

PLANNING POLICY PROOF OF EVIDENCE

SUMMARY

By

Mel Clinton BA (Hons), MRTPI

On behalf of Long Ashton Land Company

Appeal under 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

Refusal of Planning Permission:

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

Local Planning Authority: North Somerset

Local Planning Authority Ref: 21/P/3076/OUT

Planning Inspectorate Ref: APP/D0121/W/23/3315584

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1. INTRODUCTION

- 1.1 My name is Mel Clinton and I am a Member of the Royal Town Planning Institute and Director of Planning at Nash Partnership. This is a summary of my proof of evidence on planning policy matters in support of the Appeal Scheme.
- 1.2 In assessing the planning issues and reaching a conclusion on the overall planning balance I refer to specialist evidence on landscape and heritage, respectively presented by Mr Jonathan Berry and Mr Robert Sutton.
- 1.3 I confirm that the information included in my evidence is true to the best of my knowledge and that the opinions expressed are my true professional opinions.

2. THE APPEAL SCHEME AND REASONS FOR REFUSAL

Appeal Scheme

- 2.1 The Appeal Scheme seeks approval for a rural exception affordable housing development to provide up to 35 affordable homes to meet local needs together with areas of open space and allotments, with access from Weston Road.

Reasons for Refusal

- 2.2 The outline planning application was refused for two reasons as follows:
- Inappropriate development in the Green Belt
 - Unacceptable harm to the Scheduled monument within which the application site sits.

3. PLANNING POLICY CONCLUSIONS AND OVERALL PLANNING BALANCE

Green Belt

- 3.1 NPPF policy 149 (f) provides for development of limited affordable housing in the Green Belt to meet community needs under policies set out in the development plan.
- 3.2 The development plan Core Strategy policy CS17 provides for development of rural exception affordable housing, subject to compliance with five criteria, a) to e).
- 3.3 The Council accepts there is no breach of CS17(a) or (e). I have concluded that under CS17 (b), the absence of Parish Council support is not substantiated by cogent planning reasons, in relation to (c) there are no more suitable and available sites and in respect of (d) the Appeal Scheme is of an appropriate scale within the context of the settlement and the level of affordable housing need.
- 3.4 I have also concluded in my main proof of evidence that policy CS17's prohibition on rural exception affordable housing in the Green Belt is out of date and superseded by NPPF policy 149 (f).

3.5 I therefore conclude that the Appeal Scheme constitutes an affordable housing rural exception scheme in accordance with policy CS17 and the NPPF.

Heritage

3.6 Relying on the evidence of Mr Robert Sutton and his expert opinion that minor heritage harms that would arise can be adequately mitigated and offset by heritage benefits that will be brought by the Appeal Scheme, I conclude there is no breach of NPPF or development plan policies cited in the reasons for refusal.

3.7 I am therefore of the view that the proposal is in accordance with the development plan and, pursuant to paragraph 11(c) NPPF, planning permission should be granted “without delay”.

3.8 If, however, this were not accepted, there would be a need to consider whether other material considerations justified granting permission otherwise than in accordance with the plan.

3.9 The Council accepts it can only demonstrate a housing land supply of 3.5 years. Accordingly, footnote 8 to paragraph 11(d) of the NPPF is engaged to the effect that planning permission should be granted unless one caveats (i) or (ii) to NPPF 11 (d) applies.

3.10 Turning to paragraph 11(d)(i), there are two relevant policies potentially engaged.

3.11 First, the effect on the Scheduled Ancient Monument. It is Mr Sutton’s evidence that there is no net heritage harm, taking account of the heritage benefits he has identified. However, if this were not to be accepted, there would be a negligible level of less than substantial harm, to which “great weight” should be afforded and I now consider the benefits of the scheme to determine whether they outweigh the negligible harm.

3.12 Paragraph 3.1 of the Statement of Common and Uncommon Ground records the benefits which are agreed. I set out below my view as to the weight to attach to each benefit, also including the heritage benefits Mr Sutton has identified since the Statement was signed:

Benefit	Weight
Provision of 35 affordable units to meet a substantial local need as set out in the Housing Needs Survey	Substantial weight
Economic benefits during construction and occupation as set out in my main proof.	Significant weight.
Public open space of 6,430m ² against a requirement to serve the development of 960m ² .	Substantial weight
Potential to deliver 42% net gain in habitat units and a 130% net gain in hedgerow units.	Substantial weight
Provision of 875m ² allotments for community use, fulfilling neighbourhood plan policy LC6	Moderate weight
Recording the historic record, provision of interpretation boards and a “no-plough” provision in the field to the west.	Moderate weight

3.13 Balancing these substantial benefits against the negligible harm to the Scheduled Monument, to which I afford “great weight” I consider the balance is firmly in favour of permission being granted and, as such, paragraph 202 NPPF is not a clear reason for refusal.

3.14 Second, I turn to NPPF paragraphs 147-148 and the question of inappropriate development on the premise that there is a breach of policy CS17, which I don’t think

there is. In accordance with NPPF paragraph 148, I attach substantial weight to the harm by reason of inappropriateness and to the modest effects on openness and purposes of the Green Belt, evaluated by Mr Berry. Set against these harms, I consider the benefits clearly outweigh that harm and that they collectively, amount to a very special set of circumstances. I am therefore of the view that, even if the scheme were to be found to be inappropriate development in the Green Belt, paragraphs 147-148 NPPF would not amount to a clear reason for refusal.

- 3.15 Turning then to paragraph 11(d)(ii), I consider the harms (even taken at their highest) would not significantly and demonstrably outweigh the benefits.
- 3.16 It follows that even if it were concluded that the scheme was not in accordance with the development plan, application of NPPF paragraph 11 would be a clear material consideration which would indicate that permission should nevertheless be granted.
- 3.17 On either analysis, compliance with the development plan or not, I am of the firm view that the appeal should be allowed and planning permission granted, to enable a significant contribution to addressing the pressing and long-standing need for affordable housing in Long Ashton, in accordance with the underlying purpose of the planning system, as set out at NPPF paragraph 7, of contributing to the achievement of sustainable development.

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