

Statement of Common and Uncommon Ground

Section 78 Appeal

On behalf of Long Ashton Land Company (LALC) in respect of:

Land to The South Of Warren Lane, North of Weston Road, Long
Ashton

Application for outline planning permission for the erection of up to 35no. dwellings, allotments and associated access, parking, drainage infrastructure and landscaping, with new access off Weston Road for approval and appearance, layout, scale and landscaping reserved for subsequent approval

LPA: North Somerset Council

LPA Ref: 21/P/3076/OUT

Appeal Ref: APP/D0121/W/23/3315584

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED), PLANNING AND
COMPULSORY PURCHASE ACT 2004

This statement has been agreed between the appellant (Long Ashton Land Company) and the LPA (North Somerset Council).

Signed on behalf of the appellant:

A handwritten signature in black ink, appearing to be 'M. Clinton', with a long horizontal flourish extending to the right.

Mel Clinton BA(HONS) MRTPI
Associate, Director of Planning and Regeneration at Nash Partnership

Date: 19/04/2023

Signed on behalf of the LPA:

A handwritten signature in black ink, appearing to be 'N. Richards', written in a cursive style.

Natalie Richards, Principal Planning Policy Technical Officer, North Somerset Council

Date: 19/04/2023

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1. Introduction

- 1.1 This Statement of Common Ground (SoCG) has been prepared by Nash Partnership on behalf of the Long Ashton Land Company (the Appellant). It relates to a planning appeal made pursuant to Section 78 of the Town and Country Planning Act 1990, in respect of Land to the South of Warren Lane, North of Weston Road, Long Ashton (the Appeal Site).
- 1.2 The SoCG sets out matters which are agreed with the Local Planning Authority (LPA) and those it is considered remain in dispute.

2. The Appeal Site

- 2.1 It is agreed that:
 - The site is located on the western edge of the village of Long Ashton, within the Parish of Long Ashton, in the Unitary Authority of North Somerset.
 - Long Ashton is approximately 6.5km south-west of the centre of Bristol, and 4km east of the town of Nailsea.
 - The site comprises circa 2.22 hectares (5.5 acres) of land to the south of Warren Lane and to the north of Weston Road and is currently agricultural land.
 - The site slopes gently from the north-west to the south-east, falling some 18m, and the lower section of the site forms part of the valley floor with a predominantly flat area adjacent to Weston Road.
 - A hedge boundary to the north contains trees of significant size and sits on an earth embankment. The boundary to the east is formed by a hedge alongside Warren Lane and around the boundary of the properties located on the corner of Weston Road and Warren Lane. To the west the site is bounded by an open field and to the south by a low stone wall on Weston Road.
 - The site lies within the Scheduled Monument of 'Roman small town, part of an associated field system and earlier Iron Age settlement remains at Gatcombe Court'.

3. The Benefits of the Proposal

- 3.1 It is agreed that the benefits of the proposal comprise:
 - Meeting affordable housing need
 - Ecological Enhancements
 - Economic Benefits
 - Allotment Provision
 - Amenity Space for community uses
- 3.2 The weight to be attributed to these benefits will be covered by each party in evidence.

4. The Proposed Development and the Local Planning Authority's Decision

4.1 It is agreed that:

- The Appeal Proposal seeks outline planning permission for the erection of up to 35 no. dwellings, allotments and associated access, parking, drainage infrastructure and landscaping, with new access off Weston Road for approval and appearance, layout, scale and landscaping reserved for subsequent approval.

