

IN THE MATTER OF:

AN APPEAL BY SECTION 78 OF THE TOWN AND COUNTRY PLANNING ACT [AS AMENDED].

and

CHURCHILL LIVING LIMITED.

and

THE PROPOSED DEVELOPMENT OF LAND TO REAR OF 156-172 SOUTH STREET, BRIDPORT, DT6 3NP.

PUBLIC INQUIRY – 13-14 JANUARY 2026.

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THE CLOSING SPEECH OF THE APPELLANT

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The structure of the closing speech:

1. Introduction – the key case of the Appellant.
2. The need for the UK, regionally and Bridport.
3. Does the proposal comply or not with the Development Plan?
4. Is the LPA right to allege two impacts exist?
5. The planning balance.
6. Summary and Conclusion.

**I. Introduction – the key case of the Appellant:**

1. These submissions seek to close the Appellant's case.
2. This inquiry is characterised by both main parties reaching the same destination – namely that in applying the planning balance planning permission should be granted however the main parties undertake different journeys with the Appellant concluding there are no material impacts to weigh in the planning balance whilst the LPA weigh two impacts – AH and ST – against the proposal but still and highly materially conclude that planning permission should be granted.
3. It is also worth reflecting that the position of the LPA is not one taken lightly, speedily or instinctively. The LPA have considered this matter for nearly 18 months through

application, amendment, determination, the submission of the appeal and the revision of their position in the light of the change of circumstances pertaining this appeal as set out in the LPA's opening.

4. Their measured and reasoned (and reliable) conclusion is that planning permission should be granted to this proposal.
5. It is conclusion that material weight can be place on by the Inspector.
6. The Appellant endorses that judgment not unsurprisingly. In summary, the Appellant's case is that first, the proposal accords overwhelmingly with the development plan read as a whole and with the current aspirations of Government as expressed in the NPPF. Secondly, the Appellant rejects the position of the LPA that there is a policy breach on affordable housing, that the Council's approach to the flood risk sequential test is incorrect, and that the planning balance compellingly favours the grant of permission, consistently with the position now adopted by the Council.

## **II. The need for retirement living in the UK, regionally and in Bridport**

7. The approach of the local residents has been to repeatedly doubt and question the need for the proposal.
8. In terms of the national situation the position of Government as expressed in the PPG could not be stronger – there is a “critical need for retirement living”.
9. Regionally the various studies carried out by this LPA also indicate in the strongest terms a regional need.
10. In terms of Bridport, the recent and particularly pertinent Bridport Housing Needs Assessment identifies a significant need for specialist older persons' accommodation in the Neighbourhood Area over the plan period. It estimates need in the range of 293–409 specialist units (§1.4.6 Housing Needs Assessment) and specifically notes that Bridport town is a suitable location for such development (§1.4.10 Housing Needs Assessment). It also highlights that there is currently no extra care provision locally (§1.4.1 and §1.4.8 Housing Needs Assessment).
11. The Officer's Report (at §12.10.10) also acknowledged both the significant general affordable housing need and a need to accommodate older people and accepted that where a local need for retirement living is demonstrated, such schemes deliver important health, well-being and market benefits, including freeing larger homes. The Council's own LHNA and its analysis of local need recognise these points (see Officer's Report at §12.5.9).

12. Therefore, you have nothing more than assertion suggesting no need for this type of development and then a body of recent, detailed and professional evidence concluding that there is a critical and pressing need for what is proposed.
13. The Appellant's core submission on need is that applying any "hierarchy" of housing needs is inappropriate: once a specific need for retirement living in Bridport is evidenced, the existence of other needs (e.g. for younger persons' accommodation) does not negate, dilute or defer the case for this proposal. It is also trite law that the task for a decision maker in any planning determination is not to apply a test of what is best for the site or most needed but whether the proposal under consideration is acceptable or not applying Section 38(6).
14. That is the correct test in law and is commended to the Inspector.

### **III. Does the proposal comply or not with the Development Plan?**

15. In applying that correct test the first task is to consider whether the proposal complies with the two development plan documents in force currently or not.
16. The proposal sits within the defined settlement boundary of Bridport, on brownfield, previously developed land in a highly sustainable location close to the town centre (as well as neighbouring Dorchester), buses and services. These locational and sustainability advantages that accord with the spatial requirements of the development plan weigh in favour of the proposal and are in alignment with the NPPF's priority for efficient use of brownfield land and sustainable patterns of growth.
17. The Council's own analysis recognises that, in principle, the site is appropriate for housing, and many impacts are acceptable, including heritage, landscape/townscape, amenity, contamination and highway safety.
18. At Appendix 1 is an updated development plan compliance audit. The takeaway points are:
  - 18.1. The total policies agreed to be relevant to determination - 34 policies relevant to the determination of the appeal.
  - 18.2. The LPA position on section 38(6) - 5 policies breached, but 29 neutral or supportive.
  - 18.3. The appellant position on section 38(6) - No policies breached and all supportive or neutral.
19. The correct and overwhelming conclusion therefore is that the development plan is complied with.
20. Then in accordance with Section 38(6) one needs to consider other material considerations.

