

PLANNING POLICY PROOF OF EVIDENCE

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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2. INTRODUCTION

Qualifications and Experience

- 2.1 My name is Mel Clinton, and I am Director of Planning at Nash Partnership, a multi-disciplinary practice providing professional advice on planning, regeneration, urban design, conservation and architecture. I hold a Bachelor of Arts in Town and Country Planning and have been a Member of the Royal Town Planning Institute since 1980.
- 2.2 I have extensive experience in planning, regeneration and development. My experience encompasses policy formulation, Local Plan preparation, development management and preparing, submitting and negotiating planning applications.
- 2.3 I have worked for local authorities in London and the West of England and have held my current position as Director of Planning and Regeneration at Nash Partnership since 2009. My experience includes residential, mixed use, community-based and commercial development requiring consideration of a wide range of planning issues, including housing land supply, Green Belt, heritage and spatial sustainability.
- 2.4 I am appointed by the Appellant, Long Ashton Land Company, and my evidence supports the allowing of this appeal. I am familiar with the appeal site, its surroundings and with the Appeal Scheme, having led the submission of the outline planning application that is the subject of this appeal and a preceding outline planning application.
- 2.5 I confirm that the information included in my evidence is true to the best of my knowledge, that the opinions expressed accord with the RTPI Practice Note, 'Planners as Expert Witnesses' and are my true professional opinions.

Scope and Structure of Evidence

- 2.6 My evidence addresses matters of planning policy in relation to the reasons for refusal and the overall planning balance within the context of the relevant policies.
- 2.7 My evidence briefly describes the Appeal Site and its surroundings, the Appeal Scheme and the Local Planning Authority's (LPA) reasons for refusal, before going on to identify the planning policies that are of most importance to determination of the appeal proposal, other material considerations and an assessment of the planning issues. I conclude with my professional opinion on the overall planning balance.

2.8 The planning issues to be considered through the appeal process are:

- Whether the proposed housing development would result in inappropriate development in the Bristol & Bath Green Belt.
- Whether the proposed development would cause unacceptable harm to the significance of Gatcombe Roman site Scheduled Monument.
- And, if so, whether any benefits of the proposed development, including meeting the (local) need for affordable housing, would amount to the very special circumstances necessary to outweigh harm by reason of inappropriateness, loss of openness and adverse impact on the scheduled monument.

2.9 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 (Landscape/Ecology Consultant at Tyler Grange) and Mr Robert Sutton (Director of Heritage Consultancy at Cotswold Archaeology). I also refer to evidence on housing need prepared by Mr Chris Broughton, Associate at arc4 and attached to my proof as Appendix 1.

2.10 I confirm that the information included in my evidence is true to the best of my knowledge, that the opinions expressed accord with the RTPI Practice Note, 'Planners as Expert Witnesses and are my true professional opinions.

2.11 In my evidence, I use the following acronyms:

LPA – Local Planning Authority

NPPF – National Planning Policy Framework

HNS – Housing Needs Survey

SoC – Statement of Case

SoC/UG – Statement of Common and Uncommon Ground

CD – Core Document

3. THE APPEAL SITE CONTEXT AND DESCRIPTION

- 3.1 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.
- 3.2 Long Ashton is approximately 6.5km south-west of the centre of Bristol, and 4km east of the town of Nailsea.
- 3.3 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. It 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.
- 3.4 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.

4. PLANNING HISTORY, THE APPEAL SCHEME AND REASONS FOR REFUSAL

Planning History

- 4.1 The only previous planning application at the Appeal site was an outline application with the following description of development:

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.

- 4.2 This was refused for three reasons:

- 1. The proposed development, by reason of its location within the North Somerset Green Belt, represents inappropriate development. 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, and paragraphs 143-145 of the National Planning Policy Framework.*
- 2. The proposed development, by reason of its location on a Scheduled Ancient Monument (SAM), would require the complete removal of all archaeological remains from the development site. These remains form the main significance of the designation of this part of the historical asset. This would cause unacceptable harm to the SAM. In addition, the development of part of the historic field pattern associated with the SAM 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 190, 193-196 and 199 of the National Planning Policy Framework.*
- 3. The proposed development, due to the inadequate demonstration of visibility splays at the proposed access to the site and inadequate links into the cycleway network, would have an unacceptable impact on highway safety. The proposed*

development is therefore contrary to Policy DM24 of the Sites and Policies Plan Part 1: Development Management Policies, and paragraph 109 of the National Planning Policy Framework

Appeal Scheme

- 4.3 The Appeal Scheme seeks approval for a rural exception affordable housing development to provide up to 35 affordable homes to meet local needs at the Appeal Site, together with areas of open space and allotments, with access from Weston Road. It is similar to the previously refused planning application but proposes a significantly smaller development footprint. The description of development (CD 3.2) is:

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.

- 4.4 The outline planning application includes a set of parameter plans covering Land Use, Building Heights, Green Infrastructure and Access and Movement. The purpose of these parameter plans is to provide a basis for a planning condition to guide and control subsequent detailed design.