4.2 It is agreed that the planning application documents and drawings included within the Core Documents list (except for the Housing Needs Survey dated January 2023) were submitted as part of the outline planning application and considered by the LPA in reaching its decision:

4.3 It is agreed that the LPA refused the outline planning application for the following two reasons:

1. The proposed development constitutes inappropriate development in the Green Belt. The Housing Needs Survey and alternative site considerations submitted in support of the application are insufficient to demonstrate that the proposal would provide limited affordable housing to meet local needs under policies in the development plan. There is no Parish Council support for the proposal. The proposed development is therefore contrary to Core Strategy Policy CS17 (a), (b), (c) & (d), the Affordable Housing SPD, Policies LHN 3 and LHN 4 of the Long Ashton Neighbourhood Development Plan and paragraphs 147-149 of the National Planning Policy Framework.
2. The proposed development would result in the complete removal of all archaeological remains from the development site and would cause unacceptable harm to the Scheduled Monument. These remains form part of the significance of the designation of this heritage asset. In addition, the development of part of the historic field pattern associated with the Scheduled Monument would cause unacceptable harm to the historic landscape. The proposed development is therefore contrary to Policy CS5 of the Core Strategy, Policy DM6 of the North Somerset Sites and Development Plan, and paragraphs 195, 199, 200, 201, 202 and 205 of the National Planning Policy Framework.

5. Additional Documents

5.1 The Housing Needs Survey (HNS) submitted with the outline planning application was undertaken in 2018, with updates to the report in 2021 to respond to comments from the LPA in response to a previous outline planning application at the Appeal Site (ref: 20/P/1547/OUT). A subsequent Housing Needs survey has been undertaken in November 2022 and forms part of the suite of appeal documents as listed in the Core Documents. This was submitted after the refusal of the planning application with the appeal submission, without prior consultation with the LPA. It uses the same methodology as the 2018 HNS to update the housing need position and addresses comments made by the LPA in respect of the original HNS.

6. Planning History

6.1 The relevant planning history of the appeal site is agreed as follows:

Reference	Proposal	Decision	Date
19/P/2547/EA1	EIA Screening Request	Not EIA Development	05-12-19
20/P/1547/OUT	Application for outline planning permission for the erection of up to 35no dwellings, allotments and associated access, parking, drainage infrastructure and landscaping, with new access off Weston Road for approval and appearance, layout, scale and landscaping reserved for subsequent approval.	Refused	06-11-20

7. Relevant Planning Designations, Policies and Guidance

Designations

7.1 It is agreed that the appeal site is subject to the following designations:

- Green Belt
- Open countryside (outside the Long Ashton settlement boundary)
- Within the boundary of a Scheduled Monument (SM, National List Entry Number 1011978) - Roman settlement, part of an associated field system and earlier Iron Age settlement remains at Gatcombe Farm
- Grade 2 agricultural land
- Within an aerodrome safeguarding zone
- Within Consultation Zone C for North Somerset and Mendip Bats SAC

7.2 It is also agreed that Bridgeman's Field, of which the Appeal Site forms part, was added to the Scheduled Monument in 2014.

Planning Policy

7.3 It is agreed that the following development plan policies are most important for determining the appeal proposal:

North Somerset Core Strategy

- Landscape and the historic environment: policy CS5
- Rural exception schemes: policy CS17
- Affordable housing: policy CS16
- Service villages: policy CS32

North Somerset Sites and Policies Plan Part 1 – Development Management Policies

- Archaeology: policy DM6
- Development contributions, Community Infrastructure Levy and viability: policy DM71

Long Ashton Neighbourhood Development Plan

- Scale and type of new housing: policy LHN3
- Provision of affordable housing for local people: policy LHN4

7.4 Whilst not part of the development plan, the adopted Affordable Housing Supplementary Planning Document is a material consideration.

7.5 Other policies and Supplementary Planning Documents will be relevant to conditions and obligations.

7.6 The National Planning Policy Framework (July 2021) is also a material consideration.

8. Agreed Matters and Matters in Dispute

8.1 The following matters are agreed by the Local Planning Authority and the Appellant:

Matter	Appellant Position	LPA Position
Relevant Planning Designations and Policies	Agreed as above	Agreed as set out at 6.1 above
Outline Planning Application and Decision		
Description of development	The application seeks outline planning permission for the description of development set out above, with all matters except access reserved for future determination.	Agreed – noting that the description of development makes no reference to affordable housing and therefore this must be secured through a S106 agreement.
Application content	A list of application plans and documents will be agreed as part of the Core Documents list.	Agreed
Environmental Impact Assessment (EIA)	The proposed development does not constitute EIA development.	Agreed
Principle of Development		
Rural exception housing development.	The planning policy position set out in Core Strategy Policy CS17 and NPPF paragraphs 11 and 149 establish the basis for a rural exception affordable housing development to be acceptable in principle.	<p>Policy CS17 states that rural exception sites will only be acceptable in the Green Belt where they are justified by very special circumstances.</p> <p>To be a rural exception site development must comprise a small site used for affordable housing in perpetuity where sites would not normally be used for housing.</p> <p>It is agreed that limited affordable housing for local community needs may not comprise inappropriate development, but only in circumstances where it comes forward under</p>

