and national nature recovery network. The Council's emerging Greenspace Strategy 2025-2040 (draft) also supports nature recovery in alignment with regional and national objectives, albeit this is at an early stage of preparation and carries little weight.
21. Nature for All: A Local Nature Recovery Strategy for Greater Manchester includes a Nature Network or Local Habitat Map made up of core local nature sites, including SBI, and nature recovery opportunity areas where actions to enhance, restore or create habitats would expand and better connect the core sites. The appeal site and Millennium Wood are both in an opportunity area.
22. The proposal would thus be the development of an LNRS opportunity area, immediately adjacent to a core site. A degree of connectivity for species such as hedgehogs could be maintained through the residential gardens, but this would be at the discretion of future residents. The SBI would continue to function as a strategic scale wildlife corridor. However, the functional relationship and wildlife connectivity between it and Millennium Wood, and habitats beyond, would be interrupted and fragmented by the intervening buildings, hardstanding, road and boundary treatments and artificial lighting. Irrespective that BNG could be delivered off site, the proposal would be detrimental to the LNRS; it would not expand or better connect the SBI; and it would detract from the green infrastructure network.
23. Turning to the health of retained trees, the Council clarified at the hearing that its concerns in this regard relate primarily to trees listed as veteran in the Ancient Tree Inventory (ATI). These include a crab apple and a number of hawthorns associated with historic hedge banks.
24. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. The Framework defines an ancient or veteran tree as a tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species.
25. The planning application was originally supported by a May 2023 arboricultural survey report by DEP Landscape Architecture Ltd. This was updated and re-issued in October 2023 to take into account the Council's comments and the list of potential veteran trees put forward to the Woodland Trust by local residents. At that time, DEP stated that several of the hawthorns are no doubt remnants of an old hedgerow and several trees are probably veteran by definition.
26. Cheshire Woodlands carried out a partial re-survey in February 2024 and produced a Supplementary Arboricultural Statement (SAS) in July 2024. By this time, 9 hawthorns and 1 crab apple tree were verified as veteran trees in the ATI and a further 12 were notable. Trees were assessed using an Inspector's methodology in

an appeal decision³ for a development in Bristol. Cheshire Woodlands concluded that none of the ATI listed veteran hawthorns in this case are veteran because they do not meet the size threshold for hawthorns adopted by that Inspector.

27. The Inspector in that appeal noted there were various definitions of veteran trees but concluded that the Framework definition was the relevant one for the purposes of that appeal. In relation to size, they concluded that the multitude of factors that influence size did not matter because a tree must be large, with sufficient biomass, to facilitate exceptional biodiversity value. On this basis, they concluded that the size of the tree is all that needs to be ascertained for the purposes of the Framework. They also concluded that a veteran tree must have multiple veteran characteristics in order to have exceptional biodiversity value, which they found was the only relevant criteria for the trees.
28. Appeal decisions are capable of being material considerations in the making of planning decisions, as is the Framework. However, the same applies to the wider body of evidence pertaining to veteran trees including, but not limited to, the Planning Practice Guidance (PPG), Natural England's (NE) standing advice for veteran trees, and the Biodiversity Gain Requirements (Irreplaceable Habitat) Regulations 2024 (BGR).
29. The PPG advises that veteran trees may not be very old but exhibit decay features such as branch death or hollowing. Trees become ancient or veteran because of their age, size or condition. Not all of these 3 characteristics are needed to make a tree ancient or veteran as the characteristics will vary from species to species.
30. The NE standing advice does not refer to size, simply stating that a veteran tree may not be very old but it has significant decay features such as branch death and hollowing that contribute to its exceptional biodiversity, cultural and heritage value.
31. The BGR define veteran trees as mature trees that share physical and other characteristics with ancient trees, due to their life or environment, but are neither developmentally nor chronologically ancient. In particular, they exhibit one or more of the following features: significant decay features such as deadwood, hollowing or signs or advanced decay in trunk or major limbs; a large girth, depending on and relative to species, site and management history; a high value for nature, especially in hosting rare or specialist fungi, lichens and deadwood invertebrates.
32. There are clear differences between these definitions, and it was acknowledged at the hearing that this leads to a degree of uncertainty for planning purposes. Nevertheless, there are also commonalities including that a tree does not need to be large, with substantial biomass, to be a veteran. Indeed, girth is not a reliable criterion because different species and individual trees have different life spans and grow at different rates. Therefore, the size of the ATI listed veteran hawthorn trees in this case does not automatically preclude them from being veteran trees.
33. While Cheshire Woodlands had formed a view regarding the veteran status of the trees during the processing of the planning application, they acknowledge they are not ecologists and could not robustly assess the ecological value of the trees. Further information was therefore submitted with the appeal in the form of a veteran tree assessment⁴ (VTA) carried out in March 2025 by Dr Hacking, a botanist who

