

**REBUTTAL PROOF OF EVIDENCE
PLANNING POLICY**

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 This Rebuttal Proof of Evidence relates to the Local Planning Authority's Planning Proof of Evidence (LPA-PoE) presented by Mr Mark Reynolds and is to be read alongside my main Proof of Evidence (PoE: CD 12.1).
- 1.2 I have set out rebuttal points under the following headings:
- Relevant Planning Policies
 - Planning Balance
- 1.3 This Rebuttal Proof of Evidence does not rebut all points of the case set out in the LPA-PoE as most are directly addressed in my main proof and those of Mr Jonathan Berry and Mr Robert Sutton.
- 1.4 As in my main Proof of Evidence, 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. RELEVANT PLANNING POLICIES

Policy CS32

- 2.1 At 5.2 of the LPA-PoE it is recorded that the appellant has offered no evidence that the Appeal Scheme (AS) accords with the terms of policy CS32. Policy CS32 is not cited in the reasons for refusal of the outline planning application and as set out in my main PoE, I consider the AS to constitute a rural exception scheme, covered by policy CS17. There is no cross reference between policy CS17 and CS32, or vice-versa.
- 2.2 Notwithstanding this, I am of the opinion that the AS broadly accords with policy CS32 and its intention, as set out at 4.83 of the Core Strategy (CD 4.1), to achieve ‘a sustainable approach to development in rural areas, with an emphasis on supporting services, employment and facilities in smaller towns and larger villages, rather than dispersing development throughout smaller villages.’
- 2.3 Policy CS32 specifically applies to ‘Service Villages’ and Long Ashton is listed in the policy as one of these. The policy provides for developments of ‘about’ 25 dwellings adjoining settlement boundaries in the Service Villages and I note that the Inspector’s Report, following Examination of remitted Core Strategy policies (which included CS32), states that the size limitation is approximate and can be flexed in accordance with local circumstances (see Appendix 1, paragraph 38). As set out in my main PoE, I consider the size of the AS to be appropriate to the local circumstances of Long Ashton and specifically is within the scale of ‘about 25 dwellings’.
- 2.4 In relation to the other requirements of policy CS32, the AS has regard to the type and tenure of housing required and, as demonstrated by the parameter plans and the illustrative material that supported the outline planning application, is capable of delivering a development of high quality in design and form. It is, as set out in my main PoE and the PoE of Mr Jon Berry, appropriate to the local context and will make a positive contribution to the local environment and landscape setting. The AS is in a location which affords opportunities to reduce the need to travel and encourage active modes of transport and use of public transport, with safe and attractive pedestrian access to facilities within Long Ashton.

- 2.5 The AS will not result in significant adverse impacts on services and infrastructure or any cumulative adverse impacts within the wider area, such as transport impacts.
- 2.6 I therefore conclude that the AS broadly accords with the provisions of policy CS32 and this further weighs in favour of the scheme.
- 2.7 Whilst the supporting text to policy CS32 precludes development adjoining settlement boundaries in Services villages within the Green Belt, this is not part of the policy and, accordingly does not have the force of policy, nor can supporting text trump the policy or add an additional policy test. Nonetheless, the National Planning Policy Framework (NPPF) is a material consideration and therefore policy CS17 is, in my opinion, the principal policy relevant to the AS and is cited in the reason for refusal. It follows that compliance with CS17 is the relevant indicator as to whether the scheme is appropriate in the Green Belt.

Definition of Rural Exception Sites

- 2.8 The LPA-PoE, at 5.8 refers to the North Somerset Sites and Policies Plan Part 2 categorisation of small sites as 1-9 dwellings. This however is a categorisation for the purposes of determining which sites are shown on the policy map. The same paragraph of the LPA-PoE also refers to the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) (DMPO) definition of major development as provision or 10 dwellings or residential development which has a site size of 0.5ha or more. Again however, this definition is not related to rural exception affordable housing. It is a threshold for a number of planning process requirements including submission of design and access statements with planning applications, affordable housing obligations and planning application fees.
- 2.9 Neither of these are definitions of rural exception sites and are not referred to in policy on rural exception sites at either local or national level. Each case needs to be considered within its context and it is not the case that rural exception sites are limited to 1-9 dwellings. As an example, planning permission was granted for 30 affordable dwellings as a rural exception on a site of 2.5 ha in Troon, Cornwall, in April 2023 (see Appendix 2). In South Cambridgeshire the Council publish an online map of rural exception schemes and, alongside this, two case studies. One of the

case studies is a rural exception development of 39 affordable dwellings at Heslerton Way, Barrington (see Appendix 3).

