

FORMER UNIVERSITY HALLS OF RESIDENCE,
STAFFORD EDUCATION AND ENTERPRISE PARK, STAFFORD

PINS REF: APP/Y3425/W/23/3315258

LPA REF: 22/35765/FUL

CLOSING SUBMISSIONS ON BEHALF OF THE APPELLANT

Glossary:

DA	Dispersed Accommodation
HO	Home Office
IA	Initial Accommodation
XC	Examination in Chief
XX	Cross Examination
RX	Re-examination
PDAS	Planning Design and Access Statement (CD A2)
OMP	Operational Management Plan
LD	Lisa Dysch
KW	Katy Wood
MJ	Mark Jackson
FB	Cllr Frances Beatty
MW	Matthew Wedderburn
ICB	Independent Commissioning Body

INTRODUCTION

1. In light of the way in which this Inquiry has progressed, it is worth making a few introductory observations.
2. **First**, this appeal will be determined by an independent Inspector, appointed by the Secretary of State. The decision will be made by the Inspector on the basis of the evidence put before him. That decision must be based upon the application of local and national policies and any other material considerations. The Appellant, and we anticipate the Council, has no reason to doubt that the Inspector will discharge his duty with the utmost diligence and care, considering all of the evidence available. The outcome of the Appeal is not, as some people put it, a 'done deal'.
3. **Second**, the Appellant, the Council and the Inspector are all well aware of the strength of feeling amongst the local residents who attended the Inquiry. The Appellant recognises that further reassurance will be needed if the scheme goes ahead and has worked hard to provide that reassurance through the course of the application process and the Inquiry. Nonetheless, the decision on this Appeal has to be made within a well-established legal and policy framework and cannot be determined on emotion alone.
4. It would have been tempting to leave the Inquiry venue with a certain impression as to how people in Stafford view asylum seekers. However, it was striking on the first day that there was an important point of agreement between two individuals with opposing views on this case. Both Cllr Beatty and Dr Lloyd made persuasive points that the people of Stafford would be welcoming and compassionate towards any asylum seeker housed here. The community would reach out and provide what support it was able, a point echoed by Ms Alecock, a member of Stafford Welcomes Refugees. Again, even local residents who objected strongly to the scheme recognised the need to accommodate asylum seekers and to provide them with support.
5. It may be unsurprising that there was agreement on this point because this country has a long history of welcoming asylum seekers and helping those in need. It is a characteristic not just of Stafford, but of the UK.

6. It is a significant agreement because, as Serco have experienced at their other sites, community support greatly assists the integration into society of those seeking asylum.
7. The urgent and increasing need for new asylum seeker accommodation is undeniable. It is the reason why the HO designated each local authority a dispersal area¹ for accommodating asylum seekers in April 2022. Each local authority must play its part², including Stafford, by housing asylum seekers at the DA stage of the process, up to 0.5% of its population. For Stafford this means accommodating up to 684 individuals, which cap will certainly not be exceeded if planning permission is granted for Stafford Court. Crucially, MW accepted in XX that the planning system has a role to play in meeting that need, in line with §124(a) NPPF which encourages the efficient use of land (which the Appeal Scheme is) to meet “*the identified need for different types of housing*”. Cllr Beatty also accepted that it was in the public interest that suitable accommodation be found for asylum seekers.
8. Theo Clark MP cites a figure of 137 as an “*agreed migration number*” for Stafford. That figure is not recognised by the Appellant, nor by the Council³. As such it should be disregarded.

THE PLANNING BALANCE

9. It was and remains common ground that the Appeal Scheme complies with the development plan as a whole⁴. The significance of this agreement cannot be understated. As MW accepted, compliance with the development plan gives rise to both a statutory and policy presumption in favour of granting planning permission. Section 38(6) Planning and Compulsory Purchase Act 2004 is the source of the statutory presumption and §11(c) NPPF enjoins decision makers to grant planning permission **without delay**.
10. In addition to this presumptive starting point it is essential that the many significant benefits of this scheme are properly understood and given the appropriate weight:

¹ MJ Rebuttal Appendix

² A point accepted by Cllr Beatty in XX.

³ MW in XX.