Reasons for Refusal

- 4.5 The outline planning application was refused for two reasons as set out below and these are the focus of my evidence and conclusions on the overall planning balance.
- 4.6 The two reasons for refusal (Cd 3.2) are:
- 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. STATUTORY DUTIES AND RELEVANT PLANNING DESIGNATIONS, DEVELOPMENT PLAN POLICIES AND OTHER MATERIAL CONSIDERATIONS

Statutory Duties

- 5.1 S38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission under the planning Acts be determined in accordance with the development plan, unless material considerations indicate otherwise. It is well established that in reaching a decision on a planning application, the development plan is to be considered as a whole. In relation to any particular planning application, some development plan policies will be more important in arriving at a decision than others and I will go on to identify those that I consider most important in determining the Appeal Scheme. I will also conclude that the Appeal Scheme is in accordance with the Development Plan considered as a whole.
- 5.2 A key consideration in relation to this is Core Strategy Policy CS17. Whilst a number of the Core Strategy policies were remitted back to the Planning Inspectorate for re-examination following a legal challenge, this did not apply to CS17, which was adopted in April 2012. The National Planning Policy Framework (NPPF) is a material consideration and is clear (Annexe 1, paragraph. 219) that policies should not automatically be considered out of date just because they were adopted prior to publication of its most recent version (July 2021) but must be given due weight according to their degree of consistency with national policy. I consider policy CS17's prohibition of rural exception affordable housing within the Green Belt fundamentally inconsistent with NPPF 149(f) and consider this further in my assessment of the planning issues.
- 5.3 The NPPF also sets important requirements for applying development plan policy in relation to the underlying purpose of national planning policy, which is to contribute to the achievement of sustainable development (NPPF 7). This includes, at NPPF 11, a requirement to apply the presumption in favour of sustainable development and approve planning applications where the policies most important to their determination are out of date, unless policies in the NPPF that protect areas or assets of particular importance provide a clear reason for refusal or, the adverse impacts of approval would significantly and demonstrably outweigh the benefits when assessed against the NPPF as a whole.

5.4 Where applications for development involve the provision of housing, the policies most important for determination of the application are to be considered out of date if the Local Planning Authority (LPA) cannot demonstrate a five-year supply of deliverable housing sites (NPPF 11, footnote 8). It is agreed that the LPA can demonstrate a supply of no more than 3.5 years' worth of housing land. The policies most important to determination of the Appeal Scheme are therefore to be considered out of date. In the assessment of these development plan policies and relevant policies within the NPPF that follows, I conclude that there are not clear reasons for refusal of the Appeal Scheme and that the impacts of approval would not significantly and demonstrably outweigh the benefits. Consequently, the presumption in favour of sustainable development applies.

Designations

5.5 Planning designations that apply to the Appeal Site are of fundamental importance to identification of the Development Plan and NPPF policies of most importance to determining the Appeal Scheme.

5.6 The Appeal Site is within the Green Belt and in 2014 the adjacent Scheduled Monument of 'Roman small town, part of an associated field system and earlier Iron Age settlement remains at Gatcombe Court' was extended to take in the Appeal Site, with the extended area following the Appellant's ownership boundary.

5.7 Both national and local policy greatly restrict development within the Green Belt but recognise the importance of providing affordable housing to meet local community needs and therefore make provision for development of this type within the Green Belt. The Scheduled Monument designation signifies a heritage asset of high importance and requires assessment of the heritage significance of that part of the Scheduled Monument that is within the Appeal Site and of the balance between any harm and the planning benefits that would be achieved by the Appeal Scheme.

The Development Plan

5.8 The Development Plan policies I consider most relevant to consideration of the Appeal Scheme are:

- Core Strategy Policy CS 5: Landscape and the historic environment

- Core Strategy Policy CS16: Affordable Housing
- Core Strategy Policy CS 17: Rural exception schemes
- Sites and Policies Plan Part 1 Policy DM6: Archaeology

5.9 Neighbourhood Plan policies LHN3 and LHN4 are also cited in reason for refusal 1.

5.10 Neighbourhood Plan policy LHN3 is concerned with the mix of house types and sizes to be provided by development proposals and, where appropriate, securing the provision of affordable housing. The Appeal Scheme is in outline and proposes a development of entirely affordable housing. Illustrative material submitted with the outline planning application indicates the potential for a mix of housing types and sizes. However, the housing mix is a matter for subsequent determination through the Reserved Matters process and compliance with the S106 Agreement.

5.11 Neighbourhood Plan policy LHN4 requires a local connection restriction in respect of rural exception affordable housing and again this can be secured through the S106 Agreement as appropriate.

5.12 I therefore, do not consider Neighbourhood Plan policies LHN3 and LHN4 to be of fundamental importance to determination of the Appeal Scheme and it is accepted in the LPA's Statement of Case that, subject to agreement of the housing mix, there is no breach of these policies.

5.13 The LPA is also producing a new Local Plan (North Somerset Local Plan – 2038). Whilst this Plan is not adopted, it was subject to a Preferred Options Consultation in 2022 and I consider its evidence base and proposed site allocations relevant to the availability of alternative sites and therefore refer to these documents in my assessment of the planning issues.

Other Material Considerations

5.14 The North Somerset Affordable Housing SPD (CD4.4) is cited in reason for refusal 1. However, it is clear from the Delegated Report (CD3.1) refusing the outline planning application that the SPD is referred to in relation to identifying housing need. As the LPA has subsequently agreed (CD11.1) that there is a need for affordable housing in

Long Ashton, as set out in the Housing Needs Survey-January 2023 (HNS – CD 2.1), I do not consider this SPD to be a material consideration of importance to determination of the Appeal Scheme.

5.15 The NPPF is a material consideration in determination of the appeal proposal. I have already set out my contention that the presumption in favour of sustainable development at NPPF 11 applies to determination of the Appeal Scheme and will come back to this in considering the overall planning balance.

5.16 In addition, the NPPF policies 147-149 relating to Green Belt and 195, 199, 200-2002 and 205 relating to Heritage Assets are cited in the reasons for refusal. I agree that these policies are important to determination of the Appeal Scheme and go on to consider these in relation to the planning issues.