also specialises in invertebrate surveys and assessments. The VTA concluded that none of the ATI veteran trees have significant decay features, a large girth or a high value for nature and do not meet the BGR veteran tree definition. However, the VTA did not apparently reach a conclusion against the Woodland Trust guidance and NE standing advice.

34. Taking the various surveys together, the ATI listed veteran hawthorn trees are noted to be multi-stemmed remnants of old hedgerows. None of the trees is of individually significant size, but this appears to be at least partly a function of past management and location. They are all post mature. DEP describe some as over mature or senescent, which refers to trees with crowns beginning to break up and decrease in size or in advanced stage of break up.
35. While the ATI veteran trees have generally narrow trunks and limbs, nevertheless they exhibit features characteristic of veteran trees including decay and basal rot, cavities, cracking, hollowing, deadwood, bark dieback and flaking, tear out wounds and limb tears, growing ferns and fungi. As to whether or not the decay features are significant, there is little evidence before me that this should not be considered in the context of and relative to the size of the trees.
36. In terms of biodiversity value, the VTA concluded that none of the trees supported specialist fungi, are unlikely to support specialist invertebrates and the lichen assemblage is poor. However, while it noted typical moss and lichen species and a bracket fungus, these were not identified to species level. Moreover, the VTA was carried out early in the year such that transitory and seasonal characteristics of veteran trees may have been missed.
37. Indeed, an arboricultural consultant from Peak Tree Consultancy visited the site later in 2024 and noted significant decay features, signs of hollowing and a variety of fungi, albeit they did not determine if the trees supported rare fungi, lichens or deadwood invertebrates. I acknowledge this was commissioned by interested parties, but that is not a valid reason to discount its professional findings.
38. The evidence also suggests that the ATI veteran hawthorns have a degree of historic and cultural value by virtue of their association with historic hedge banks. These field boundaries appear to date from the late 18th to early 19th century and are old landscape features illustrative of historic enclosure and field patterns.
39. Taking all this into account, even if it had been robustly demonstrated that the ATI veteran trees do not meet the strict definition in the BGR, nevertheless they appear to meet the PPG veteran definition in relation to life stage and condition.
40. It is also pertinent that, in contrast to the Bristol appeal, the trees of concern in this case are verified as veteran trees in the ATI. The appellant questions whether ATI listed veteran trees are veteran trees for the purposes of planning policy and guidance. However, both the PPG and NE standing advice advise that the ATI can be used to help identify ancient and veteran trees. Both caveat that not all ancient and veteran trees have been recorded, but neither suggest that the ATI might not be a reliable resource in this regard.
41. The appellant also voiced concerns about the ATI including that there is no audit trail and no right of appeal. Indeed, in their email dated 24 October 2023, the Council's tree and woodland officer had stated that they were unable to overturn the veteran status of the trees and this was solely at the discretion of the Woodland

Trust. However, they also stated that the appointed arboricultural consultant could make an independent assessment of the trees recently added to the ATI and, if they consider the trees should not be included on the ATI, they could present this information for review by a member of the Woodland Trust. This suggests that there is a route by which an ATI register entry can be challenged. I am not aware however that the appellant has engaged with the Woodland Trust to either seek to better understand or challenge the ATI entries in this case.

