

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)

SECTION 78

Appeal by Long Ashton Land Company against the refusal of outline planning permission for the erection of up to 35 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.

AT: Land south of Warren Lane, north of Weston Road,
Long Ashton, North Somerset

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

North Somerset Council reference: 21/P/3076/OUT

PLANNING

SUMMARY PROOF OF EVIDENCE OF MARK REYNOLDS ON BEHALF OF NORTH SOMERSET COUNCIL

SUMMARY PROOF OF EVIDENCE FOR PLANNING

1. Rural exception sites, the CS explains, are ‘small sites’ within rural areas, in locations which would not otherwise be released for housing. The supporting text to CS17 (3.229) advises that rural communities living within the Green Belt are generally well related to higher order settlements, including Bristol, and that this is where affordable housing opportunities should be concentrated.
2. The appeal site comprises an expansive field on rising ground, widely visible in public views. The proposal for up to 35 dwellings, associated access road, turning and parking areas, domestic gardens, allotments, areas of planted open space set within a large site of some 2.2ha in size cannot reasonably be described as a ‘small site’ or as a scheme of ‘limited’ affordable housing having regard to NPPF paragraph 149(f). If allowed, the development would protrude quite clearly beyond the western edge of the village sprawling beyond the natural defensible edge provided by Warren Lane. The proposals do not constitute a rural exception site as defined.
5. The North Somerset Sites and Policies Plan Part 2 (2016) (Site Allocations Plan) (CD:4.5) at (paragraph 4.5) describes what constitutes a ‘small site’ as a development of 1-9 dwellings. The Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) defines any development which would provide 10 dwellings or which has a site area larger than 0.5 ha to constitute a ‘major development’.
6. NPPF paragraph 137 guides that ‘*the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence*’. This fundamental aim explains the control exerted over the size of rural exception sites in the Green Belt in paragraph 149(f).

-
7. The appeal decision included as Appendix 1 to my POE related to a 15 dwelling scheme on a 0.8 ha site at the settlement of Pucklechurch to the east of Bristol. The inspector in dismissing this appeal found (paragraph 9) *‘the dwellings and associated infrastructure would be arranged over a sizeable area and the number of units proposed would not be small in amount. Therefore, insofar as it relates to the wording of the Framework and the purposes of the Green Belt, the site’s area, and the extent of affordable dwellings it would contain would not in my view be “limited”*. This decision is a pertinent local example of how to interpret Green Belt policy.
 8. The above notwithstanding, the proposal contravenes CS17(b) which requires the development to be supported or initiated by the Parish Council (PC). The supporting text to CS17 (paragraph 3.231) makes clear that *‘in the case of rural exception sites the process will be bottom-up, championed by the local community to meet identified needs’*.
 9. The PC (CD:15.3) object in the strongest possible terms to the proposals, noting there to be no local support for the scheme and that they have objected at every stage. It is suggested by the PC that no attempt has been made to identify more suitable sites within the village. 48 letters of objection were received from third parties during the processing of the application, without a single letter of support. Far from being simply a ‘technical breach’ of CS17, the lack of engagement and collaborative working, coupled with the unresolved, in principle, objections to the scheme comprise a clear and substantive breach of limb (b) of CS17.
 10. Policy CS17 does not envisage rural exception sites being provided outside of settlements such as Long Ashton which is very well related to Bristol. The need for settlements such as Long Ashton, the supporting text advises, is to be concentrated in Bristol. The SOCG notes agreement between the parties that North Somerset Council, has during the first 16 years of the plan period delivered 95% of its target for affordable housing outlined in CS16.
-