6. ASSESSMENT OF RELEVANT PLANNING POLICIES AND THE PLANNING ISSUES

6.1 The relevant planning policies and related planning issues fall under two broad headings - development in the Green Belt and impact on heritage assets. I therefore use these headings.

Development in the Green Belt

6.2 Reason for refusal 1 states that the Appeal Scheme constitutes inappropriate development in the Green Belt. I disagree.

6.3 Appropriate development within the Green Belt is defined by NPPF 149 and this includes:

f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)

6.4 The relevant policy set out in the development plan is policy CS17 of the Core Strategy. This sets out a range of criteria for assessment of rural exception affordable housing proposals but precludes provision of such housing within the Green Belt. As I have already noted, policy CS17 was adopted in 2012 and predates the current version of the NPPF, which at paragraph 219 states that due weight should be given to such policies according to their degree of consistency with national policy set out in the NPPF. It is clear that the policy CS17 prohibition on rural exception affordable housing within the Green Belt is fundamentally at odds with NPPF policy, which specifically allows for affordable housing to meet local community needs, as development that is not inappropriate within the Green Belt.

6.5 I therefore consider that this element of policy CS17 is out of date and that paragraph 149 (f) of the NPPF, which establishes that rural exception affordable housing is not, in principle, inappropriate development in the Green Belt, should take precedence. This is recognised in the LPA's Delegated Report (CD 3.1) on the outline planning application which states:

'It is concluded that a position exists whereby a rural exception site within the Green Belt could be found acceptable in principle.'

- 6.6 The LPA's Statement of Case (SoC – CD 8.1) introduces the NPPF glossary definition of rural exception sites as 'Small sites used for affordable housing...' and the reference to 'limited affordable housing ...' at NPPF paragraph 149 (f), contending that neither of these requirements are met and that the Appeal Scheme does not comprise a rural exception site. I disagree with this and will set out my reasons in considering the policy CS17 criteria on scale of development.
- 6.7 It is necessary therefore, to consider the Appeal Scheme in relation to the five criteria set for rural exception schemes by policy CS17 and I do this by taking each in turn. The first of policy CS17's criteria is:
- a) the development meets an identified local need demonstrated by an up-to-date needs survey or other evidence
- 6.8 No evidence of local affordable housing need has informed preparation of the development plan. The Appellant therefore commissioned a HNS in 2018 and consulted both the LPA and Parish Council on this. The original 2018 HNS report was updated (CD 1.7) to address queries raised by the LPA in relation to the previous outline planning application at the Appeal Site and was submitted in support of the outline planning application.
- 6.9 Throughout the determination period for the outline planning application, the Appellant responded to queries raised by the LPA on the methodology for the HNS. However, the LPA did not accept the HNS findings and cited it in reason for refusal 1 as insufficient to demonstrate a local community need for affordable housing.
- 6.10 In view of this, and given the passage of time, the Appellant subsequently commissioned a further HNS in November 2022 and the results of this are set out in the HNS report dated January 2023 (CD 2.1), attached to this proof at Appendix 1. It used the same methodology as previously and sought to address comments made by the LPA on the previous HNS. This HNS concludes that, based upon need measured by the household survey, taking affordable vacancies from the existing stock and any committed new build affordable housing into account, there is a minimum need for 22 additional affordable dwellings p.a. in Long Ashton, equating to 108 over the next five years.

6.11 The affordable housing need established by the HNS is now accepted by the LPA (CD 11.1) and the Appeal Scheme is therefore not in breach of this element of policy CS17.

6.12 The second of the CS17 policy criteria is:

b) the development is supported or initiated by the parish council

6.13 Long Ashton Parish Council objected to the outline planning application and therefore criteria b) of the policy is, on the face of things, not met. However, the first thing to say is that this criterion clearly cannot and is not intended to be a veto on development of rural exception affordable housing to meet local community needs. The Appeal decision at Nether Whitacre (Ref. APP/P0119/W/21/3281438) at Appendix 1 to the LPA's SoC (Cd 6.6) is helpful on this matter. In setting out the reasoning for the appeal decision in that case, the Inspector cites relevant and material planning concerns that underpin the lack of support from the relevant Parish Council.

6.14 It is therefore necessary to consider the justification for the absence of Parish Council support for the Appeal Scheme now under consideration. This is provided in the objection to the outline planning application submitted by the Parish Council (CD15.2) and I consider each of the points in turn.

The Housing Needs Survey, relied on by the developer, was carried out on behalf of the developer and was not initiated, requested, or carried out on behalf of the PC. The PC has not been permitted to see the full results of the survey and so cannot comment on the accuracy or the veracity of the reported conclusions.

6.15 On this point, the Appellant sought to involve the Parish Council in the HNS but received in response only a request to ensure that it was made clear that the HNS was not being undertaken on behalf of the Parish Council and that completing the survey was purely voluntary (see correspondence at Appendix 2). The survey was, and is, publicly available on the planning portal. Also, as set out in the Statement of Common and Uncommon Ground (SC/UCG – CD11.1), the LPA accepts the need for affordable housing.

The Parish Council is not a party to the development, and it is not community led housing and so the PC does not believe that the development meets the criteria to be classed as a rural exception site.

6.16 The Parish Council has also been invited to be involved and to help shape the proposed development and this offer has continued post the refusal of the outline planning application. I therefore regard this point as something of a circular argument that, given the evidence on affordable housing need, does not of itself take the Appeal proposal out of the category of rural exception affordable housing. I will go on to explain why I consider the Appeal Scheme to constitute a rural exception affordable housing scheme under the terms of local and national policy.