⁴ SoCG §7.4 and MW XX

- a. It delivers a large part of Stafford’s contribution to meeting an urgent, pressing need and increasing need for asylum accommodation. This should be given substantial weight in the balance.
 - b. The Council⁵ will receive a minimum of £1.12m⁶ funding from the HO for the DA residents. The funding will not be ringfenced. It is therefore entirely up to the Council how this money is spent. The HO indicates that it should be spent to mitigate the impact on local services and to provide wraparound care. This could include services that may or may not be affected by an increase in the population⁷. The Council could, if it wishes, engage with the local community in deciding how to spend this money. Importantly, there is not a shred of evidence that the Council considered this financial support, let alone addressed whether it may have assisted in meeting some of their concerns. Indeed, under XX Cllr Beatty appeared ignorant of the Dispersal Grant.
 - c. New jobs during refurbishment of the buildings, as well as in the supply chain, and in the operation of the site. An important economic benefit that should be given significant weight in light of §81 NPPF: “*significant weight should be placed on the need to support economic growth*”.
 - d. The proposal will bring back into a use a building that has been largely vacant for several years. As the appeal scheme requires no demolition, it will not result in the release of embodied carbon.. These environmental benefits should be given significant weight.
 - e. Re-use of Stafford Court represents an efficient use of land and avoids the need to build new facilities on greenfield sites.
11. These benefits, along with the statutory and policy presumptions referred to already, tilt the planning balance substantially in favour of the Appeal Scheme. Our strong

⁵ Not Staffordshire County, which was Cllr Beatty’s initial reaction.

⁶ 320DA bed spaces, each receiving £3500 = £1.12m

⁷ KW XC

submission is that the material considerations relied upon by the Council must be compelling in order for the Appeal to be dismissed.

12. Before addressing the claimed material considerations relied upon by the Council, we must note the fact that MW did not consider any of the benefits listed above in his evidence, particularly the urgent and pressing need for asylum seeker accommodation. It is no answer to say that this need was already considered by Members through their inferential agreement that the Appeal Scheme met the policy requirements for specialist housing and therefore did not need to be reconsidered⁸. MW's role was to assess the merits of the proposal afresh and with an independent eye. The fact that he omitted the benefits of the Scheme from his planning balance casts a pall over his evidence and the weight one attaches to it should be reduced.

THE COUNCIL'S MATERIAL CONSIDERATIONS

13. As set out in opening, the remaining issues emerge from the single RfR and were set out in the Inspector's CMC Note⁹. They give rise to the following questions:
 - a. Whether the fear of crime is a material consideration in the present case, and if so, what weight it should bear;
 - b. Whether the Appeal Scheme would have an unacceptable effect on social inclusivity; and
 - c. Whether the proposals would have an unacceptable impact on local public health resources.
14. The Council alleges conflict with two policies in the NPPF - §§92(a) and 130(f). After some coaxing in RX, MW recalled that he also thought the proposal conflicted with NPPF §92(c). That he needed some reminding suggests the conflict is not put forward with any great confidence. As set out below, the scheme fully complies with these policies too, and so they do not provide any reason to dismiss this appeal.

⁸ See questions put to MW in RX

⁹ CMC Note §5.

15. Finally, before turning to the main issues, there are tests which simply do not apply to the determination of this appeal. MW accepted in XX, as he was bound to do, that there is no policy requirement for an alternative site assessment, nor is there any requirement for an assessment of whether an alternative ‘model’ of asylum seeker accommodation could be possible or preferable. The reality is, as MJ observed in XX, that the need is so great for asylum accommodation that all three of the models discussed will be required. In any event, even if the accommodation site model explained in the Asylum Accommodation Factsheet¹⁰ was relevant and preferable, as MJ explained there are no sites of a similar size or configuration to Scampton, Bexhill or Catterick within Stafford Borough. The essential point is that the time spent cross examining the Appellant’s about alternative models was wasted; it was simply irrelevant to the merits of the appeal.
16. Even if consideration of alternative sites were to be required, then such analysis was done as set out in the PDAS¹¹. No criticism can be made of the exercise; it was proportionate to what was required and ensured value for money in the delivery of a Government objective¹².
17. The question for the Inspector is whether this development accords with the development plan – which it is agreed it does – and whether there are any material considerations that suggest determining the appeal otherwise than in accordance with the local plan – which there are not. The availability or consideration of alternative sites or models is not a material consideration in this appeal¹³.
18. Nonetheless, when one compares the facilities proposed at the larger HO schemes¹⁴ with the appeal proposal, recalling that the larger schemes will only accommodate single males in IA – a form of accommodation that it can be assumed residents would not want in Stafford given their comment - there is no material difference in the facilities and services provided:

