



## Appeal Decision

Inquiry held between 15 and 17 March 2016

Site visit made on 16 March 2016

**by Nick Palmer BA (Hons) BPI MRTPI**

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

**Decision date: 05 May 2016**

---

**Appeal Ref: APP/H3510/W/15/3070064**

**Meddler Stud, Bury Road, Kentford, Newmarket CB8 7PT**

- 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 Mr Clive Damsell of Meddler Properties Ltd against the decision of Forest Heath District Council.
  - The application Ref DC/14/0585/OUT, dated 28 March 2014, was refused by notice dated 23 January 2015.
  - The development proposed is a racehorse training establishment and the erection of up to 63 dwellings including associated access arrangements and open space provision.
- 

### Decision

1. The appeal is allowed and planning permission is granted for a racehorse training establishment and the erection of up to 63 dwellings including associated access arrangements and open space provision at Meddler Stud, Bury Road, Kentford, Newmarket CB8 7PT in accordance with the terms of the application, Ref DC/14/0585/OUT, dated 28 March 2014, subject to the conditions set out in the attached schedule.

### Application for costs

2. At the Inquiry an application for costs was made by Mr Clive Damsell of Meddler Properties Ltd against Forest Heath District Council. This application is the subject of a separate Decision.

### Procedural Matter

3. The application is for outline planning permission with all matters apart from access reserved. A layout plan was submitted with the application and I have considered that plan on the basis that it is illustrative of a possible scheme.

### Main Issues

4. The main issues in the appeal are:
    - i) the effect of the proposed development on the Horse Racing Industry (HRI);
    - ii) whether or not the Council has a five year supply of deliverable housing sites;
    - iii) whether or not the proposed development would make adequate provision for infrastructure; and
-

- iv) whether or not the proposed development would be sustainable.

## **Reasons**

### *Horse Racing Industry (HRI)*

5. Meddler Stud was originally of some 100 hectares but the majority of the land was sold to the adjoining Lanwades Stud in the 1990s. The site is the remaining 7.16 hectares which previously included stables and paddocks. The majority of the buildings have been demolished and most of the site has been sown with winter wheat.
6. The HRI is of prime importance to the local economy of Newmarket and is also important at national and international levels. The site is about 4 miles from Newmarket and is within the area covered by the HRI although towards its outer periphery. Newmarket provides HRI facilities that are of importance both economically and culturally. It is the historic home of horse racing and includes a range of facilities that together make the HRI of considerable importance to the area.
7. There has been a general trend of growth in the number of horses in training in the area and Newmarket has been successful in maintaining its position in this respect. There are a number of central gallop facilities in the town. Much of the growth in the industry comes from trainers setting up new businesses for which 'starter yards' are required. The proposed development would provide a Racehorse Training Establishment (RTE) that would be suitable as such a starter yard. The proposed residential development would however occupy land that was previously in use for equine purposes associated with the HRI.
8. The Development Management Policies document<sup>1</sup> (DMP) includes policies DM48 and DM49 which protect the HRI. Policy DM48 requires that development does not adversely affect operational HRI sites or threaten the long term viability of the HRI as a whole. Policy DM49 restricts the change of use of existing HRI land or land that was last lawfully so used to other uses. In protecting the HRI those policies are consistent with the National Planning Policy Framework (the Framework) which has as a core planning principle the support of sustainable economic development.
9. The majority of the site has been sown with a crop and therefore can be said to be in agricultural use. The land formerly occupied by the buildings and hard surfaces has not been actively used for agricultural purposes. The soil contains hard core from the demolition of the buildings and hard surfaces and has been ripped in preparation for soil improvement. That land is about 1.34 hectares in area and forms a significant proportion of the site.
10. Policy DM49 restricts the change of use of racehorse training yards, stud farms, racecourses and horse training grounds, including associated residential accommodation or other uses directly related to the HRI (and buildings/land last lawfully used for such purposes) to uses not directly related to the HRI. The site was previously used for uses directly related to the HRI including stud and racehorse training purposes. Most of the site is now in agricultural use, such use having commenced lawfully. The words in parenthesis in policy DM49 refer to the last lawful use and as such would cover situations where there has

---

<sup>1</sup> Forest Heath and St Edmundsbury Local Plan Joint Development Management Policies Document (February 2015)