The site is in the Green Belt and no exceptional circumstances that would allow the development apply.

6.17 I do not consider there to be a need to demonstrate very special circumstances. I consider the Appeal Scheme to constitute limited affordable housing to meet local community needs, which is regarded by national planning policy, set out in the NPPF, as development that is not inappropriate in the Green Belt. Nonetheless, were this position not to be accepted, I consider there to be very special circumstances to justify allowing the Appeal Scheme.

6.18 I will say more about this in my conclusions on the overall planning balance.

The site is outside the settlement boundary and was not included in the NDP.

6.19 A rural exception affordable housing site will, by definition, be outside the settlement boundary. In the case of the Appeal site, it is immediately adjacent to the settlement boundary, in accordance with policy CS17, and is in a highly sustainable location. With regard to the Neighbourhood Plan, I have already noted that no HNS was undertaken to inform preparation of the Plan and the Plan makes no allocations for affordable housing.

The site is part of a scheduled ancient monument, and any development must meet fully the requirements of Historic England and NSC archaeologist to preserve the archaeology. It would appear that further information is required to do this.

6.20 As noted in the archaeological evidence presented by Mr Robert Sutton of Cotswold Archaeology, extensive investigation has been undertaken at the Appeal Site. It is his expert view that below-ground archaeological remains within the proposed footprint of development at the Appeal Site are of limited importance and that further

investigation, secured by a suitably worded planning condition, would enhance the historic significance of the important remains that survive to the west of the Appeal Scheme.

The site is good quality arable land.

6.21 As noted in the LPA's Delegated Report, the site is relatively small, and the Appeal Scheme would not result in a significant loss of agricultural land. It is also agreed in the Statement of Common Ground that the Appeal Site is Grade 2, rather than Grade 1 as stated in the Delegated Report.

6.22 The Parish Council has subsequently submitted further representations setting out the reasons for not supporting the Appeal Scheme (CD 15.3) and I also consider each of these in turn.

No attempt to identify more suitable sites.

6.23 I will go on to consider the availability or otherwise of more suitable sites in relation to Core Strategy policy CS17 criterion (c) and to conclude that no such sites are available to make a significant contribution to the very high level of need for affordable housing in Long Ashton.

Affordable Housing

6.24 The Parish Council states that it is not opposed to the development of affordable housing and cites its support for the conversion of an office building to provide 18 apartments. This was a permitted development prior approval and does not include any affordable housing.

6.25 The Parish Council questions the veracity of the Housing Needs Survey. However, I consider this to be without foundation. The Housing Needs Survey is accepted by the LPA (CD 11.1).

Assessment of Green Belt Land

6.26 The impact of the Appeal Proposal upon the purposes and openness of the Green Belt is considered in the evidence of Mr Jonathan Berry, who concludes that the Appeal Scheme would have a medium/low to neutral impact on the purposes of including the land within the Green Belt and that the development parameters proposed as part of the Appeal Scheme would maintain the visual openness of the

Green Belt. I note also, that a large area of Green Belt on the eastern side of Long Ashton is given added protection through designation in the Neighbourhood Plan as an Area of Separation under policy ENV1. This is not affected or impinged upon by the Appeal Scheme.

6.27 The Parish Council asserts that there are more appropriate sites available and that the appeal scheme does not constitute 'limited development' as required to be considered a rural exception site. I firmly reject these points and will go on to set out my reasons in relation to Core Strategy policy CS17 criteria (c) and (d).

6.28 I conclude therefore that the Parish Council's objection is not substantiated by evidence. Given that the Parish Council is not opposed to development of affordable housing as a matter of principle, it follows, in my view, that the support of the Parish Council can be inferred because the planning objects it has raised have been examined and shown not to be meritorious. Alternatively, because the objection is not sustained by cogent planning reasons, I consider any conflict with this limb of CS17 should carry no weight and is not a determining factor in assessing the alignment of the Appeal Scheme with policy CS17 and the development plan as a whole.

6.29 I turn now to the third of policy CS17's criteria which requires that:

c) the site search has followed a sequential approach with priority given to sites within any settlement boundary, sustainability principles, and avoiding sensitive locations

6.30 In relation to this criterion, I do not consider that there are any sequentially preferable sites available to make a meaningful contribution to the significant level of affordable housing need that exists in Long Ashton now. None are allocated in the Neighbourhood Plan (CD 4.3) or the Sites and Policies Plan Part 2 (CD 4.5) that was adopted in 2018.

6.31 The first part of criteria (c) of policy CS17 requires priority to be given to sites within the settlement boundary. However, there are no sites within the village boundary currently identifiable as suitable for provision of rural exception affordable housing. Any that come forward in the future are likely to be small windfall sites for market housing and below the threshold for providing affordable housing. This has been the case with recent residential developments.