¹⁰ CD J3

¹¹ CD A2, §3.23 to 3.29

¹² An important material consideration – see *Health and Safety Executive v Wolverhampton CC* [2012] UKSC 35.

¹³ Agree by MW in XX.

¹⁴ CD J3

- a. Healthcare provision – the appeal scheme, like the larger schemes, will provide healthcare for all those in IA.
 - b. Catering facilities – all those housed at Stafford Court will have access to a large kitchen, the minimum size of which is fixed by condition. It will have all cooking utensils provided. Each cluster will have access to a kitchen. There is no suggestion that the larger schemes will provide meals. Nor is there any attraction to Mr Richards’ argument that ‘catering facilities’ does not include kitchens.
 - c. 24/7 security – Stafford Court will have 24/7 security.
 - d. Transport provision – as Ms Dysch said in evidence, if a resident needs transport to access medical or legal meetings, this will be provided. If a resident requires transport because of mobility issues, then this will also be provided, not just for medical and legal meetings.
 - e. On site activities. Whilst the sheer size of the MoD sites will undoubtedly offer broad opportunities for recreational activities, the Appeal Site has an internal courtyard which will be organised so as to offer physical recreation (again controlled by condition) together a multi-functional indoor space (controlled by condition).
19. The only real difference is in the number of people accommodated in the larger proposed schemes and that they are located in more rural locations.
20. As discussed in more detail below, one of the Council’s criticisms of the appeal proposal is that it does not encourage social inclusion. It is surprising then that Councillor Beatty expressed a preference for a significantly larger accommodation model close to a small rural village, which is highly unlikely to foster social integration.
21. The other alternative model, pepperpotting, Cllr Beatty accepted was not viable and so should not be considered as an alternative. Incidentally, this was a point agreed by Cllr Trowbridge, who stated that there is not the housing stock to provide accommodation for Stafford’s share of asylum seekers and that it would, in her view, take 7 to 10 years to build

those homes. Such a delay would be unacceptable in the context of the pressing need for asylum accommodation now.

22. Of the three models proposed by the Council, one is not viable or deliverable in time, and the other is only different from this proposal in terms of the numbers of occupants and its rural location, and there are no facilities large enough in Stafford. Consequently, if consideration of alternative models was material, which it is not, there is nothing to suggest that there is a viable or credible alternative model to delivering this Council's contribution to meeting a national requirement for asylum accommodation.

(A) FEAR OF CRIME

23. As set out in opening, it is common ground that the fear of crime is *capable* of being a material consideration. However, there are a series of gateways through which the Council must pass before the fear of crime can be taken into account as a material consideration. The legal tests can be distilled as follows and are uncontroversial between the parties:

- a. The fear of crime must be objectively justified; and
- b. It must have some reasonable basis; and
- c. It must relate to the use – in planning terms – of the land rather than “assumptions not supported by evidence as to the characteristics of the future occupiers”¹⁵.

24. It was abundantly clear from the evidence that no part of these tests is met. MW very properly agreed in XX that if one of the tests is not passed, then the point overall fails, and the fear of crime should not be a material consideration.

25. Despite setting out the correct approach to assessing whether the fear of crime is a material consideration in his proof of evidence, MW went on to reveal a blatant misapplication of it. Referring to *allegations* of antisocial behaviour at Laverstoke Court, Derby, he said this: “Irrespective of whether these were accurate and justified allegations, the potential for rising tensions within the local community is clear.”¹⁶ Whilst he said in XX that this point

¹⁵ *Smith v FSS* §11 (CD G5)

¹⁶ MW PoE §4.39, first bullet.

was put clumsily, it belied a misunderstanding of the threshold test. This misunderstanding was repeated throughout his evidence, which suggested that it is sufficient for people to be anxious about a proposal in order for the fear of crime to become a material consideration. That is not the test and must further reduce the weight of his evidence.