42. Turning to potential impacts of the proposal on the ATI veteran trees, the arboricultural appeal statement⁵ (AAS) sets out that the veteran crab apple could be adequately protected as befits its veteran status. However, in relation to the ATI veteran hawthorns and as illustrated on drawing no. CW/11323-P-TP-2, it would not be possible to protect the 15x stem diameter RPAs or the crown spread +5m for all of the trees, which are the NE standing advice recommended buffer zones to protect veteran trees. The AAS suggests that minor encroachment into these buffer zones, including by gardens and roads, could be compensated for elsewhere. However, NE standing advice is clear that development proposals, including gardens, should not be approved within a buffer zone.
43. With the exception of ATI tree ref 251693, the AAS tree schedule states that ATI veteran trees would be retained and protected during development. However, on the basis that the veteran tree buffer zones could not be protected, the ATI veteran trees would not demonstrably be adequately protected as part of the proposal.
44. Tree 251693 is recorded in the AAS as a post mature, multi-stemmed hawthorn with basal/ stem decay and dead branches. This tree is not apparently referred to in the SAS, but the Cheshire Woodlands response to local objections on 22 October 2024 indicates that it and neighbouring ATI veteran tree ref 251695 would be removed to accommodate the development. The appellant now intends to retain these trees, but the AAS indicates that tree 251693 would be cut down to 1.2-1.4m to accommodate a new dwelling and proposed hedge restoration works.
45. There is no dispute that this tree, and others, would be susceptible to collapse if left and it would no doubt die and be lost with time. Nevertheless, tree 251693 is around 4.5m tall and it has not been managed as a hedge for a long time. The hearing was told that it might very well not survive being cut to hedge height. The AAS also refers to minor pruning of other hedgerow hawthorns to accommodate the development and enable hedgerow restoration. While this latter might be considered a benefit, it is not clear that this could be achieved without adverse impacts on the ATI veteran trees. While it was suggested that the veteran trees could perhaps be tied back rather than pruned to provide clearance for construction, there is little evidence this would not result in damage or deterioration.
46. I note the suggestion that the proposal would allow for the beneficial management of the ATI listed veteran trees but works proposed appear to be primarily to facilitate the development rather than necessarily in the best interests of the trees. Moreover, taking into account the NE standing advice in relation to damaging activities that can cause the loss or deterioration of veteran trees, several trees appear particularly vulnerable in the longer-term by virtue of proximity to built development, including roads, hardstanding and gardens.

47. There would also be loss of one ATI notable tree and possibly works to others. While these are not an irreplaceable habitat for the purposes of the Framework, they could be potential future veteran trees. Taking into account the tree population as a whole, and the provisions of relevant local and national policy, the loss of notable trees would contribute to cumulative adverse impacts.
48. Therefore, I conclude that the proposal would result in loss or deterioration of ATI listed veteran trees, the loss of OPOL, and adverse impacts on the LNRS and indirectly the SBI core site. It would conflict with the aims of retained BAP policy CG6AP and PFE policies JP-G2, JP-G3 and JP-G7. These require, among other things, that proposals protect and enhance green infrastructure to contribute to a LNRS; retain the open character of river valleys which are central components of the green infrastructure network; and protect and enhance woodland, including habitat connectivity, and trees that are of heritage, cultural and/or aesthetic value including veteran trees.