- been a subsequent unlawful use or the original HRI use has been abandoned. The circumstances applying to the current use of the appeal site are unusual. The last use of the site in the sense of the use before the current use was for HRI purposes and in this sense the words in parenthesis in policy DM49 would cover that use. It is also the case that a significant proportion of the site has not been actively used for agriculture and remains in HRI use.
11. The purpose of policy DM49 in retaining adequate land in Newmarket and the surrounding area for HRI purposes would be undermined if it were possible to overcome the policy by using land for agriculture. I take the view for the reasons given that policy DM49 of the DMP applies to the proposal.
  12. The proposed RTE as shown on the illustrative master plan would occupy 2.23 hectares of the site. The remaining 4.93 hectares would be lost to the HRI and for this reason the proposal would not accord with policy DM49 of the DMP.
  13. The site did however have a number of limitations in relation to HRI use when previously so used. Firstly, following its separation from the majority of the original stud farm it is of limited size for stud purposes. The appellants' Horse Racing Impact Statement says that a brood mare with her foal and yearling would normally require 10 acres. On this basis the site would at most accommodate two mares and their followers, which would be unlikely to be sufficient to support a business.
  14. Secondly there is no residential accommodation associated with the site. Such accommodation would normally be necessary for security and good husbandry.
  15. Thirdly the former stables were said to be in poor repair and to require significant investment which would have affected business viability.
  16. The site has in the past been used for horse training and there was previously access to a nearby exercise facility off Gazeley Road which the appellants say is no longer available. It would be necessary to transport horses to the gallops in Newmarket which although not making the site unviable would add to costs.
  17. The appellants have provided evidence relating to failed attempts to run the site as a boarding stud, training yard and pre-training yard since 2001. The two occupiers during that period ran into financial difficulties. This does not necessarily show that the site cannot be made financially viable for HRI purposes but it is consistent with the evident limitations of the site.
  18. The proposed RTE would provide a modern facility that would be attractive to trainers setting up new businesses. The illustrative master plan shows a facility including 20 stables, a trainer's house, paddock and exercise track. There is evidence of demand for this type of facility and the appellants have demonstrated that it would be financially viable. Because the appellants own the land the RTE would not incur the cost of land acquisition. The RTE would accord with policy DM47 of the DMP which allows for HRI development where there is evidence of business viability and functional need.
  19. The previous appeal Inspector<sup>2</sup> in dismissing a proposal for residential development on the whole of the site considered evidence that a 20 box RTE would have a reasonable prospect of success on the site. The proposal would provide such a facility.

---

<sup>2</sup> APP/H3510/A/13/2197077

20. The site is not in operational HRI use and therefore the proposal would not have an adverse impact in this respect. Neither is there any evidence that the proposal would threaten the long term viability of the HRI as a whole. Taking the above considerations into account the proposal would accord with policy DM48 of the DMP in that it would not directly affect the HRI.
21. The proposals would result in a loss of HRI land but that land had limited potential for HRI use. The proposed RTE facility would provide a benefit that would counterbalance the loss of HRI land. For the reasons given I conclude that the proposals would not adversely affect the HRI either directly or through the loss of land.

### *Housing Land Supply*

22. Policy CS1 of the Core Strategy<sup>3</sup> sets out the spatial strategy for the District. Kentford is identified in that policy as a Primary Village which is suitable for housing allocations dependant on the capacity of the village to accommodate growth and to meet local needs. Policy CS7 of the Core Strategy which makes provision for the total number of dwellings required up to 2031 and their distribution has been partially quashed following a High Court Challenge and the Council is now undertaking a 'Single Issue Review' of that policy.
23. The parties are agreed that there is no up to date development plan provision for housing in Kentford. Therefore paragraph 14 of the Framework is engaged. That paragraph states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole.
24. There was disagreement between the parties as to whether or not the Council can demonstrate a five year supply of deliverable housing sites. This would affect the weight to be given to the benefit of the proposal. The Council's objectively assessed need as identified in the Core Strategy is 6,800 dwellings giving an annual requirement of 340. The High Court judgement did not affect the overall level of housing need and no evidence has been put forward to indicate that a different figure should be used.
25. The Inspector in the previous appeal considered that there was no evidence to justify the application of a 20% buffer to housing supply on the basis of past rates of delivery. Although in the past two years housing delivery has been below the annual requirement the figures for the last 10 years do not indicate that there has been persistent under-delivery. For these reasons a 5% buffer would be appropriate.
26. A shortfall in housing provision since the start of the Core Strategy period of 239 dwellings has been identified. The Council has calculated its housing need using both the 'Liverpool' and 'Sedgefield' methods of apportioning that shortfall. The Council's figures demonstrate a five year supply using both methods but the appellants consider that a number of sites should be discounted from the supply.
27. The Council's assessment of its housing land supply includes a major site for 400 dwellings at Hatchfield Farm. That site is subject to a called-in appeal and cannot be considered realistically available at the present time.