21. The primary OMC is the NPPF.
22. The starting point is that the Council cannot demonstrate a 5-year housing land supply (it is only able to demonstrate a 2.53 years supply), such that the presumption in favour of sustainable development is engaged, and the tilted balance is agreed to be in play, and not subject to disengagement by any factor and in particular the ST.
23. Therefore, the correct approach is to consider whether the impacts alleged by the LPA significantly and demonstrably outweigh the benefits of the proposal.
24. For the reasons set out below the Appellant does not accept that they are weighty or material in any planning balance.
25. The Appellant's planning evidence confirms the proposal accords with the development plan when read as a whole, and that all material considerations, including the NPPF's approach to brownfield redevelopment and specialist older persons' housing, reinforce that conclusion. The development is consistent with local policies (e.g., policy H5 of the Bridport Neighbourhood Plan) and with applicable PPG guidance (e.g., paragraph 016 of the NPPG on "Housing for older and disabled people").
26. Overall, the Appellant submits that the proposal is in accordance with applicable development plans, when those are read as a whole.

#### **IV. Is the LPA right to allege there are two alleged impacts?**

*Viability and affordable housing: the Appellant's contribution is policy-compliant*

27. Policy HOUS<sub>1</sub> of the West Dorset, Weymouth & Portland Local Plan (2015) expects 35% affordable housing in Weymouth and West Dorset but expressly allows a lower level where justified by viability and where there are good reasons to bring the development forward. HOUS<sub>1</sub> criterion (iii) states that a lower level will be permitted if there are good reasons to bring the development forward and the assessment shows it is not economically viable to make the minimum level of provision. Those are precisely the facts here: a thorough viability process, abnormal costs, a substantial off-site contribution, and powerful reasons to deliver critical older persons' housing and substantial brownfield regeneration benefits. Therefore, it is a credible, and indeed completely reasonable judgment to conclude that the policy is complied with in terms and there is no material breach of that policy.
28. The Appellant was allowed to submit a viability assessment, and engaged with the Council's consultant, Ms Reed. Ms Reed accepted that the top level of provision of affordable housing at 35% provision is unviable. Viability is therefore common ground in principle.

29. It is also agreed that AH cannot and should not be provided on site.
30. The parties agree that an off-site contribution can be made.
31. Therefore, the sole residual issue was the quantum of a viable off-site contribution.
32. Following discussions, the Appellant offered a contribution of £500,000, which the Council recorded to the Inspectorate as acceptable.
33. In addition, the Inquiry heard evidence from Mr. Darrien, which confirmed that off-site contributions are the norm for retirement schemes locally and that the Council would seek to spend the contribution in or around Bridport to address acute affordable needs. In these circumstances, the provision of a £500,000 contribution following a viability process compliant with HOUS<sub>1</sub>(iii) is policy compliant.

*Sequential test: the Council's catchment is too wide and contrary to policy*

34. The Council's approach is contrary to the updated PPG on flood risk. The PPG is clear that the catchment area must be defined by the "catchment area for the type of development proposed and the needs it is proposing to address." Mr Shellum accepts that it is open for the Inspector to consider lawfully a wider area however one must always remember that the above sentence is critical.
35. In other words, the area of search must align with the relevant need which the proposal is proposing to address, and which here, is for retirement living in Bridport.
36. It would be bizarre, indeed futile to seek to meet an express and identified requirement for Bridport in Weymouth or Dorchester.
37. The need is required and should be met in Bridport.
38. Mr Shellum's evidence explains that sites in other settlements would not meet the same development need as a Bridport scheme. The Council-wide catchment is therefore at odds with PPG paragraph 27a and the clear intention of Government in the September 2025 changes to the PPG to get clarity and certainty on the area of search.
39. The Council's approach is also internally inconsistent. In assessing local housing balance and the evidence of need, the Officer's Report criticises the Appellant's needs evidence for focusing too broadly across Bridport, Beaminster and surrounding wards, and for "failing to focus on the likely catchment of Bridport town itself." (§12.5.12) Yet for the sequential test, the Council requires a far wider search across the district. This inconsistency underlines that the proper catchment, in line with PPG 27a, is Bridport.