26. Perhaps in recognition of the fact that the relevant legal tests could not be satisfied, Mr Richards sought to stretch the concept beyond breaking point in XX of MJ. It was suggested that the *reaction* of individuals to the Appeal Scheme could be a material consideration: *i.e.* if children stopped walking to school, that would undermine policies supporting sustainable travel and public health. Not only was that point not part of the RfR or MW's evidence, it is patently wrong, and dangerously so. Taken to its logical conclusion, if a person's reaction to a proposed development was a material consideration, it could stymie almost every form of development.
27. The attempts at justification for the alleged fear of crime were delivered passionately and – we have no doubt – represented the speakers' views about the alleged risk that asylum seekers pose but that masked an absence of any supporting evidence or basis in fact. One cannot seek to justify a fear of crime through scaremongering, rumour or conspiracy theory. As the response from Staffordshire Police characterised the reaction of many local people, it was fear of the unknown¹⁷.
28. Assumptions, unevidenced allegations or, at its very worst, prejudice, do not come close to meeting the tests set out above.
29. As we stressed in Opening the police raised no objection to the Appeal Scheme and rejected the notion that there will be an increase in crime due to arrival of asylum seekers¹⁸.
30. The consultation response from the police¹⁹ could not have been any clearer:

There are some community concerns of the location of the building and the close proximity to Weston Road High School, Veritas Primary Academy School & Nursery, as well as St Johns

¹⁷ CD B8

¹⁸ CD/B8

¹⁹ CD B8.

Primary Academy. There is no perceived risk to the children or the residents of Stafford. The police and the staff will be able to resolve any concerns if they arise.

There is an assumption, that there will be an increase in crime with the arrival of the refugee asylum centre. There is no evidence to suggest this, this is due to the fear of the unknown.

31. As guardians of public safety and custodians of a wealth of intelligence information, the views of the police should be given considerable weight. If anyone was able to provide an objective and reasonably based assessment of the risk – and associated fear of crime – it was the police. Consequently, MW's acceptance in XX that substantial weight should be given to their consultation was obviously correct.
32. It is not necessary to address each of the points raised by all those members of the public who spoke at the Inquiry. It is a truism that a bad point does not improve through repetition²⁰. However, the following observations are significant:
 - a. Local residents provided no evidence of criminal behaviour of those asylum seekers already living within Stafford Borough at Bridgewood House, where they have been resident since March 2023. Congregating in public is not a crime. Walking around town is not a crime. The high point was a photo of two men holding balloons or playing football²¹. There was no evidence they were from Bridgewood House beyond the fact that they were non-white in their ethnic origin. There was no evidence of what was in the balloons and no evidence of why they had a balloon. The use of this photo, put forward as evidence of criminal activity, highlights the absence of any persuasive, justified and objective evidence supporting the argument of a fear of crime as a material consideration. As KW stated, it is not a crime to be in a public place. There was no evidence to conclude otherwise than. As argued by MJ and the Police – that the fear of crime is based upon a fear of the unknown.
 - b. It is not a statutory or policy test that any new development, including this form of development, must *guarantee* that there will be no criminal or anti-social behaviour committed by those who inhabit the development at any point in the

²⁰ Agreed by MW in XX.

²¹ Mrs Mason.

future. That being said, the suite of conditions agreed between the parties and the Appellant's well-established operational and management structures will provide an effective preventative and proactive framework through which any risk of crime (from within or without Stafford Court) will be minimised.