- 6.32 I have researched planning permissions granted since 2006, the start date of the current Core Strategy period, and only one has provided any affordable housing in the village, as shown at Appendix 3 to this proof. This was a permission (ref. 06/P/1540/F) granted in 2006 for 12 dwellings, through conversion of a redundant school building and associated new build, by Knightstone Housing Association. I shall return to this permission in my conclusions on the overall planning balance.
- 6.33 In the emerging new Local Plan for the period up to 2028 (CD 5.1) only two sites are shown within the settlement boundary, and these are both at Estune Business Park where Units A and C are proposed to be allocated for 42 dwellings. This mirrors existing prior approvals for these two existing office units (refs. 20/P/1655/COA and 20/P/2574/COA) for conversion to provide a total of 42 flats (see Appendix 3). Because the permissions are permitted development prior approvals, there is no requirement for affordable housing. The development permitted under the permitted development prior approval is now being implemented (see Appendix 5).
- 6.34 In the absence of suitable and available sites within the settlement boundary, criteria (c) of policy CS17 requires priority to be given to sustainability principles and avoiding sensitive sites. Clearly, sites also need to be available and technically deliverable.
- 6.35 Outside the settlement boundary, all land around the existing built-up area is subject to a level of sensitivity, with the Green Belt enclosing the village and a number of other designations on areas around and within the settlement, as illustrated by the plan at Appendix 4.
- 6.36 The level of sensitivity is however not uniform, and it is important to consider relevant variations and the policy requirement of giving 'priority' to avoiding sensitive sites. Heritage significance, for example, within the Scheduled Monument designation within which the Appeal Site sits, varies across its extent and relevant policy provides for a weighing of any harm against benefits. At the eastern end of the village a large swathe of land is designated in the Neighbourhood Plan as an area of separation (policy ENV1). Policy ENV1 simply requires that this area be kept open to maintain visual and physical separation between Long Ashton and Bristol.
- 6.37 In considering potential alternative sites, the LPA's Call for Sites information, which is informing the emerging Local Plan 2038, provides a good indication of land that

might be available (CD 5.4). The sites that have come forward around Long Ashton are shown at Figure 1 below.

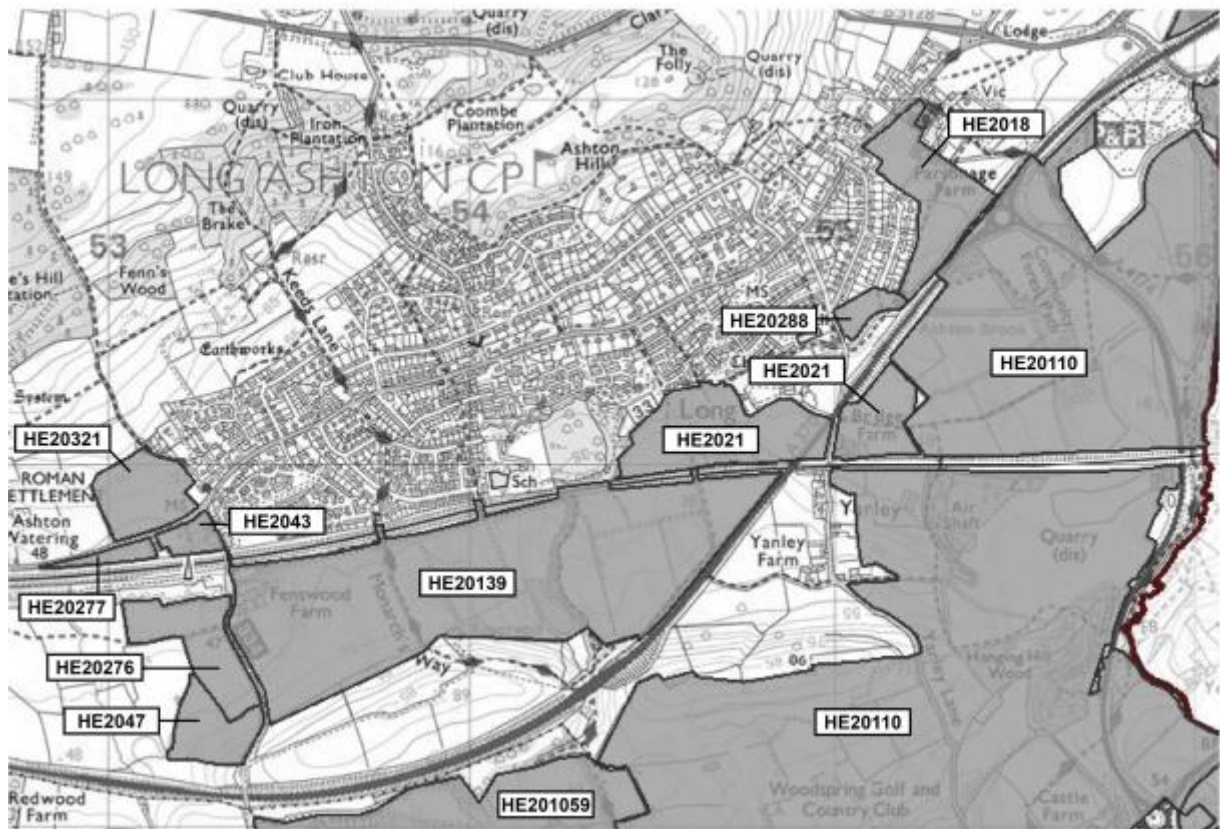


Figure 1: 2020 Call for Sites Land Parcels

6.38 Of these sites, a number (HE20139, HE201059 and HE201110) are clearly strategic development sites unsuited to rural exception affordable housing provision. Of the others, HE2047 and HE20276 are parcels of land detached from the existing village on the southern side of the railway, where the potential for safe, overlooked walking and cycling routes is lacking and vehicular access is limited by the narrow road width (see photos at Appendix 5). I do not therefore consider these to be suitable or sequentially preferable sites for rural exception affordable housing.