The operation of the highway

49. The appeal site is in a predominantly residential area roughly 3.3km north east of Bolton town centre. It is an accessible location, having regard to services, facilities and sustainable transport modes. Longsight Lane is an unadopted road and a minor arm of a priority junction with Longsight (B6196), this latter being a 2-way single carriageway subject to a 30mph limit and that connects Harwood to Bolton.
50. The Transport Statement (September 2023) was predicated on a proposal of 23 dwellings generating 12 2-way vehicle trips during the morning and evening peak hours, this being an average of 1 trip every 6 minutes. The reduction in the number of dwellings would reduce the number of vehicle trips to 11. The size of the proposal and the low number of trips are below the thresholds for a transport assessment or travel plan as set out in the Council's Accessibility, Transport and Road Safety Supplementary Planning Document Adopted October 2013. The Council's highway consultee confirmed that the low number of peak hour trips could be accommodated with minimal additional detriment or severity to road safety, amenity and the operational capacity of the local highway network.
51. However, the Council disagrees. Councillors consider that the local road network is already severely over capacity, which is a view expressed by third party representations to the planning application and the appeal. In this context, even the low number of dwellings proposed would exacerbate the existing situation which they describe as intolerable. With reference to the Longsight junction, I understand that vehicles exiting Longsight Lane are held up while those waiting to turn right onto it cause traffic to queue back to the Morrisons supermarket junction. Moreover, the box junction at Morrisons is due to be reviewed, this being confirmed by a car wash application subsequent to the appeal application.
52. A vehicle count carried out by Councillors in July apparently recorded a 30% increase since 2008, when the most recent highways count was carried out. However, no details of either traffic count, the car wash application or box junction review have been provided. Nevertheless, I did observe heavy and queuing traffic heading towards Bolton during peak times. I also note the email from Transport for Greater Manchester dated 25 June 2025. This states, with reference to congestion at the junction of Bradshaw Brow and Lea Gate, that the problems appear to be downstream and there is simply too much traffic being funnelled onto Tonge Moor

Road including from Harwood. Therefore, I have no reason to think that the local road network is not severely congested during peak times.

53. However, the Framework advises that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe. In this case, the application was not refused on grounds relating to highway safety. Taking into account that the local roads are already severely congested at peak times, there is little compelling evidence that the relatively small number of additional vehicle movements generated by the proposal would have any materially adverse effect on highway capacity or congestion during peak hours.
54. Therefore, I conclude that, while the proposal would add additional vehicle movements to the already congested highway network, these would be accommodated without resulting in severe residual cumulative impacts on the road network. As such, there would be no conflict with the aims of PfE policy JP-C5, including in relation to minimising the negative effects of vehicle traffic. There would be similarly no conflict with the aims of the Framework, including in relation to sustainable locations, prioritising sustainable transport modes, and avoiding severe cumulative impacts on the road network.

Other Considerations and Planning Balance

55. As of April 2025, the Council's housing land supply stood at 3.7 years, which is a significant shortfall in 5 year housing land supply (5YHLS). I am aware that the Housing Delivery Test: 2023 measurement indicates that the Council's supply position is improving and there will be no buffer next year. Irrespective, paragraph 11d) of the Framework is clear that where the Council cannot demonstrate a 5YHLS, planning permission should be granted unless i) the application of policies in the Framework that protect areas or assets of particular importance provide a strong reason for refusal; or ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
56. The policies that protect areas or assets of particular importance for the purposes of Framework paragraph 11d)i. include those relating to irreplaceable habitats. As such, and while they may not be extraordinary specimens, the loss or deterioration of ATI listed veteran trees provides a strong reason for refusing the development. The presumption in favour of sustainable development does not apply.
57. Nevertheless, the proposal would make a modest contribution towards the Council's housing supply and the government's aim of significantly boosting the supply of housing. The proposal would deliver 20 residential dwellings, 13 of which would be market housing and 7 affordable homes. The latter would meet the requirements of PfE policy JP-H2 and the need identified in the Council's Affordable Housing Supplementary Planning Document (February 2013) for greenfield development to provide 35% affordable housing. In the context of the housing shortfall, this carries moderate weight in favour of the proposal.
58. The appeal site is in an accessible location having regard to services and facilities and sustainable transport modes. This is a general requirement for new residential development and carries little positive weight. The short-term economic benefits during construction carry limited weight. Future occupiers would contribute to the local economy, but in the context of the heavily populated urban area this carries

limited weight. The financial contributions to play space and schools are required to make the development acceptable and carry little weight in favour of the appeal.