- c. Residents expressed concerns for their children. Of course, all parents and wider society want to ensure that children are safe and protected. There is no evidence of asylum seekers in Stafford or elsewhere posing a risk to children, nor did the police consider that there would be. Very importantly there was no objection to the development from the local education authority or local headteachers. Had there been safety concerns the local education authority would have expressed them. The same applies to the headteachers. It is inconceivable that a headteacher who had concerns for the safety of their pupils as a result of the development would not raise it with the Council or at this Inquiry.
- d. Some evidence was presented of press reports of asylum seekers committing crime or engaging in anti-social behaviour. This includes the incidents in the letter from Ms Clarke MP²² of incidents in Penkridge, about which KW²³ had received no reports from the Police or staff of the premises. To be clear, it is no part of the Appellant's case that no asylum seeker has ever committed a crime, nor is it a requirement of granting planning permission for this development that there is a guarantee none of the residents will ever commit a crime. No such guarantee could be given of any development – it would be an insurmountable policy obstacle. However, KW gave evidence based upon 12 years' experience working in asylum that the cohort of asylum seekers are typically very compliant. Most have come to the UK for a better way of life. They understand the standard of behaviour that is expected of them and they know that if they do not meet those standards they risk having support withdrawn and ultimately they risk being deported.
- e. To be clear, the focus of the Council's case must be on the use of Stafford Court by asylum seekers as a class of person causing a fear of crime. Anecdotal evidence with no supporting evidence of an individual asylum seeker committing a crime is

²² CD J1

²³ KW in XX.

not evidence that all asylum seekers commit crime nor is it objectively justified. In the same way, the fact that one resident of a house who commits a crime does not make all residents of that house a criminal.

f. MW refers to a number of appeal decisions²⁴, none of which assist the Inspector. As is established principle, the relevance of any appeal decision to the determination of a separate appeal is dictated by the similarities between the determined appeal and that under consideration. This includes, for example, the type of development, the arguments advanced and the policy context. None of the appeal decisions cited are appeals against reasons for refusal based solely on the fear of crime, as here. They related to impact of potential occupants of the development, not all concerned asylum seekers accommodation²⁵, a number related to noise and disturbance²⁶ and where fear of crime was considered²⁷ there was evidence of pre-existing crime and anti-social behaviour at another hostel. No such evidence has been presented to this inquiry.

33. Giving her evidence, Cllr Beatty came across as a reasonable person attempting to justify something unreasonable. For example, with regard to the FOI response from Staffordshire Police introduced to the inquiry by Mr Riley, Cllr Beatty accepted that the letter in fact told the inquiry nothing about a link between asylum seekers and criminal activity. This letter, Cllr Beatty accepts, and the appellant fully agrees, tells the inquiry nothing of any use or relevance.
34. Cllr Beatty was frank and honest about the case on the fear of crime when it was put to her that there is no evidence before the inquiry that crime rates increase as a consequence of asylum seekers moving into the area, whether caused by asylum seekers or to them, her answer could not have been clearer – “No”.
35. It is also quite impossible to conclude that the use of buildings to accommodate asylum seekers inherently creates a real concern such that which attaches to an institution such as a bail hostel or a chemical factory. The *Smith* judgment provides a helpful touchstone in

²⁴ See his Appendix 3.

²⁵ Special needs accommodation – Cambridge House, Cambridge Road. Homeless hostel – Wakefield.

²⁶ Cambridge House,

²⁷ Homeless hostel – Wakefield.

the present case for judging whether fear of crime should be a material consideration. *Smith* concerned an appeal decision about the continued use of land as a gypsy caravan site. There was evidence of previous criminal and anti-social behaviour at the site, which adjoining residents were fearful would continue²⁸. The Inspector's conclusion that fear of crime was a material consideration was rejected as unlawful by the Court of Appeal:

“First, not only had the number of incidents diminished, but those reported to the enquiry [sic] could not be reliably attributed either to the appeal site or to the applicants. Second, it was necessary in order to take these incidents into account to attribute them not merely to the individuals concerned but also to the use of the land. But a caravan site is not like a polluting factory or bail hostel, likely of its very nature to produce difficulties for its neighbours. Granted that the evidence of recently past events attributable to the site was sparse, or on a strict view non-existent, the fear must be that the concern as to future events was or may have been based in part on the fact that the site was to be a gypsy site. It cannot be right to view land use for that purpose as inherently creating the real concern that attaches to an institution such as a bail hostel.”²⁹
(emphasis added)

