

LAND TO THE WEST OF ROYAL HILL ROAD, DERBY

MILLER HOMES - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT  
INCLUDING ACCESS ARRANGEMENTS - UP TO 90 DWELLINGS

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OPENING SUBMISSIONS ON BEHALF OF THE CITY COUNCIL

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Appearances:

Hugh Richards of Counsel, No 5 Barristers' Chambers

Councillor Matthew Holmes – Planning witness

(Conditions session only) – Sara Hodgkinson, Team Leader.

1. The adopted Derby City Local Plan covers the period 2011 to 2028. Adopted in 2017 it is predicated on delivering 11,000 dwellings over the plan period out of an assessed need of 16,388<sup>1</sup> – the remainder being ‘exported’ elsewhere in the HMA<sup>2</sup>. The need was therefore for an average of 964 dwellings per year over the plan period (although the plan’s requirement was for 647). During the time of “the 35% uplift” it rose to 1,244. It is now 906 dwellings per year based on the standard method (following its update in December 2024<sup>3</sup>).
2. Derby was constrained from meeting its full need within its boundaries<sup>4</sup> in part because the City has already ‘spilled over’ into neighbouring administrative areas, but also because it has Green Belt (“GB”) to the north and east. More pertinent for this appeal, Derby also enjoys fingers of open, largely green

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<sup>1</sup> Core Strategy p29, ¶5.62

<sup>2</sup> LP Inspector’s Report ¶14

<sup>3</sup> CD9.11

<sup>4</sup> Core Strategy p12, ¶4.20

‘wedges’ of land penetrating into the heart of the city and separating the city’s individual neighbourhoods. Of course the vision of the adopted local plan includes its residents having a home to live in. But it also includes providing an attractive living environment which, in the outer suburbs of the city, includes the thirteen Green Wedges (“GW”)<sup>5</sup> which in part define the identity of communities and prevent the coalescence of one into another.<sup>6</sup>

3. GW do not have the permanence of the GB<sup>7</sup>. The extent of each of the GW is examined during plan-making. But they do define the spatial character of the city in ways the GB does not. In examining the adopted Local Plan Core Strategy the inspector found that there was not a case for releasing GB within the city boundaries, but noted that the GW Review had identified around 2,000 houses on land previously GW and that further no-strategic releases would be considered in the Part 2 Local Plan<sup>8</sup>. The GW designation is not a recent construct; in planning policy terms in Derby it dates from 1989 but its roots go back even earlier and it has continued in all plans since<sup>9</sup>. It recognises a long-standing principle that as the city has expanded outwards, even as it ‘swallowed up’ small settlements and villages, ‘wedges’ of land have been deliberately left open and undeveloped<sup>10</sup>.
4. The appeal site is in one of these “GW” that separates Spondon in the east from Chaddesden in the west and it contributes to the character and sense of place of this part of the city. It contains a school and the playing fields of another. The land uses in this GW (as in GW generally) are various but all contribute to the openness and separation function of the it: agriculture and horsiculture, playing fields, nature reserve, public open space. The finger of housing development along West Road predates the designation and is technically outside the GW. Other non-school buildings generally relate to agriculture.

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<sup>5</sup> See Fig 1.1 on p5 of the GW Review 2012

<sup>6</sup> Core Strategy p8, ¶3.12

<sup>7</sup> Core Strategy ¶5.18.2

<sup>8</sup> Local Plan Inspector’s Report p13, 52-56

<sup>9</sup> GW Review 2012, p7, ¶2.7

<sup>10</sup> GW Review 2012, p5, ¶1.2 & 2.2

5. Core Strategy policy CP18 is the GW policy<sup>11</sup>. It's predecessor policy, E2 in the previous plan, is discussed in the 2012 GW Review at p11. They are very similar. The policy approach is to establish a general presumption against most forms of built development in order to maintain the open and undeveloped character of the GW. However, the 2012 GW Review appears to have been something of a watershed recognising, as it did, modern challenges which include the need to significantly boost housing, and providing the green infrastructure and modern sports pitch facilities demanded by modern living. That lead to the release of land from the GW to accommodate around 2,000 dwellings.
6. But we are approaching the end of the plan period, and Derby does not have a 5-year housing land supply. Once again, green fields will have to be built on in order to meet the needs of the city's growing population. The stakeholders in the city are wrestling with a dilemma: should we build over the GW to put a brake on outwards expansion (including into the GB) or should the city continue to expand outwards where it needs to, while respecting and maintaining GWs, as has been done for many, many years. That is at the heart of the issue this inquiry will consider.
7. The starting point for determining this appeal is agreed to be the development plan. The proposal to build up to 90 dwellings in the GW is plainly contrary to policy CP18 and the development plan as a whole.
8. But the 'tilted balance' in NPPF ¶11 is engaged. In Cllr Holmes' view the harm to the GW does significantly and demonstrably outweigh the undoubted benefits of delivering more market and affordable housing together with the economic, BNG and other benefits that come with this development.

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<sup>11</sup> Core Strategy p58.

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