---

<sup>3</sup> Forest Heath Core Strategy Development Plan Document (May 2010)

28. The Council supplied further information regarding the deliverability of 6 sites which are included in its housing trajectory but which do not have permission. Five of those six sites are identified in the Site Allocation Local Plan (SALP) (Preferred Options) which is shortly to be subject to consultation. There is therefore uncertainty as to whether those sites will be allocated. However the Council presented information regarding applicable constraints and time scales for the delivery of housing on those sites.
29. Development of the site at Warren Close, Brandon is dependent on the relocation of pre-school and library facilities. The library has already relocated and the County Council envisages that the pre-school will relocate within one year. An alternative location for that facility has been identified.
30. The site at Drift Road, Lakenheath appears to be green field and adjacent to the built up area of the town. Constraints in terms of flood risk and archaeology have been identified but a developer is involved in conjunction with adjoining sites. The site at Gas House Drove, Brandon has been sold subject to contract. 54 Kingsway, Mildenhall adjoins a site which has been subject to planning permission and is within the urban area. There are no significant constraints to delivery of housing on those sites which are indicated to deliver 108 dwellings within five years.
31. Development of the identified sites at land north of Red Lodge will require Appropriate Assessment under the Habitats Regulations. This introduces some uncertainty as to whether those sites would be realistically available and suitable for development within five years.
32. A further site which is not in the SALP is that of the Council offices and adjacent library, surgery and police station in Mildenhall. Those facilities are to move to a new hub elsewhere. However the availability of the site depends on the alternative site being available and the existing site is in separate ownerships. These factors may potentially delay housing delivery on that site.
33. Taking the above into account, if the 108 dwellings are included in the housing land supply there would be a 5.03 year supply using the Sedgfield method. If the Liverpool method was used the supply would be 5.7 years.
34. I note the appellants' point about using a 10% lapse rate but no evidence has been provided to justify the use of this. For these reasons I conclude that the Council has a five year supply of deliverable housing sites. This does not alter the situation regarding the local plan being out of date but it tempers the weight to be given to the benefit of the proposal in terms of housing supply.

#### *Infrastructure*

35. The main parties agree that the Unilateral Undertaking provided by the appellants overcomes the second reason for refusal. In addition to affordable housing and public open space this would secure financial contributions towards healthcare, primary education, pre-school facilities and sustainable travel facilities.
36. The provisions of the Unilateral Undertaking would be necessary to meet the Council's policy on affordable housing and to provide for the recreational, educational and health needs arising from the development. The pre-school and primary education contributions have been calculated using standard methodologies as has the health services contribution.

37. The Unilateral Undertaking would also secure improvements to sustainable transport infrastructure, namely bus stop and cycling facilities which are necessary to encourage the use of those modes of transport.
38. For these reasons the obligations meet the tests in regulation 122 of the Community Infrastructure Levy Regulations (the CIL Regulations)<sup>4</sup>. The Council has also confirmed that the number of pooled contributions does not exceed the limit imposed by regulation 123 of the CIL Regulations.
39. For these reasons the proposal would make adequate provision for infrastructure and would accord with policy CS13 of the Core Strategy which has this requirement.

### *Sustainability*

40. I have found that although there would be a loss of HRI land this would be counterbalanced by the proposed RTE facility. On this basis the RTE would meet the economic dimension of sustainable development. It would also be consistent with the social dimension through supporting the HRI and the culture of the Newmarket area.
41. The proposals would also meet the economic dimension in terms of supporting local businesses in the area, particularly those in Kentford and by providing employment and other economic benefits during construction. There are sources of employment locally in Kentford and the proposal would be potentially supportive of those businesses.
42. In Kentford there is a post office and convenience store, two public houses and a church. There is a railway station and regular bus services to Newmarket which is within a reasonably short distance. The site has a good level of accessibility by means other than the car and the proposal would be sustainable having regard to the three dimensions in this respect.
43. Although the Council has a five year supply of housing land the development would provide a choice of homes locally including affordable housing which would meet the social dimension of sustainable development. Other housing development is underway in the village which is identified in the Core Strategy as a Primary Village suitable for growth.
44. The improvements to infrastructure to be secured by the Unilateral Undertaking would be consistent with the three dimensions of sustainable development.
45. The land is open and is between the two built up parts of the village. The Council has no objection in terms of the impact of the development on the character and appearance of the area or in terms of other environmental factors. Conditions may be attached to ensure that the design and appearance of the development are acceptable and that measures relating to biodiversity and open space are secured. The development would accord with the environmental dimension to sustainable development in these respects.
46. The illustrative layout plan shows that the residential development would be within an area at low risk of flooding. The means of access would pass through an area of high flood risk but a separate pedestrian access to the east is available. The development would not be at unacceptable risk of flooding and