6.39 Parcel HE2043 is a site of very limited capacity with an existing Permission in Principle for 2-5 dwellings. There is no suggestion that the site will provide affordable housing and it does not have the capacity to contribute significantly to meeting the identified affordable housing need. HE20277 adjacent is an exposed, long narrow strip running westward along Weston Road. Development here would, as a matter of principle, result in a form of ribbon development incongruously extending the built

envelope of Long Ashton and significantly harming the western approach to Long Ashton and the open views to the south (see photographs at Appendix 5).

- 6.40 Land parcel HE2021 was put forward through the call for sites with a suggested development capacity of 350 dwellings. It is clearly therefore, not a rural exception site. In addition, this land is partly within the Area of Separation between Long Ashton and Bristol, partly in Flood Zone 2 and is served by a narrow access via Yanley Lane/Glebe Road, with no opportunities for integration with the existing built-up area through safe and convenient cycle and pedestrian routes (see photographs at Appendix 5). Part of the site is bisected by the Long Ashton bypass flyover, giving rise to significant road traffic noise. Consequently, I do not consider this land to provide a suitable or sequentially preferable rural exception affordable housing site.
- 6.41 Parcel HE20288 is an area of open land at a narrow point in the Neighbourhood Plan Area of Separation which needs to be kept open to achieve its purpose. It is within Flood Zone 2 and again, it is served by a narrow access via Yanley Lane/Glebe Road, with no opportunities for integration with the existing built-up area through safe, direct and convenient cycle and pedestrian routes. It is also subject to significant road traffic noise from the elevated Long Ashton bypass that runs close to its south-eastern boundary. This area too I therefore consider not to be a suitable or sequentially preferable site for rural exception affordable housing.
- 6.42 The area of land at HE2018 was put forward through the call for sites process with a suggested development capacity of 200 dwellings. It is clearly not a rural exception site for affordable housing. This aside, it is also located at a narrow point in the Area of Separation, some 900m from the built edge of Bristol (see photographs at Appendix 5) and its open, rural character contributes very significantly to the setting of a range of listed buildings and structures, including the Church of All Saints, Parsonage Farmhouse and Abbots Barn. It also makes an important contribution to the character and appearance of the Conservation Area. Consequently, I do not consider this land to provide a suitable or sequentially preferable rural exception affordable housing site.
- 6.43 Compared to these parcels of land, the Appeal Site is located outside areas at risk of flooding, in a sustainable location, with good pedestrian and cycle links to the centre of Long Ashton. Development at the Appeal Site would have no impact on the Green Belt function of maintaining separation between Long Ashton and Bristol and where

Mr Jonathan Berry's evidence concludes impacts on the visual openness of the Green Belt would be localised and the proposed development parameters would maintain the visual integrity of the surrounding landscape character and the overall visual openness of the Green Belt. There are no technical impediments at the Appeal Site and the Appeal Scheme for affordable housing is clearly deliverable.

- 6.44 This leaves the matter of impact on the Scheduled Monument, and I will go on to consider this in relation to reason for refusal 2 and the overall planning balance. However, I note here that I rely on the expert evidence of Mr Robert Sutton of Cotswold Archaeology, who concludes in his evidence that the impact of the Appeal Scheme on the significance of heritage assets would be at the lower end of less than substantial harm and that this is offset by heritage benefit that the Appeal Scheme would provide.
- 6.45 Having considered potential alternative sites and, given the absence of any planning applications or existing or proposed allocations for affordable housing within or adjoining the built-up area of Long Ashton now or over the past 16 years, I am therefore of the opinion that there are no sequentially preferable sites for the provision of affordable housing to make a significant contribution to meeting the high level of unmet need.
- 6.46 In reaching this conclusion I have noted the current planning application at Cambridge Batch, on the western boundary of the Parish of Long Ashton. This application is for 11 dwellings, three of which are proposed as affordable homes. The application is undetermined at the time of preparing this proof and because of the small number of affordable homes that might be provided this application doesn't alter my conclusion on alternative sites.
- 6.47 I therefore consider this limb of CS17 to be met. There are no alternative sites within the settlement boundary and the Appeal Site is the best available site in both sustainability and sensitivity terms.

d) the scale of development is appropriate for the location

- 6.48 The LPA's Statement of Case (CD 8.1) contends that the Appeal Scheme does not constitute a rural exception affordable housing scheme because it doesn't align with the NPPF glossary description of rural exception schemes being 'Small sites used for

affordable housing...’, or with the NPPF paragraph 149 (f) provision on ‘limited affordable housing for local community needs...’ In support of this, two appeal decisions are cited.

- 6.49 The first of these appeal decisions (ref. APP/P0119/W/21/3281438, CD 6.6) relates to a proposal for 15 affordable dwellings at the village of Pucklechurch, to the east of Bristol in South Gloucestershire. In the decision the Inspector placed little weight on the appellant’s rationale that the number of dwellings proposed was limited compared to much larger housing allocations in the development plan. In respect of the current appeal, this is not an argument being advanced by the Appellant.
- 6.50 The second appeal decision cited by the LPA (ref. APP/R3705/W/21/3267698, CD 6.3) relates to a proposal for 30 affordable dwellings at Nether Whitacre, Birmingham. In concluding that the proposal did not accord with relevant exceptions set out in NPPF paragraph 149, the Inspector considered the proposal not to constitute infill development, to lack evidence of local community need for affordable housing and to propose an increase in the size of the village by 20%. However, in the case of the current Appeal Scheme, it is accepted that there is a substantial local need for affordable housing, the development is not proposed as infill and it would increase the size of the existing settlement by a very small amount.
- 6.51 I do not therefore consider that these two appeal decisions support the contention that the Appeal Scheme currently under consideration fails to constitute a rural exception site for affordable housing under the terms of the NPPF.
- 6.52 The absence of any quantification of ‘small sites’ and ‘limited affordable housing’ in the NPPF, is in my view logical and deliberate, so that each case can be considered in its context and on its merits. Key to this assessment are the size of the settlement, the extent of affordable housing need and proposed density of development. This is supported by the allowed decision related to a proposal for 27 affordable homes at Pembury in Kent (ref. APP/M2270/A/13/2197861, CD 6.2), which I attach as Appendix 6 to my proof. In allowing the appeal the Inspector concludes (paragraph 21) that the development would be small in relation to the physical scale of the village, the number of dwellings within it and its population and, that the density would be low, at 37.5 dwellings per hectare. The Inspector also concluded that the number of affordable dwellings would be limited because the proposal would only meet part of the identified need for affordable housing.