40. Further, if a district-wide search area were adopted, it would risk sterilising sustainable brownfield opportunities in flood-affected coastal towns across Dorset, contrary to the PPG's pragmatic approach (arguably, any development proposed in Bridport would fail the sequential test given the likely availability of sites elsewhere in the wide catchment region suggested by the Council). It is also noteworthy that in the Christchurch appeal decision the Inspector was crystal clear that the proposition that a cracking urban regeneration site in a highly sustainable location should not be left on the shelf indefinitely.
41. Exactly the same sound planning principles require development of a brownfield, underutilised, sustainable site particularly when this LPA has to find sites to build over 8,000 units currently in their 5-year HLS.
42. Finally, one must consider that all this consideration of a ST is utterly academic because whilst the burden is on the Appellant in such matters it is highly noteworthy that the LPA have thought about alternative sites for many months and now confirm that they have no evidence themselves as LPA of one site being readily available across the district in any event. They cannot positively promote one site that could accommodate the development.
43. That corroborates completely the Appellants position unintentionally!
44. So even if you embrace and endorse the wider catchment area approach there is not one site which has credibility as an alternative for the proposal.
45. Overall, once the correct catchment is adopted, there are no reasonably available and suitable lower-risk sites in Bridport. The sequential test is thus passed.
46. In terms of the Exceptions Test and whether the proposal will be safe for its lifetime, notwithstanding your detailed questioning of Mr Shellum, you can take enormous comfort that the proposal and the FWEP in particular has been subject to extensive scrutiny by the LLFA and the emergency planner who are highly experienced in such matters and must have considered numerous FWEPs in the everyday course of their employment. They are satisfied that the proposed course of action in flood events are satisfactory and comprehensive. That is corroborated by the professional input provided by CLL's expert – Chris Youden – Awcock Ward Partnership as stated by Mr Shellum.

V. **The Planning Balance**

47. The tilted balance requires a planning balance to be undertaken by weighing the benefits against the impacts.

48. In terms of the benefits the parties largely agree on what comprises benefits and there is an element of disagreement regarding the harms.

<b>PLANNING BENEFITS</b>		<b>SHELLUM WEIGHT [§7.1]</b>	<b>DC WEIGHT [DC POSITION PAPER]</b>
1.	PROVISION OF 73 UNITS OF C <sub>3</sub> DWELLINGS	SUBSTANTIAL	SIGNIFICANT [§5.3]
2.	PROVISION OF OLDER PERSONS ACCOMMODATION FOR WHICH THERE IS CRITICAL AND LOCAL NEED	SUBSTANTIAL	SIGNIFICANT
3.	REDEVELOPMENT OF PDL	SUBSTANTIAL	UNCLEAR BUT BENEFIT ACKNOWLEDGED [§5.5]
4.	SUSTAINABLE LOCATION	SUBSTANTIAL	MODERATE [IN CHIEF]
5.	EFFICIENT / OPTIMUM USE OF LAND	MODERATE	UNCLEAR BUT BENEFIT ACKNOWLEDGED [§5.6]
6.	ECONOMIC BENEFITS	SUBSTANTIAL	MODERATE [IN CHIEF]
7.	SOCIAL BENEFITS	SUBSTANTIAL	NA
8.	ENVIRONMENTAL BENEFITS	MODERATE	MODERATE [§5.8 AND IN CHIEF]
9.	RELEASE OF UNDER OCCUPIED HOUSING STOCK	SUBSTANTIAL	LIMITED
10.	FINANCIAL CONTRIBUTION TOWARDS AFFORDABLE HOUSING	SIGNIFICANT [AS AMENDED IN CHIEF]	VERY SIGNIFICANT [§5.4 AND CONFIRMED IN CHIEF]
<b>CUMULATIVE WEIGHT TO BE GIVEN TO THE BENEFITS</b>		<b>HEAVY [§§7.2-7.3]</b>	<b>NOT SET OUT IN EVIDENCE [§5.9-5.13] OR ORALLY.</b>

49. All main parties now agree permission should be granted subject to conditions and the s. 106 agreement, given the Council's position that, applying the tilted balance, the adverse impacts would not significantly and demonstrably outweigh the benefits, and it no longer opposes the grant of permission.
50. The proposal delivers numerous substantial benefits: 73 dwellings of specialist accommodation for older persons in a settlement that the needs evidence identifies as a suitable and sustainable location, re-use of brownfield land, regeneration, environmental and townscape betterment, social benefits in releasing under-occupied dwellings, economic benefits, and tangible affordable housing benefits via the £500,000 sum (ca. 10 affordable homes). The Council's own assessment attributes significant weight to many of these benefits in the overall balance, as clarified in Mr Lennis' oral evidence, and its final position confirms the tilted balance outcome favours grant.
51. The outstanding matters advanced by the Council at the Inquiry relate to its view on (i) the sequential test catchment and (ii) whether a higher affordable housing contribution might be viable. These matters are addressed above; the Appellant's position is that neither amounts to a harm.

