

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

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

1. INTRODUCTION

- 1.1** My name is Mark Reynolds. I am the Managing Director of Context Planning Ltd, a position I have held since November 2018. I am instructed by North Somerset Council to give evidence on its behalf at the public inquiry into this appeal. Before setting up Context Planning Ltd, an independent town planning consultancy, I had over 15 years experience working in the planning departments of Wiltshire Council and Bath and North East Somerset Council in a variety of roles as a Planning Officer, Senior Planning Officer, Team Leader and latterly as Group Manager for the Development Management service of Bath and North East Somerset Council.
- 1.2** I hold a BSc (Hons) in Physical and Human Geography from the University of Reading, an MSc in Spatial Planning from Oxford Brookes University and I have been a fully chartered member of the Royal Town Planning Institute (RTPI) since 2008.
- 1.3** The Council resolved to refuse the 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.”.*

- 1.4** My evidence addresses the matter of whether the scheme accords with the development plan and whether planning permission should be granted having regard to this assessment and the consideration of other material considerations. I address reason for refusal one and provide the planning balance. My evidence is informed by evidence from another witness on behalf of the Council, Catherine Lodge, Principal Archaeologist at North Somerset Council who will give evidence in relation to reason for refusal two.
- 1.5** My evidence should also be read in conjunction with the Statement of Common and Uncommon Ground (SOCG) which is being prepared and it is anticipated will be agreed and signed well in advance of the public inquiry opening.
- 1.6** The evidence I have prepared in the form of this proof of evidence is true and has been prepared and is given in accordance with the guidance of my professional institution (RTPI). I can confirm that the opinions expressed in this proof of evidence are my true and professional opinions.

2. THE SITE AND RELEVANT HISTORY

- 2.1** The appeal site measures 2.22ha in size, comprising the vast majority of a large agricultural field parcel. The land parcel slopes rises from the south east to the north west by some 18m. Access is not reserved and would be gained into the land from a new centrally positioned vehicular entrance off Weston Road. The appeal site is positioned to the west of the village of Long Ashton which is categorised as a 'Service Village' for the purposes of the development plan. The appeal site is located outside of the defined settlement boundary for the village. The land is positioned within the Green Belt which encircles the village.
- 2.2** The appeal site forms part of the Gatcombe Farm scheduled monument (SM). The SM relates to a Roman Settlement, part of an associated field system and earlier Iron Age settlement remains. To the south east of the appeal site on Weston Road at the junction with Wildcountry Lane there is a grade II listed milestone marker.
- 2.3** The Ashton Hill Plantation to the north west of Long Ashton is a designated Site of Nature Conservation Interest (SNCI) and, in part, comprises ancient woodland. The site is within the North Somerset and Mendip Bats SAC Consultation 'Zone C' for horseshoe bats. There are no rights of way through the appeal site.
- 2.4** Planning permission was previously refused for a development of an identical description to the appeal proposals on the 6th November 2020. This earlier application was refused for 3no reasons, the first two reasons are similarly worded to the current appeal's planning decision notice. A third reason for refusal related to a failure to demonstrate adequate visibility splays at the access onto Weston Road and inadequate links into the cycleway network. This reason for refusal was overcome through a commitment to deliver a suitable traffic calming scheme which could be secured were the Inspector minded to allow the appeal.

3. MAIN ISSUES:

3.1 I consider the main issues in this appeal to be;

1. Whether the proposed development would be inappropriate development within the Green Belt, considering its scale and location, having regard to policies CS17 and CS32 of the Core Strategy and paragraphs 147-149 of the NPPF and whether there are any very special circumstances which outweigh the harm to the Green Belt.
2. The effect of the proposal on the significance of the Gatcombe Farm scheduled monument, having regard to policy CS5 of the Core Strategy; policy DM6 of the North Somerset Sites and Policies Plan Part 1; and paragraphs 199, 200, 202 and 205 of the NPPF.
3. Should it be concluded, having regard to the full terms of paragraph 11d of the NPPF, the policies which protect assets of particular importance (Green Belt and Heritage assets) do not provide a clear reason for refusal, then a main issue will be whether the Council is able to demonstrate a five-year housing land supply.
4. The consistency or otherwise of the proposal with the development plan taken as a whole, and whether any conflict and harm arising would be outweighed by other material considerations

4. STATUTORY DUTIES AND PLANNING POLICY:

4.1 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. The starting point for consideration of this appeal must therefore be the development plan.