36. In the same way in the present case, many of the anecdotal accounts of criminal activity cannot and should not be directly attributed to asylum seekers. Moreover, as it would be quite wrong to proceed on the basis that the use of land as a gypsy or traveller caravan site presents an inherent risk of criminal activity so would it be misguided (especially on the evidence presented to the Inquiry) to reach the same conclusion about buildings providing accommodation to people seeking refuge and asylum.
37. In XX of KW, it was suggested to her that because the police had made recommendations that means that the concerns of local residents about fear of crime are in some way justified. This is rebutted in the firmest possible way. First, the consultation response is clear – there is no evidence of an increase in crime from the arrival of refugees. This would include crimes committed by them or to them. Second, the Police were commenting on mitigation of risk, not on the likelihood of criminal behaviour. It would be negligent not to mitigate against potential risk, the same way as it would be ridiculous not to provide

²⁸ Judgment p.7. See also §28 of the decision letter appealed against, which recounted the following incident:

“In the present case the continued occurrence of incidents involving the police provides some grounds for residents to remain apprehensive about the prolonged existence of this gypsy caravan site. Moreover, residents have previously experienced some quite alarming events, one involving over 100 officers, of whom 18 were armed, backed up by 3 dog handlers and a helicopter.”

²⁹ Judgment §10.

security features into the construction of an apartment block or student accommodation in an area of exceptionally low crime. Third, the consultation response was not conditional upon the measures listed being implemented: “Staffordshire Police have no objections to this application, but would like to raise the following:” If the police had genuine concerns that a risk of crime would arise if the measures were not provided then the letter would surely have been expressly differently: *i.e.* their lack of objection would have been conditional; alternatively, they would have objected. Finally and in any event the recommendations of the Police will be implemented and as such the risks identified are being mitigated.

38. The Council’s case, as the police representations make clear, is based on the fear of the unknown and does not come close to meeting the tests as set out in *West Midlands Probation Committee* and *Smith*. As such, it cannot be a material consideration in the present case.
39. Finally, we should address NPPF §130(f), which encourages development to be “*places that are safe, inclusive and accessible*” and “*where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*”. First, this policy is within the design section of the NPPF. There is nothing about the design of the building that results in a fear of crime. Second, the allegation of a fear of crime resulting from the proposal is, according to the many members of public who spoke, because of the specific characteristics of the residents as asylum seekers. For the reasons above, there is no evidence before this inquiry of asylum seekers being predisposed or more likely to commit crime than non-asylum seekers. The tests from *West Midlands Probation Committee* and *Smith* are not met, so neither is NPPF §130(f) breached.
40. If the Inspector disagrees and concludes that the fear of crime is a material consideration in the particular circumstances of this case, then the weight that could be afforded to it must be significantly reduced to the point of being very limited, because of the mitigation measures that are being taken:
 - a. The vast majority of the suggestions under the sub-heading ‘Security’ in the Police consultation response will be implemented. This will include management of access and egress from the site, managed by Securitas³⁰. The recommendation of

³⁰ KW XC

the fence may not be implemented because it is not currently considered that it improves security and it goes against the principle that those housed in the Stafford Court are not being detained. They do not need to be, and they should not be, deprived of their liberty. They have not been convicted of a crime.

- b. Concerns were expressed by members of the public that the rooms in Stafford Court would be too small, forcing people outside onto the street. The size of the rooms are agreed with the LPA and secured by condition and they exceed what would be required if Stafford Court was subject to HMO licensing. Once operational, the facility will be subject to inspection by the Council housing officers. Cllr Trowbridge accepted that those officers would do their job effectively, so if concerns about conditions arise they would be addressed.
- c. Serco will facilitate activities for those housed within Stafford Court. There is open space within the courtyard area. Residents will be free to come and go as they wish with access to facilities within Stafford. This includes religious facilities and community groups. Serco's experience is that the overwhelming majority of individuals going through the asylum process keep themselves occupied. Serco has experience through their partnership team that activities are organised with local partners for residents to enjoy. This has included open events for local people to attend to meet those in the site and get to know them and their journey³¹. This includes having facilitated over 24,000 hours of socially valuable activities in the emergency hotel accommodation³².
- d. Each asylum seeker who does not have their own funds receives £45 a week. Whilst this cannot support a luxurious lifestyle, Serco have found that it is adequate to ensure that each individual can be fed, clothed and bathed. The residents often grouping together to purchase food and eat together in shared spaces.
- e. It is of course possible that some residents may have mental health issues. In those circumstances the individual will have full access to the necessary services to treat any mental health concerns.