---

<sup>4</sup> The Community Infrastructure Levy Regulations 2010

would be sustainable in this respect having regard to the three dimensions of sustainable development.

47. Overall, for the reasons given the development would accord with the economic, social and environmental dimensions of sustainable development.

*Other matters*

48. I have had regard to all other matters raised including surface water drainage, effect on living conditions and highway safety. With respect to the latter point the Highway Authority had no objection and I see no reason to disagree. The other matters raised do not alter my conclusions on the main issues.

**Planning Balance**

49. I have found that the development would be sustainable and that the presumption in favour of sustainable development in paragraph 14 of the Framework applies. Although there is a five year supply of housing land, the delivery of additional housing would be of benefit in the context of the Framework's requirement to boost significantly the supply of housing<sup>5</sup>. The proposed dwellings would be in a sustainable location in a Primary Village with access to services and facilities. For these reasons a moderate degree of weight can be given in favour of the proposal in terms of housing supply.
50. The provision of 30% of the dwellings as affordable housing also attracts weight in favour of the proposal and I give further moderate weight to that benefit.
51. The improvements to infrastructure to be secured by the Unilateral Undertaking would off-set the impacts of the development and would not represent net benefits although the public transport and cycle provision would benefit the wider community. For these reasons I give limited weight to those benefits.
52. I have concluded that the proposal would not harm the HRI in Newmarket. The proposed RTE would be of economic benefit but that benefit would be balanced by the loss of HRI land. For these reasons the effect of the proposal on the HRI is neutral in the planning balance.
53. For the above reasons the benefits of the proposal are not significantly and demonstrably outweighed by any adverse impacts having regard to the Framework as a whole.
54. Although I have found that the proposal would not accord with policy DM49 of the DMP the above considerations weigh against that policy conflict sufficiently to indicate that permission should be granted.

**Conditions**

55. I have imposed the conditions as suggested by the Council and discussed at the Inquiry with some amendments. In doing so I have had regard to the tests in paragraph 206 of the Framework.
56. Because the planning permission defines the number of dwellings approved it is not necessary to repeat this within a condition. I have imposed a condition

---

<sup>5</sup> Paragraph 47

- restricting occupation of residential accommodation provided as part of the RTE in accordance with policy DM47 of the DMP.
57. A Design Code is necessary to ensure that the development is of a good standard of design and that its appearance is acceptable.
  58. A programme of archaeological work is necessary because the site is in an area identified as being of archaeological interest.
  59. Conditions requiring the means of access and visibility splays to be provided in accordance with the approved plan and restricting discharge of surface water onto the highway are necessary in the interest of highway safety.
  60. Similarly conditions requiring the provision of parking areas and construction of roads and footways up to at least base-course level are necessary to ensure highway safety. The Council suggested the inclusion of a separate condition requiring details of car turning space but this would be covered under the reserved matters and the condition requiring car parking and manoeuvring areas.
  61. It is necessary to provide a pedestrian crossing facility on Bury Road to allow for the safe movement of pedestrians between the development and facilities within the village.
  62. I have imposed conditions requiring the drainage measures as set out by the Environment Agency. Those conditions are necessary to provide for sustainable drainage, to prevent pollution and to mitigate the effect of any flooding from the river. The Council has requested a number of detailed drainage requirements in its suggested condition 15 but the need for those requirements including any response from the drainage authority is not before me. However condition 12 would enable the Council to control the detailed drainage scheme.
  63. A condition requiring foul drainage measures to be approved is necessary to ensure that those measures meet the required standards.
  64. I have imposed a condition requiring an Arboricultural Method Statement and a Tree Protection Plan to ensure that trees are adequately protected. The statement and plan submitted with the application appear to relate to an earlier proposal.
  65. A plan for the minimisation of waste during construction is necessary to sustainably manage the waste produced including measures to minimise waste and I have included a condition accordingly.
  66. A Landscape and Ecology Management Plan is necessary to secure the management and maintenance for biodiversity enhancement of any areas of open space that are not open to the public and therefore not covered by the provisions in the Unilateral Undertaking.
  67. A condition requiring the proposed ecological mitigation measures is necessary to protect biodiversity. At the Inquiry the parties agreed that the suggested condition relating to bat mitigation could be included in the condition requiring ecological mitigation measures. I have incorporated this requirement into condition 19.



