

**APPEAL PURSUANT TO SECTION 73 OF THE TOWN AND COUNTRY
PLANNING ACT 1990 IN RELATION TO
LAND ADJACENT TO HIS MAJESTY'S PRISON GARTREE**

APPEAL REF: APP/F2415/W/22/3300227

**OPENING SUBMISSIONS ON BEHALF OF
HARBOROUGH DISTRICT COUNCIL**

Introduction

1. HMP Gartree is a well-known feature of the locality. It provides employment and serves the community as well as the nation. This is understood. It is further understood that there is a national need for new prisons.
2. Yet, despite this, there is considerable local opposition to the proposed development. It would be a vast new prison in the open countryside, which would be inaccessible both for the staff and for people expected to travel hundreds of miles to visit their families and friends there.
3. The Appellant's evidence reveals the scheme was ill-thought through. It would quite simply be the wrong development in the wrong place.

Main issues

4. The Appellant's application was determined at a meeting of the Planning Committee on 5 April 2022. Planning permission was refused for the following reason:

“1. The proposed development is unsustainable by virtue of its location and by virtue of its size, scale and design would have a harmful impact on the character and appearance of the countryside and Area of Separation. The benefits associated with the proposed development would not outweigh this harm and the proposal is therefore contrary to Harborough Local Plan policies GD1 & GD3 and Lubenham Neighbourhood Plan policies LNP01, LNP16 and LNP19.”

5. Following the Case Management Conference, the Inspector sent a Post-Conference Note, in which she indicated that the main issues in the inquiry were likely to be:
- a. **Landscape** – the effect of the development on the character and appearance of the surrounding area; (“Main Issue 1”);
 - b. **Location** – whether the appeal site is a suitable location for the development having regard to accessibility and need (“Main issue 2”); and
 - c. **Planning** – any benefits to be weighed into any planning balances (“Main Issue 3”).

Main issue 1: Landscape – the effect of the development on the character and appearance of the surrounding area

6. The appeal site is located in a tract of farmed countryside to the south of the village of Gartree and HMP Gartree (“the existing prison”), to the west of Market Harborough and to the north of the village of Lubenham. This landscape is open and affords long distance views across the Welland Valley to the south and west.
7. While the existing prison is a detracting feature in the landscape, its potential adverse influence on the landscape is partially mitigated through its layout. The tallest buildings are within the centre of the site and are limited in number. In addition, mature trees screen many of the views from the west and north, and provide a backdrop in views from the south-east and east.

8. The landscape is crossed by a number of public footpaths that provide access from the settlements of Gartree, Lubenham and Market Harborough into the wider landscape.
9. The tract of countryside in which the appeal site is located provides a physical and visual separation between Gartree and the Strategic Development Area to Market Harborough. Its importance is recognised by its inclusion in the Lubenham Neighbourhood Development Plan as an Area of Separation. It also affords a rural setting to the south of Gartree village, which is a particularly important resource given the presence of the existing prison, and a farmed setting to the edge of Market Harborough.
10. If planning permission were granted, the result would be the construction of a new prison that is substantially larger than the existing prison. Not only would the four-storey house blocks have a similar ridge height to the tallest central existing building, they would be of an even larger height and mass as the land within the appeal site falls away from the existing prison. Further, again unlike the existing prison, the tallest buildings would be located close to the perimeter leaving little or no space for any meaningful boundary planting.
11. Simon Neesam, will explain how the proposed prison would cause significant harm to the character of the countryside, by reason of the adverse effects on the character and distinctiveness of the local landscape, the loss of landscape features in the surrounding landscape, and the effects on the countryside setting of Gartree and Market Harborough.
12. He will further explain why the proposed development would cause significant harm to the appearance of the countryside through the introduction of utilitarian built forms up to 4 storeys high, the cumulative effects of extending prison development across broad views, and the loss of long-distance views across the countryside.
13. Finally, Mr Neesam will explain how the proposed development would, by extending into the defined Area of Separation (“AoS”), erode the physical

separation of Gartree and Market Harborough and cause even greater harm to the visual separation of the two settlements.