- 6.53 I have noted that the LPA agrees that there is a need for affordable housing in Long Ashton as set out in the HNS (CD 2.1) and as the Appeal Scheme proposes up to 35 affordable dwellings within the context of a 5-year need of 108 dwellings, I consider that it would provide for limited affordable housing to meet the community need. One of the exercises that then needs to be undertaken is to consider if the scale of the proposed development is appropriate to the location, as that is part of the assessment of whether the Appeal Scheme constitutes affordable housing provision under policies set out in the development plan and therefore, whether it is appropriate development in the Green Belt.
- 6.54 The site sits immediately adjoining the western edge of Long Ashton, with new residential development recently approved to the south and the east. The density of the proposed development would be 16 dwellings per hectare based on the whole site area and 26 dwellings per hectare based on the development area. The proposed Building Heights Parameter Plan (CD 1.28) limits development predominantly to two storeys, with a minor element up to 2.5 storeys. As illustrated in Figure 5.1 of the Planning, Design and Access Statement submitted with the outline planning application (see Appendix 7 and CD 1.4), a development of 35 affordable homes would sit comfortably in its context as a modest organic growth of the village, rounding off what would otherwise be a protruding element of new development permitted to the south of the application site.
- 6.55 At the time of the 2011 Census (2021 Census Data is not yet available at this level), there were 2,161 households within the settlement boundary of Long Ashton. Using this as a proxy for the number of dwellings, the Appeal Scheme would increase the housing stock in the village by 1.6%. This is likely to over-estimate the proportionate level of increase to a degree, because within the parish there were also 110 household spaces with no occupant at the time of the Census and a significant number of these are likely to have been within Long Ashton village.
- 6.56 At parish level, again using 2011 Census data, there were 2,524 households and 110 household spaces with no occupants, equating to 2,634 dwellings. The Appeal Scheme represents an increase in dwellings within the parish of 1.3%, based on 2011 Census data.

- 6.57 The Delegated Report (CD 3.1) refusing the outline planning application contends that the Appeal Scheme is inappropriate development in the Green Belt and would cause harm to the Scheduled Monument and as a result its scale is therefore necessarily not appropriate to the location. I disagree and have set out why I consider the Appeal Scheme to be a rural exception affordable housing development that is not inappropriate in the Green Belt. Also, as set out in the evidence of Mr Robert Sutton, it is considered that the Appeal Scheme will have no adverse effects on valued historic landscape character, that the adverse effect on setting of the Scheduled Monument is negligible and offset by proposed interpretation material and that removal of archaeological remains of limited interest would be offset by the heritage benefit arising from expert investigation of these remains.
- 6.58 I therefore conclude that the Appeal Scheme constitutes a small site for affordable housing, that will provide limited affordable housing to meet community needs and is of a scale appropriate to the location.
- e) the affordable housing is provided in perpetuity.
- 6.59 The fifth criteria under policy CS17 is that the affordable housing is provided in perpetuity and this will be achieved via the proposed S106 Agreement.
- 6.60 Drawing these threads together, I conclude that the Appeal Scheme is in accordance with policy CS17.
- 6.61 Even if the support of the Parish Council cannot be inferred as I have suggested, then I consider the resulting conflict with criteria (b) should carry no weight.
- 6.62 There is also of course the provision in policy CS17 that precludes rural exception affordable housing on land within the Green Belt. However, as I have noted, this is directly contrary to up-to-date national policy and paragraph 149, sub point (f) of the NPPF must prevail. This element of national policy explicitly allows for affordable housing to meet local community needs within the Green Belt via a rural exception policy. I note the LPA adopt the same view.
- 6.63 Overall, therefore I conclude that the Appeal Scheme is in accordance with policy CS17 and with paragraph 149(f) of the NPPF. As such, I do not consider there to be a breach of paragraphs 147 and 148 of the NPPF which are cited in the reasons for refusal because these relate to inappropriate development in the Green Belt.

6.64 In the event I am wrong about that, I apply the test for inappropriate development in the Green Belt in the Planning Balance section below.

Other Matters

6.65 Reason for refusal 1, focusing on the Green Belt cites conflict with the Affordable Housing SPD and Neighbourhood Plan policies. I have already noted that there is no conflict with the Affordable Housing SPD in respect of the methodology for assessing affordable housing need because the need is now agreed (CD 11.1). I have also noted that Neighbourhood Plan policy LHN3 can be appropriately addressed at the reserved matters stage and Neighbourhood Plan policy LHN4 is addressed by the S106 Agreement. The LPA, in its SoC (CD 8.1) agrees that there is no breach of policies LHN3 or LHN4 Neighbourhood Plan.