-
11. CS17(c) requires, priority to be given to sites within any settlement boundary. In this instance, this clause when coupled with the supporting text at (paragraph 3.229) indicates Bristol should also be considered as a closely neighbouring higher order settlement. There is no evidence that consideration has been given to sites beyond Long Ashton and its immediate surrounds.
 12. In respect of Long Ashton, it is accepted that small windfall sites could not be compelled to provide affordable housing, this does not though obviate the need to test the possibility of potential windfall sites within a settlement boundary being made available, for example to include smaller sites for affordable housing or a mixed development with market housing. The sequential approach outlined within CS17(c) to first consider sites within settlement boundaries has not been met.
 13. A further requirement of the sequential approach is to avoid sensitive locations. The Scheduled Monument is nationally significant, it is considered by the Council to be the most sensitive of all of the sites which adjoin/closely neighbour the settlement boundary of Long Ashton. The appellant gives reasons why other sites have been discounted, however they do not make the appeal site sequentially preferable given the harm which would result to the SM as part of developing the site. The development is in direct conflict with limb CS17(c).
 14. The scale of development proposed is not appropriate for the location given that it would both result in less than substantial harm to the significance of the Scheduled Monument (at the higher end of the less than substantial scale) and it is not a 'small site' or 'limited' in nature. This limb of CS17 would also therefore be breached.
 15. In terms of the openness of the Green Belt, the appeal site is currently an undeveloped open field absent of any buildings. The development of up to 35no dwellings, associated domestic paraphernalia, an access road servicing cul-de-

sacs of houses, significant numbers of parking spaces and associated vehicle movements, allotments and drainage infrastructure would result in a very significant loss of spatial openness. The site is highly visible from Weston Road and at points from the local public rights of way network. The development would also result in a significant loss of visual openness in this regard.

16. The Green Belt designation maintains the open rural countryside, safeguarding agricultural land and archaeological remains with few urbanising features. Development of the parcel is identified to result in encroachment into the countryside and would fail to prevent neighbouring towns merging contrary to the purposes of the Green Belt.
17. The effect of the proposal on the SM is dealt with in the evidence of Ms Lodge. She concludes that the proposals would result in the complete removal of all archaeological remains within the appeal site, a view supported by Historic England. The archaeological remains form the main significance of the heritage asset. The full extent of the harm which would result is also unclear at this stage given that earlier evaluation trenching has only taken place in certain areas.
18. The appeal site is currently an agricultural field and the development would extend the built edge of Long Ashton closer towards the walled Roman Settlement, whilst of course encroaching over the SM itself. The rural character of the appeal site and the other scheduled fields form part of the setting of the walled Roman Settlement and contribute to how it is experienced as well as to understanding the rationale for the settling of the site.
19. I concur with and adopt the conclusion of Ms Lodge that the proposed development is contrary to CS Policy CS5 and Sites and Policies Plan: Part 1 policy DM6 and that harm to the SM would constitute less than substantial harm at the upper end of the scale for the purposes of NPPF paragraph 199.

-
20. The Council accepts, that it cannot demonstrate a 5-year housing land supply. The most important policies for determining this appeal should however all be afforded substantial weight given they align closely to the guidance of the NPPF.
 21. In terms of public benefits, I give significant weight to the provision of 100% affordable housing (up to 35no. units); moderate weight to ecological enhancements and limited weight to the economic benefits which would flow from the development in terms of temporary job creation and spend in the locality; and very limited weight to the benefit of provision of open space and allotments.
 22. In accordance with The NPPF (paragraph 148) I attach substantial weight to the harms I have identified to the Green Belt and great weight to the harm identified to the SM. In this case the public benefits are not collectively sufficient to outweigh the identified harms to the Green Belt and the SM.
 23. The proposal is contrary to the development plan when read as a whole and there are no other material considerations to indicate a decision otherwise than in accordance with its terms should be reached. I acknowledge that NPPF paragraph 11(d) applies however the harm which would be caused to both the Green Belt and the SM each independently represent clear reasons for refusal, I conclude that the tilted balance is dis-engaged in this appeal by virtue of footnote 7 to paragraph 11(d).
 24. Without prejudice, if in the alternative, the Inspector considers there to be no clear reason for refusal and that the tilted balance is engaged under NPPF paragraph 11d(ii) then I still conclude the appeal should be dismissed. The adverse impacts of granting permission in this case, would significantly and demonstrably outweigh the benefits of the appeal proposal, when assessed against the policies in the NPPF taken as a whole.