68. I have included conditions limiting the hours of construction work and controlling noise during construction in the interests of the living conditions of nearby residents.
69. A condition requiring an investigation of any contamination is necessary to ensure that a safe environment is provided without risk to its users.
70. A condition requiring the provision of fire hydrants is necessary to ensure that adequate provision is made for fire safety.
71. Conditions requiring the provision of hard and soft landscaping are necessary to ensure the appearance of the development is acceptable. The Council requested that all soft landscaping is carried out before occupation. However in order to be reasonable I have required that planting is done during the first planting season after occupation or completion, whichever is the sooner.
72. A condition restricting the use of piled foundations is necessary for the protection of groundwater.
73. Conditions requiring the provision of the RTE and its marketing are necessary in order to secure this facility in the interest of the HRI. Condition 27 defines the elements to be included in the RTE which are as proposed in the application documentation for the avoidance of doubt.
74. The parties agreed at the Inquiry that the Council's suggested condition 35 which would require the sale or renting of the RTE to an equine operator before a specified number of dwellings are occupied, should be deleted. I agree that such a requirement would not meet the test of reasonableness and so have not included that suggested condition.

**Conclusion**

75. For the above reasons I conclude that the appeal should be allowed.

*Nick Palmer*

INSPECTOR

### **Schedule of Conditions**

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3) The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.
- 4) Any residential accommodation provided as part of the Racehorse Training Establishment shall only be occupied by those directly employed in the day-to-day operation and management of the Race Horse Training Establishment and their dependants.
- 5) Concurrently with the application(s) for approval of reserved matters a Design Code for the Racehorse Training Establishment and the residential development shall be submitted to and approved in writing by the local planning authority. The Design Code shall include the following: the function and treatment of open spaces, street types and street materials, parking, lighting, security principles and boundary treatments (including the details of screen walls and fences for individual dwellings). Details of the external facing materials to be used shall be included. The development shall be carried out in accordance with the approved details.
- 6) No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The scheme shall include provision for analysis, publication and dissemination of results and archive deposition.
- 7) No building shall be occupied until the vehicular access and the visibility splays have been provided in accordance with the approved plan Ref 47060091/C01 P2. There shall be no obstruction above 0.6 metre in height within the visibility splays.
- 8) Before the development is commenced details of the means to prevent the discharge of surface water from the development onto the highway shall be submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved details.
- 9) The reserved matters shall include details of the areas to be provided for the parking, loading, unloading and manoeuvring of vehicles and secure bicycle storage provision. The approved areas and facilities shall be provided before the buildings to which they relate are occupied.
- 10) No dwelling shall be occupied until the carriageways and footways serving that dwelling have been constructed to at least base-course level in accordance with the approved details.
- 11) No dwelling shall be occupied until an uncontrolled pedestrian crossing facility has been provided on Bury Road to the west of the new access in

accordance with details which shall have been submitted to and approved in writing by the local planning authority.

- 12) Before commencement of development a scheme for surface water disposal shall be submitted to and approved in writing by the local planning authority. The scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development. The drainage strategy shall demonstrate that the surface water run-off generated up to and including the 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall include details of how it will be maintained and managed after completion. The scheme shall include details of infiltration testing. Infiltration systems shall only be used where it can be demonstrated that they will not pose a risk to groundwater quality. Development shall take place in accordance with the approved details.
- 13) Before commencement of development a scheme to provide floodplain compensation to ensure that there is no increase in flood levels on or off site has been submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved scheme.
- 14) Before commencement of development a scheme for the provision of pollution control to the water environment shall be submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved scheme.
- 15) Before commencement of development a scheme for foul water drainage shall be submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved scheme.
- 16) Before commencement of development a detailed Arboricultural Method Statement and Tree Protection Plan shall be submitted to and approved in writing by the local planning authority. The Statement shall include details of the following:
  - i) measures for the protection of those trees and hedges on the application site which are to be retained;
  - ii) details of all construction methods within the Root Protection Areas of those trees which are to be retained, specifying the position, depth and method of construction/installation, service trenches, building foundations, hard-standings, roads and footpaths; and
  - iii) a schedule of proposed surgery works to be undertaken to those trees and hedges which are to be retained.