The development plan

- 4.2** The development plan comprises the North Somerset Council Core Strategy (CS) (January 2017), the North Somerset Council Sites and Policies Plan, which was brought forward in two parts, covering development management policies (Part 1 – July 2016) and site allocations (Part 2 – April 2018).
- 4.3** Each part of the development plan was adopted in recent years, following examination in public at which the plans were found to be ‘*sound*’. In determining the soundness of the development plan documents they were found to meet the tests outlined in NPPF paragraph 35 in that they were consistent with national policy so as to enable the delivery of sustainable development.
- 4.4** I consider below the most important policies for the determination of this appeal and explain how each one is NPPF compliant and the weight which I consider should be attached to each. I will in section 5 of this proof then go on to explain how the most important policies are breached by the proposed development.

Core Strategy

- 4.5** Policy CS5 deals with landscape and the historic environment. In respect of heritage matters, policy CS5 says ‘*the Council will conserve the historic environment of North Somerset, having regard to the significance of heritage assets such as...scheduled monuments, other archaeological sites*’. This closely aligns with NPPF paragraph 199 guidance that ‘*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the*

asset, the greater the weight should be)'.

- 4.6** Whilst this policy does not repeat the requirement to balance less than substantial harm against public benefits it is not necessary for local policy to repeat national policy and it is clear that the Council had regard to NPPF paragraph 202 in determining the application. Policy CS5 should be afforded substantial weight, even in the event the Inspector were to decide that the tilted balance should be engaged.
- 4.7** Policy CS17 deals with rural exception schemes advising that '*housing schemes for 100% affordable housing to meet local needs within small rural communities will be supported*' subject to a criteria-based assessment. The NPPF, within definition of a rural exception site has remained broadly consistent through its iterations.
- 4.8** In each version rural exception sites have been defined, within the Annex 2 glossary, as '*small sites used for affordable housing in perpetuity where sites would not normally be used for housing*'. Policy CS17, as the Council's rural exception scheme policy, should be understood to apply to sites which meet the NPPF definition of a rural exception site, which itself closely aligns with the CS definition in Appendix B: glossary (page 144) (CD:4.1).
- 4.9** The NPPF provides further advice in respect of proposed rural exception sites, when located in the Green Belt. The construction of new buildings in the Green Belt should be regarded as inappropriate development with an exception being made at paragraph 149 for '*limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)*'.
- 4.10** The appellant makes the point that the final line of CS17 which guides that rural exception schemes will not be acceptable in the Green Belt unless justified by

very special circumstances is inconsistent with the NPPF. This is agreed (see SOCG), the Officer Report (OR) and reason for refusal had regard to the NPPF test and determined that the appeal proposals did not comprise a 'limited' scale of affordable housing to meet local needs in this case. The correct policy test was applied by the Council.

- 4.11** The inconsistency between the final sentence of CS17 and the NPPF is not of significance, given the Council approached the application determination having regard to paragraph 149 of the NPPF.
- 4.12** In terms of the weight to be afforded to limbs (b), (c) and (d) of CS17, which are breached, these are consistent with the NPPF. Paragraph 149(f) makes clear that where a development is 'limited' it may be supported subject to compliance with policies set out in the development plan (including policies for rural exception sites). The NPPF defers the finer detail, for sites which are limited and meeting local community needs, to a local level to allow communities to determine how rural exception sites should be delivered. The criteria under limbs (b), (c) and (d) should be afforded substantial weight.
- 4.13** Overall, policy CS17 should be afforded substantial weight, even in the event the Inspector were to decide that the tilted balance should be engaged.
- 4.14** Policy CS32 deals with service villages explaining that '*new development within or adjoining the settlement boundaries of the Service Villages of Backwell, Banwell, Churchill, Congresbury, Easton-in-Gordano/Pill, Long Ashton, Winscombe, Wrington and Yatton which enhances the overall sustainability of the settlement will be supported*' where certain criteria are met. Sites of about 25 dwellings may come forward as allocations through Local Plans or Neighbourhood Plans. In the case of Long Ashton the settlement boundary was not altered and the adopted Neighbourhood Plan does not allocate the site.