14. The sense of openness experienced by users of the public footpath A25 is specifically referenced in the Lubenham Neighbourhood Development Plan and the proposed 4-storey buildings would have a substantial impact on views from this route, blocking long-distance views of the valley beyond, changing the character of the remaining portion of the AoS, and foreshortening the sense of visual separation between the two settlements.

Main issue 2: Location – whether the appeal site is a suitable location for the development having regard to accessibility and need

Accessibility

15. The presumption in favour of sustainable development is at the heart of the NPPF (NPPF §10). The NPPF is further clear about the need for significant development to be at sustainable locations. NPPF Paragraph 105 states:

“ ...Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.”

16. Sustainable transport modes that are considered realistic alternatives to private vehicles are walking, cycling and public transport. As Jonathan Weekes will set out:
 - a. the Appellant accepts that access to the site by foot is unrealistic;
 - b. access via bicycle is limited to the villages that immediately surround the appeal site: Gartree, Lubenham, and Foxton, as well as the western part of Market Harborough;
 - c. bus access is limited to Market Harborough with no service to higher settlements and even then is of limited utility as operates on a long loop and

the timetable would not allow for uniformed staff (60% of the proposed workforce) to use it;

- d. the nearest train station, Market Harborough is more than 5km away and realistically staff or visitors would be more likely to undertake the journey from the train station by car or taxi (10 minutes) rather than by bus (35 minutes).
17. Thus, private vehicles would be the predominant mode of access to the proposed development for both staff and visitors, rather than sustainable modes of transport.
18. The inaccessibility of the prison is compounded by the fact that it is anticipated that visitors would need to travel long distances from the north-west or the south-east to see their family members or friends at the prison. This would plainly be unsatisfactory.
19. The development is therefore not in a sustainable location.

Need

20. Mr Weekes will further explain that the Appellant has failed to make a convincing case for the need for a new Category B prison on the appeal site.
21. The limited evidence provided by the Appellant on need shows how it only belatedly identified a need for a new Category B prison in the Midlands, let alone in this specific location. The search for suitable sites nationally was limited and sporadic. There was not even an assessment of alternative sites in the Midlands until June 2022 after the present appeal had been submitted.
22. The location of the prison away from identified areas of specific need in the north-west and the south-east and the lack of sustainable transport options is further relevant to need as contact with friends and family is likely to be more limited.
23. The MOJ's 2017 report "The Importance of Strengthening Prisoners Family Ties to Prevent Reoffending and reduce Intergenerational Crime" [CD J20] argues that good contact between inmates and their family and friends is important to

the rehabilitation rates.¹ If the proposed development were to be granted planning permission it would hamper this potential rehabilitation success.

24. Further, even if the Secretary of State were persuaded that there was the need to build a new prison in a location with limited accessibility, in the open countryside, in an Area of Separation, far from those who would wish to visit it, there is no information before the inquiry to justify the size of the proposed development.

Main issue 3: Planning – any benefits to be weighed into any planning balances

25. In terms of benefits, the Council accepts that the proposed development would generate some socio-economic benefits, through the creation of jobs and investment in the economy during both the construction and operational phase, though Mr Weekes will explain that these have been exaggerated.
26. While the Council acknowledges that there is some need for a new Category B prison nationally, the benefits will be limited for the reasons set out above.
27. In addition, Mr Weekes will set out the weight that should be afforded to the harms that would be caused by the proposed development, principally landscape and visual impact harm, harm to the AoS, and harm caused by the lack of sustainability.
28. In terms of the duty under s.38(6) of the Planning and Compulsory Purchase Act 2004, Mr Weekes will argue that the appeal scheme – a vast utilitarian development in an inaccessible location, beyond settlement boundaries, in the open countryside, and which reduces the AoS by 26% between Gartree and Lubenham and by 39% between Gartree and Market Harborough – is in conflict with the development plan. He will further argue that there are no other material considerations that indicate that the determination should not be in accordance with the development plan.

¹ CD J20

Conclusion

29. The Inspector and the Secretary of State will be respectfully invited to dismiss the appeal and to refuse planning permission.

Howard Leithead

3 October 2022

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