Development shall take place in accordance with the approved details.

- 17) Before commencement of development a Site Waste Minimisation Statement/Waste Management Plan for construction waste shall be submitted to and approved in writing by the local planning authority. Development shall take place in accordance with the approved details.

- 18) Before commencement of development a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The LEMP shall include the following:
- i) details of the areas and features to be managed;
  - ii) ecological trends and constraints on the site;
  - iii) the management aims and objectives, management actions and a work schedule;
  - iv) details of the organisation responsible for management; and
  - v) details of monitoring and how necessary remedial actions will be taken.

The LEMP shall be carried out in accordance with the approved details.

- 19) Before commencement of development the recommendations in the Ecological Risk Appraisal & Protected Species Surveys by URS (March 2014) shall be carried out and a scheme for ecological mitigation and enhancement including measures for the protection of bats shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 20) Site preparation, construction works and deliveries shall only be carried out between 08:00 hours and 18:00 hours Mondays to Fridays and between 09:00 hours and 13:00 hours on Saturdays and at no time on Sundays or Bank Holidays.
- 21) Before commencement of development a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. The Statement shall include the following:
- i) noise management responsibilities and measures;
  - ii) monitoring and auditing procedures;
  - iii) complaints response procedures; and
  - iv) community liaison procedures.
- 22) No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures before development begins.

If, during the course of development, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

- 23) No development shall take place until a scheme for the provision of fire hydrants has been submitted to and approved in writing by the local planning authority. The fire hydrants shall be provided in accordance with the approved scheme before the development is occupied.
- 24) All hard landscape works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority.
- 25) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.
- 26) Piling or any other foundation design and investigative boreholes using penetrative methods shall not be permitted without the express written consent of the local planning authority.
- 27) The Race Horse Training Establishment which shall include 20 stables, an exercise ring, barn, paddock and trainer's dwelling shall be completed in accordance with details to be submitted as part of the reserved matters before any dwelling hereby approved is occupied.
- 28) Before any dwelling is occupied a strategy for the marketing of the Race Horse Training Establishment (including any residential accommodation associated with it) shall be submitted to the local planning authority for approval. The Race Horse Training Establishment shall be marketed in accordance with the approved strategy until such time as an equine operator (such person(s) to be defined in the strategy) is secured. The Race Horse Training Establishment shall continue to be used as such and for no other purpose and shall be re-marketed in accordance with the approved strategy in the event that the Race Horse Training Establishment is vacated by an equine operator.

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Paul Shadarevian, of Counsel

He called

Tony Kernon BSc (Hons) MRICS FBIAC

Kernon Countryside Consultants Ltd

Mark Flood BA (Hons) Dip TP MRTPI

Insight Town Planning Ltd

### FOR THE APPELLANTS:

Christopher Boyle, of Queens Counsel

He called

Thomas Smith BSC (Hons) Dip TP MRTPI

AECOM

### INTERESTED PERSON:

William Gittus MRICS

Chairman, Newmarket Horsemen's  
Group

## **DOCUMENTS SUBMITTED AT THE INQUIRY**

### SUBMITTED BY THE COUNCIL

- 1 Opening submissions on behalf of Forest Heath District Council
- 2 Letter from the Council to Mr Smith dated 9 March 2016
- 3 Site photographs submitted by Mr Kernon
- 4 Notes on sites without planning permission and included in the housing trajectory
- 5 Forest Heath District market Signals and Objectively Assessed Housing Need - Peter Brett Associates (February 2016)
- 6 Housing Trajectory (Appendix A)
- 7 List of Planning Conditions
- 8 Closing submissions on behalf of Forest Heath District Council

### SUBMITTED BY THE APPELLANTS

- 9 Extracts from the Town and Country Planning Act 1990
- 10 Letter from Natural England to AECOM dated 3 March 2016
- 11 Update tables to Thomas Smith proof of evidence p 23

- 12 West Suffolk 2016 Strategic Housing Land Availability Assessment (SHLAA) draft review report for consultation (February 2016)
- 13 Costs application on behalf of the appellants
- 14 Closing submissions on behalf of the appellants
- 15 E-mail from Chair of Kentford Parish Council to Philippa Kelly dated 15 March 2016