## VI. **Summary and Conclusion.**

52. This site needs a long-term solution.
53. CLL provide an offer to those advancing in years that is highly attractive and provides enormous comfort, security and peace to all its residents. It allows them to relieve themselves of the burden of large, old, big houses in locations that make their lives far more difficult. It provides an incredibly reassuring location, security and comfort for all.
54. Around 100 elderly people will benefit immediately after the grant of permission by this development. Many more over the succeeding years if granted.
55. It is a development which is perfect for this site, this location and this town and we commend it to you.
56. The alternatives are utterly unrealistic, without evidence and do not need to be considered in any event.

57. For all of these reasons, the Appellant invites the Inspector to allow the appeal and to grant planning permission for this proposal, subject to the agreed conditions, s. 106 and planning obligation securing the £500,000 affordable housing contribution.

**14 January 2026.**

**SASHA WHITE K.C. and MARGHERITA CORNAGLIA.  
LANDMARK CHAMBERS.**

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**APPENDIX 1 – RELEVANT POLICIES IN THE DEVELOPMENT PLAN**

POLICY	SUBJECT	PLAN PAGE	LPA POSITION ON BREACH NOW
<b>WEST DORSET, WEYMOUTH &amp; PORTLAND LOCAL PLAN (ADOPTED 2015)</b> - AGREED 14 POLICIES RELEVANT TO THE DETERMINATION OF THE APPEAL.			
ENV5	Flood Risk	36	Yes (RR4)
ENV9	Pollution and Contaminated Land	41	No
ENV10	The Landscape and Townscape Setting	44	No (RRs 1-2 not maintained)
ENV11	The Pattern of Streets and Spaces	46	No (RRs 1-2 not maintained)
ENV12	The Design and Positioning of Buildings	49	No (RRs 1-2 not maintained)
ENV15	Efficient and Appropriate Use of Land	52	No
ENV16	Amenity	53	No
ECON3	Protection of other Employment Sites	85	No
HOUS1	Affordable Housing	103	Yes (RR3)
HOUS3	Open Market Housing Mix	105	Yes (RR3)
SUS1	The Level of Economic and Housing Growth	58	No
SUS2	Distribution of Development	71	No
COM7	Creating a Safe and Efficient Transport Network	124	No
COM9	Parking Standards in New Development	127	No
<b>BRIDPORT AREA NEIGHBOURHOOD PLAN (MADE 2019)</b> AGREED 20 POLICIES RELEVANT TO THE DETERMINATION OF THE APPEAL			
CC1	Publicising Carbon Footprint	27	No
CC2	Energy and Carbon Emissions	28	No
CC3	Energy Generation to Offset Predicted Carbon Emissions	28	No
AM1	Promotion of Active Travel Modes	31	No
AM2	Managing Vehicular Traffic	32	No
AM5	Connections to Sustainable Transport	33	No
H1	General Affordable Housing Policy	41	Yes (RR3)
H2	Placement of Affordable Housing	42	No

H4	Housing Mix & Balanced Community	44	Yes (RR3)
H5	Retirement Living Development	44	No
H6	Housing Development Requirement	45	No
HT1	Non-Designated Heritage Assets	57	No
HT2	Public Realm	58	No
L1	Green Corridors, Footpaths, Surrounding Hills & Skylines	61	No
L2	Biodiversity	61	No
L5	Enhancement of the Environment	67	No
COB1	Development in the Centre of Bridport	70	No
D1	Harmonising with the Site	76	No (RRs 1-2 not maintained)
D2	Programme of Consultation	77	No
D3	Internal Transport Links	78	No

**FINAL POSITION ON THE DEVELOPMENT PLAN:**

1. TOTAL POLICIES AGREED TO BE RELEVANT TO DETERMINATION - 34 POLICIES RELEVANT TO THE DETERMINATION OF THE APPEAL.
2. LPA POSITION ON SECTION 38(6) - 5 POLICIES BREACHED, BUT 29 NEUTRAL OR SUPPORTIVE.
3. APPELLANT POSITION ON SECTION 38(6) - NO POLICIES BREACHED AND ALL SUPPORTIVE OR NEUTRAL.