³¹ KW XC

³² KW POW §5.7.

- f. The site will be well managed by Serco who are experienced at managing such sites. A condition will be attached that requires an operational management plan ('OMP') to be approved by the LPA, including specific requirements included in condition.
 - g. 24/7 staffing with at least 30 FTE staff on site. This staff level does not include the provision of security by Securitas.
 - h. There is already a close working relationship with the police and other agencies that will be continued through the management of Stafford Court.
 - i. Briefings given to new residents as to expectations about behaviour and cultural awareness.
41. When these mitigating factors are taken into account, should the Inspector agree that the evidence has been provided to support a conclusion that the fear of crime is a material consideration, then the weight to be given to it can only be very limited.
42. Drawing this all together, it was succinctly, powerfully and accurately summarised by Mrs Alecock in her evidence to the inquiry. When asked if a fear of crime was justified based upon seeing asylum seekers in the street, Mrs Alecock said – "No.". And she is right.
43. As such, the central plank of the Council's case must fall away.

(B) SOCIAL INCLUSION

44. We expressed the view in opening that this element of the Council's case was difficult to categorise. That did not improve having heard the Council's evidence.
45. In reality, this element of the Council's case is a thin reformulation of the fear of crime argument. This is apparent from the absence of a definition proposed by the Council or MW on precisely what they mean by social inclusion. This is clear in the reliance on policies that do not in any way support their case.
46. NPPF§92 is not a development management policy to the extent that it does not place a requirement on development. It states aims for new development. To the extent that the policy is to be applied to the appeal scheme, then the proposal complies fully.
47. Sub-paragraph (a) places an aim on new development to promote "*opportunities for meetings between people who might not otherwise come into contact with each other*". The asylum seekers that will live in the appeal scheme, albeit temporarily, will be free to come and go as they please. They will be in the community – for example, they will be shopping and attending places of religion. There will be community engagement activities run by Serco to encourage the existing residents to meet the occupiers of the scheme. It is also anticipated, as in many other cities and towns across the country, that voluntary groups and religious institutions will forge close links with the asylum seekers thereby helping them assimilate into society and challenging preconceptions that some people hold.
48. The final sub-paragraph of NPPF §92(c) encourages healthy lifestyles. There is nothing about this proposal that denies opportunities for the residents to live a healthy lifestyle. There is a courtyard for exercise within the site and the residents will be able to access all local services.
49. Consequently, when one considers the way in which Stafford Court will operate as well as the track record of Serco and voluntary groups in creating links with the local community then there will be every opportunity "*for meetings between people who might not otherwise come into contact with each other*" (NPPF §92(a)). There is no conflict with national policy relating to social inclusion.

(C) PUBLIC HEALTH RESOURCES

50. This part of the Council’s case does not bear scrutiny and was not pursued with any real vigour by the Council during the inquiry.
51. First, the Appellant will provide and maintain a medical room for health screening of IA residents as well as other healthcare services for that cohort. The funding for the medical room is provided by the Home Office and will therefore exert no demand whatsoever on existing healthcare services. This is precisely what has been requested by the ICB.
52. Second, to the extent that residents in the DA part of Stafford Court will need to access healthcare services they will be entitled to do so, as would every new resident in the area. However, for each new patient – whether they be an asylum seeker in DA or new to the Borough – GP practices will receive funding. The ICB implicitly recognised this reality in their representations since they did not seek any funding from the Appellant towards existing or new healthcare services, nor have they since.
53. In conclusion, the development accords with the development plan and there are no material considerations that indicate it ought to be determined otherwise. Even if the Inspector were to conclude that the fear of crime is a material consideration its weight comes nowhere close to outweighing the significant benefits of this proposal in meeting an urgent need for asylum accommodation. As such the appeal should be allowed and planning permission granted subject to the imposition of necessary and appropriate conditions.

23rd May 2023

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