		policies set out in the development plan.
Housing Supply		
5 year housing land supply.	The LPA's Delegated Decision Report accepts that the LPA cannot evidence a 5 year supply of deliverable housing sites.	The LPA accept that it cannot currently demonstrate a five year housing land supply. The most recently tested position is 3.5 years, as per appeal decision at Farleigh Farm, Backwell (APP/D0121/W/21/3285624) dated 22 June 2022.
Affordable housing delivery.	The North Somerset Annual Monitoring Report 2022 shows delivery of 2,290 affordable dwellings over the 16 year period 2006/7 to 2021/22, against a Local Plan target of at least 2,400 affordable dwellings.	The North Somerset Annual Monitoring Report 2022 shows delivery of 2,290 affordable dwellings over the 16 year plan period to date, 2006 – 2022, an average of 143 dwellings per annum. This represents 95% of the target set out in Policy CS16.
Affordable Housing Need		
	There is an unmet need for affordable housing within Long Ashton as set out in the November 2022 HNS.	Following the submission of the Housing Needs Survey (January 2023) with the appeal documentation the LPA can now agree that a need for affordable housing has been demonstrated and the conflict with CS17(a) has been addressed and is no longer raised as a ground of objection.
Heritage Assets		
Scheduled Monument Consent		It is agreed that scheduled monument consent would be required for any development to proceed if planning consent were secured. This has not been applied for.
Parish Council Support	Long Ashton Parish Council do not support the proposed development.	It is agreed that there is no parish council support, furthermore they have objected to the proposal.

8.2 The following matters remain in dispute between the Appellant and the LPA.

Matter	Appellant Position	LPA Position
Alternative Sites	The Appellant contends that there are not appropriate sites available in Long Ashton to make a significant contribution towards addressing the need for affordable housing.	The LPA considers it has not been sufficiently demonstrated that sites could not come forward in Long Ashton, its immediate surroundings or in line with the subtext to CS17 at a higher order settlement to meet the needs of a surrounding rural area. Development of local sensitive sites will not be acceptable.
Green Belt	The Appellant is of the view that the proposed development represents a modest and organic growth at the western end of Long Ashton to help address a clear local need for affordable housing, is the most appropriate and available site and that the absence of Parish Council support, in the face of these considerations, should not be a determining factor. The Appellant therefore considers that the Appeal Scheme represents development in the Green Belt that is not inappropriate.	The proposed development is inappropriate development in the Green Belt which harms openness.
Harm to Heritage Significance	The Appellant considers that the evidence indicates a level of harm at the lower end of less than substantial. This harm would be off-set by the public (heritage) benefits of the scheme.	The proposed development would result in harm to the Scheduled Monument at the upper end of less than substantial. The identified harm is not outweighed by the public benefits of the proposal.
Scale of Development	The Appellant is of the view that the level of affordable housing need in Long Ashton is substantial and that the appeal scheme is of a scale appropriate to the location, that constitutes limited affordable housing for local community needs.	The scale of development proposed exceeds 'small' having regard to the definition of a rural exception site. It is also not 'limited affordable housing for local community needs' and constitutes inappropriate development in the Green Belt, harming openness.

9. Planning Conditions and S106 Agreement

9.1 A set of draft planning conditions and Heads of Terms (HoTs) for a S106 Agreement will be prepared and submitted as per the inquiry timetable.

10. Core Documents

10.1 A list of Core Documents will be jointly produced and submitted to the inquiry under separate cover.

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