59. The planning application was made prior to the introduction of mandatory BNG. However, PFE policy JP-G8 requires proposals to deliver a net enhancement of biodiversity and specifically to achieve a measurable net gain in biodiversity of no less than 10%. In this case, 10% BNG could be delivered off site via the purchase of biodiversity units from Habitat Banks listed on the Government's Biodiversity Gain Sites Register. The delivery of a net gain it would be a benefit. However, policy JP-G8 also seeks to improve habitat connectivity, protect and enhance ecological networks (including Nature Recovery Networks), and facilitate access to nature particularly within urban areas, none of which would be achieved by the proposal. Therefore, and as there appears to be little guarantee the BNG would be delivered in the LNRS, I afford this only limited weight in favour of the proposal.
60. Planning conditions could be imposed to, among other things, secure avoidance and mitigation measures for protected species during construction, control of invasive species listed on schedule 9 of the Wildlife and Countryside Act 1981 (as amended), and a scheme of sensitive external lighting to minimise adverse impacts on wildlife habitat. Compliance with policy and legislation in this regard is a neutral factor. Compliance with policy in relation to other matters including but not limited to residential amenity, design and character and appearance, is also a neutral matter.
61. The energy and sustainability statement sets out that the dwellings would adopt a fabric first approach to reduce emissions by lowering the demand for heating and they would incorporate a range of renewable and low carbon technologies. To this end, the proposal would comply with and indeed achieve a greater reduction in CO2 emissions than required by current Building Regulations. Taking into account the scale of the proposal, the contribution to the government's aims in terms of reducing green house gas emissions carries limited weight in favour of the appeal.
62. There would be footpath improvements to the Public Right of Way which runs along the southeastern boundary of the appeal site. However, the footpath and wider area are already well used by local residents such that the proposed surface improvements would have little discernible benefit in terms of improving access to green infrastructure. This carries little weight.
63. I have found that the proposed affordable housing would meet the nationally described space standards. Moreover, the proposal would not result in cumulative severe impacts on the highway network. These are neutral factors.
64. I note the suggestion that the management of the ATI listed veteran crab apple should be afforded significant weight. However, there is limited evidence before me in terms of what management is proposed or actually necessary or the tangible benefits of such. Therefore, this carries little positive weight.
65. By virtue of being the development of protected open land, the proposal would conflict with policy CG6AP of the BAP. The proposal would also conflict with the aims of policy OA5 of the Core Strategy Development Plan Document Adopted March 2011 (the CS) in relation to concentrating sites for new housing within the existing urban area. The Council's officer report acknowledges the policy conflict but affords it no weight in the decision making process, deeming the policies out of date by virtue of the shortfall in 5YHLS.

66. However, in seeking to focus development in the more sustainable urban areas and protect the wider open landscape, the aims of both these policies are broadly consistent with the sustainable development objectives of the Framework including in relation to prioritising the use of suitable brownfield land within settlements for homes, and contributing to and enhancing the natural and local environment including by recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services, including trees and woodland. Therefore, the BAP policy CG6AP conflict attracts moderate weight.
67. There would be loss or deterioration of ATI veteran trees. The proposal would be unsympathetic development in the LNRS opportunity areas next to an SBI core site, and without demonstrable improvement to the LNRS. Collectively, the local plan policy conflict in these regards weighs significantly against the proposal. The conflict with the Framework in relation to the adverse effects on irreplaceable habitats also weighs against the proposal.
68. The benefits, these being primarily the contribution to housing supply and the affordable homes, do not appear to constitute exceptional reasons and do not demonstrably outweigh the harm and the policy conflict that I have found.

Conclusion

69. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
70. Therefore, I conclude that the appeal should be dismissed.