- 2.10 I conclude therefore that the North Somerset Sites and Policies Plan Part 2 categorisation of small (windfall) sites and the DMPO definition of major development are not relevant to the definition of a rural exception site for the purposes of this appeal.
- 2.11 The LPA-PoE contends that a site such as the AS should be brought forward through the plan-making process. However as I have set out here and in my main PoE, I consider the AS to constitute a rural exception affordable housing proposal and as such it is not necessary for it to be brought forward through the plan-making process. I also note that no sites have been allocated within or adjoining Long Ashton over a period of many years.
- 2.12 At 5.11 the LPA-PoE states that development proposed by the AS would protrude beyond the natural defensible barrier of Warren Lane and would be read as a 'new residential estate bolted on to the village.' I strongly disagree with this contention. Development in Long Ashton already extends beyond Warren Lane, with further development permitted and as set out in Mr Jon Berry's PoE and my main PoE, the AS would sit comfortably in its setting as a modest and natural growth of the village.
- 2.13 The LPA-PoE, at 5.13 contends that NPPF 149 (f) exerts control over the size of rural exception sites in the Green Belt to safeguard the purposes of including land within it. However, the NPPF glossary definition does not specifically do this because the definition relates to rural exception sites, whether they are within or outside the Green Belt. NPPF paragraph 149 (f) provides for 'limited' affordable housing in the Green Belt and I have set out in my main PoE why I consider this to be the case in respect of the AS.

Policy CS17

- 2.14 The LPA-PoE at 5.33-5.35 states that the supporting text to policy CS17 advises that provision of affordable housing to meeting Long Ashton's needs is to be concentrated in Bristol. In relation to this I note that concentration of affordable housing provision in Bristol is not stipulated within the policy and the policy can only be applied within the

North Somerset area. It is also a position predicated upon a prohibition on rural exception affordable housing provision within the Green Belt, which it is accepted at 4.10 of the LPA-PoE does not now accord with national policy as set out in the NPPF. Accordingly, the focus on Bristol is no longer relevant.

- 2.15 I further note that Bristol City Council can demonstrate only 3.7 year's of deliverable housing sites ([Bristol Housing Land Supply Assessment Report 2020-2025](#) -Table 2). In April 2023 a report to [Bristol City Council's Cabinet report](#) – (c) Key Statistics) recorded that there are over 19,000 households on the Bristol housing waiting list, with approximately 500 cases being added per month. Seeking to meet Long Ashton's affordable housing need within Bristol is therefore neither a policy requirement or realistic.
- 2.16 Paragraph 5.38 of the LPA-PoE states that the AS doesn't avoid sensitive sites and is within a Scheduled Monument. In this respect policy CS17 (c) requires priority to be given to avoiding sensitive sites, it is not an absolute prohibition on rural exception affordable housing within such areas. As set out in my main PoE, all land around Long Ashton is within the Green Belt and much of it is subject to other designations. The evidence set out in Mr Jon Berry's PoE concludes that the AS would maintain the integrity of the visual openness of the Green Belt. With regard to the Scheduled Monument, as set out in Mr Robert Sutton's PoE, heritage significance (sensitivity) is not consistent across the extent of the designation, which follows land ownership boundaries. His evidence concludes that minor heritage harms would arise and that these can be adequately mitigated and offset. I conclude therefore that the AS does not breach policy CS17 (c).

Future Plan-making

- 2.17 At 5.42-5.43 the LPA-PoE suggests that large sites may come forward in future plan making and that the land at Yanley Lane/Woodspring Golf Course may provide a new settlement, including affordable housing to address unmet need in Long Ashton.
- 2.18 The land at Woodspring Golf Course is shown as a potential allocation for 2,500 dwellings in the emerging North Somerset Local Plan 2038: Consultation Draft – Preferred Options (CD 5.1). However, the Council's [website](#) advises that it has paused finalising a revised version of the Local Plan, pending clarification of potential

Government changes to national planning policy and guidance. New settlements also have long lead-in times. The [Ashfield New Settlement Study](#) by Aecom and Hyas (2021), for example, cites approximately 10 years from site promotion to first completion for settlements of up to 1,500 dwellings.

2.19 The LPA-PoE considers, the emerging local plan to carry limited weight. Given the stage it is at and the level of objection to the Yanley Lane/Woodspring Golf Course proposal, it is my opinion that the draft Plan can only be accorded very limited weight. The prospect of meeting Long Ashton's long-standing need for affordable housing through large site allocations is therefore extremely uncertain.

2.20 As set out in my main PoE, the AS is clearly deliverable and this is supported by the letters from registered housing associations at Appendix 4.

3. PLANNING BALANCE

3.1 The LPA-PoE at 6.1-6.5 accords weight to the benefits that would be delivered by the AS. I disagree with the assessment of weight to be accorded to these benefits, as set out in my main PoE, and also conclude that the letters at Appendix 4 lend support to the substantial weight I consider should be accorded to the provision of affordable housing.

3.2 I also note that the LPA-PoE does not consider the weight to be accorded to the heritage benefits arising from recording of the historic record and the proposed 'no plough' provision in the field immediately adjoining the appeal site to the west. I concur with the evidence presented by Mr Robert Sutton on these matters and accord weight as set out in my main PoE.

4. CONCLUSIONS

4.1 For the reasons set out above and in my main PoE I respectfully maintain my view that the appeal should be allowed.

5. APPENDICES

See separate set of Appendices 1-4.

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