6.66 I now go on to consider the relevant policies and issues relating to heritage impact.

Impact on the Schedule Monument

6.67 The second reason for refusal of the outline planning application relates to impact on the Scheduled Monument, within which the Appeal Site sits. On this matter, I rely of the expert witness evidence of Mr Robert Sutton. He concludes that the level of harm to the setting of the Scheduled Monument as a whole is negligible and that the buried archaeological remains to be removed from within the proposed area of built development have limited heritage importance. It is his expert view that both these minor harms can be adequately mitigated and offset by heritage benefits that will be brought by the provision of interpretation material, expert investigation of the buried remains and cessation of ploughing of the field immediately adjoining to the west.

6.68 I therefore do not find any conflict with policies CS5 Core or DM6 of the development plan or the relevant policies of the NPPF.

6.69 I now turn to my conclusions and the overall planning balance.

7. CONCLUSIONS AND OVERALL PLANNING BALANCE

- 7.1 The Council now accepts there is no breach of policies LHN3 or LHN4 of the Neighbourhood Plan. It also accepts there is no breach of policy 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.
- 7.2 Relying on the evidence of Mr Sutton and Mr Berry, I conclude there is no breach of policies cited in the reason for refusal (i.e., CS5, CS17 or DM6) or any other policies of the development plan. I am therefore of the view the proposal is in accordance with the development plan and, pursuant to paragraph 11(c) NPPF, planning permission should be granted “without delay”.
- 7.3 If, however, the Inspector were to conclude there was a breach of policy CS17 and a conflict with the development plan as a whole, he would need to consider whether other material considerations justified granting permission otherwise than in accordance with the plan. I now turn to consider the NPPF as an important material consideration.
- 7.4 6.3 The Council accepts it can only demonstrate a housing land supply of 3.5 years. Accordingly, footnote 8, paragraph 11(d) NPPF is engaged to the effect that planning permission should be granted unless one of two caveats at (i) or (ii) to NPPF 11 (d) applies.
- 7.5 Turning to paragraph 11(d)(i), there are two relevant policies potentially engaged.
- 7.6 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 one were to not adopt the internal heritage balance, there would be a negligible level of less than substantial harm, to which “great weight” should be afforded in line with NPPF paragraph 199. The less than substantial harm would engage paragraph 202 of the NPPF, and I now consider the benefits of the scheme to determine whether they outweigh the negligible harm.

7.7 Paragraph 3.1 of the SoC/UG (CD 11.1) 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 SoC/UG was signed:

Benefit	Weight
<p>Provision of 35 affordable units to meet a substantial local need. The Council noted when determining the Northleaze Primary school application that '[t]here is a high need and demand for affordable housing in Long Ashton well outstripping supply' (Appendix 7). That is now borne out by the Housing Needs Survey accepted by the LPA (CD2.1).</p>	<p>Substantial weight</p>
<p>Economic benefits during construction and occupation. Based on the Housebuilders Federation Calculator, the scheme would generate: (i) 108 jobs (37 direct, 28 indirect, 29 induced), (ii) £92,872 spend in local shops and (iii) £421, 855 in tax receipts. On their own terms these are significant benefits, to which paragraph 81 NPPF provides significant weight should be attached.</p>	<p>Significant weight.</p>
<p>Public open space 570% beyond policy requirement to serve the development: 6,430m² against a requirement to serve the development of 960m².</p>	<p>Substantial weight</p>
<p>Through the application of DEFRA's latest biodiversity metric (4.0), the illustrative masterplan indicates that the scheme has the ability to deliver 42%</p>	<p>Substantial weight</p>

<p>net gain in habitat units and a 130% net gain in hedgerow units (see Appendix 9). South Gloucestershire Council has announced a series of actions to address the climate and nature (ecological) emergency and these benefits far exceed any policy or emerging legal requirement.</p>	
<p>Provision of 875m² allotments for community use and fulfilling a neighbourhood plan objective see policy LC6 (CD 4.3).</p>	<p>Moderate weight</p>
<p>Recording the historic record, provision of interpretation boards and a “no-plough” provision in the field to the west.</p>	<p>Moderate weight</p>

7.8 Balancing these substantial benefits against the negligible harm to the SAM (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.

7.9 Second, I turn to paragraph 147-148 NPPF and the question of inappropriate development on the premise that there is a breach of policy CS17. In accordance with paragraph 148 NPPF, 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 (with which I agree). Set against these harms, I consider the above benefits clearly outweigh that harm and that they do, 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, paragraph 147-148 NPPF would not amount to a clear reason for refusal.

7.10 Turning then to paragraph 11(d)(ii), I consider the harms (even taken at their highest) would not significantly and demonstrably outweigh the benefits.

7.11 It follows that even if the Inspector were to conclude (against my view) that the scheme was not in accordance with the development plan, that the application of paragraph 11 NPPF would be a clear material consideration which would indicate that permission should nevertheless be granted.

8. CONCLUSION

- 8.1 In summary, I consider there is no breach of the development plan as alleged or at all. I therefore consider permission should be granted without delay in accordance with paragraph 11(c) NPPF. In the event I am wrong about that and there is a breach of the development plan, I consider the application of paragraph 11(d) NPPF in this instance would justify granting permission otherwise than in accordance with the development plan. On either analysis, I am of the firm view that the appeal should be allowed, and planning permission granted, to enable a significant contribution to be addressing the pressing and long-standing need for affordable housing in Long Ashton, in accordance with the underlying purpose of the planning system (NPPF 7) of contributing to the achievement of sustainable development.

APPENDICES

See separate set of Appendices 1-9.

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