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- 4.15** The supporting text to the policy (paragraph 4.85) notes however that the principle of new residential developments of up to about 25 dwellings adjacent to settlement boundaries will not be supported in the Green Belt. Policy CS32 relates to new development including both market housing and affordable housing led proposals. Rural exception sites are a specific case provided that development meets the criteria set out in CS17.
- 4.16** Both CS17 and CS32 are compliant with the NPPF. At paragraph 73 the Framework advises, *'the supply of large numbers of new homes can often best be achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages or towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes)'*.
- 4.17** NPPF paragraph 79 outlines that *'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities'*. It is entirely consistent with this guidance that a spatial hierarchy be established within North Somerset based on the sustainability credentials of each settlement.
- 4.19** The spatial hierarchy established in the CS, and partially implemented through CS32 and CS17 is consistent with the approach advocated within the NPPF to significantly boost housing delivery. Indeed, the wording of CS32 allows significant flexibility in terms of bringing forward unplanned for developments at the edges of those villages which sit outside the Green Belt.
- 4.20** The Council accepts that it cannot demonstrate a five-year supply and the supply position is a matter of common ground. Therefore, subject to the application of footnote 7 of the framework, the tilted balance could be engaged. It remains the case that policies CS17 and CS32 closely align with the NPPF and I still consider substantial weight should be afforded to these policies in this appeal even in the
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event that the inspector were to find the tilted balance to be engaged.

Site and Policies Plan Part 1: Development Management Policies (2016)

- 4.21** Policy DM6 states that *'archaeological interests will be fully taken into account when determining planning applications'*. The policy requires, in cases where a site has potential to include heritage assets, a full understanding of the extent and importance of the remains and the potential harm of the proposals to their significance before the planning application is determined. It guides that *'it is nearly always preferable that archaeological remains are preserved in situ, as even archaeological excavation means the total destruction of evidence, apart from removable artefacts'*.
- 4.22** NPPF paragraph 194 also requires that where a development may affect a heritage asset its significance should be described and where heritage assets with archaeological interest are encountered appropriate desk based or field evaluation should be provided.
- 4.23** The approach of policy DM6 is consistent with the NPPF which guides at paragraph 199, *'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be'*.
- 4.24** Whilst policy DM6 does not repeat the requirement to balance less than substantial harm against public benefits it is not necessary for local policy to repeat national policy and it is clear that the Council had regard to NPPF paragraph 202 in determining the application. NPPF paragraph 205 notes that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted. Policy DM6 is consistent with the NPPF and should be afforded substantial weight, even in the event the Inspector were

to decide that the tilted balance should be engaged.

Long Ashton Neighbourhood Development Plan (2013-2033)

- 4.25 Policy LHN3 requires new housing developments to be of a type that responds to local requirements including the current demographic and housing needs. Sites will be expected, where appropriate, to deliver affordable housing in conformity with the Core Strategy.**
- 4.26 Policy LHN4 deals with the provision of affordable housing for local people. It guides that affordable housing on rural exception sites will be subject to a local connection restriction.**

Emerging Local Plan

- 4.27** The Council is working on a new local plan, covering the period 2023-2038 (North Somerset Local Plan 2038). A Regulation 18 'Preferred Options' document was published for consultation in March 2022. The Preferred Options plan sought to identify land to secure the delivery of a minimum of 18,046 dwellings during the plan period.
- 4.28** Green Belt sites were identified to accommodate 3,295 dwellings but no proposals to alter the Green Belt boundary at Long Ashton are currently included. A large residential development, within the Parish, at Yanley Lane (Woodspring Golf Course) is shown as a preferred option as a 'residential growth area' proposed to be released from the Green Belt which could deliver 2,500 dwellings, 875 of which would be affordable homes. The Regulation 19 draft plan is due to be published for consultation this Autumn. It is acknowledged that given the stage of the production of the plan it carries limited weight for the purposes of this appeal.

National Planning Policy Framework (NPPF)

- 4.29** The NPPF is an important material consideration, it says at paragraph 1 that it provides a framework within which locally-prepared plans for housing and other development can be produced. At paragraph 2 it confirms the primacy of the development plan in decision making.
- 4.30** Paragraph 7 guides that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three overarching objectives; an economic objective, a social objective; and an environmental objective. Paragraph 11 outlines how the presumption in favour of sustainable development should be applied to planning decision taking. Development proposals that accord with an up-to-date development plan should be approved without delay.
- 4.31** Where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, this means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or where the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development.
- 4.32** The protected areas and assets are listed within footnote 7 including designated heritage assets and land designated as Green Belt which is a material consideration of particular relevance to this appeal proposal as the application of policies in the Framework which protect the Green Belt and the Scheduled Monument are considered to provide clear reasons for refusing the development.
- 4.33** For the purposes of paragraph 11 (d) of the NPPF, the most important development plan policies for the determination of this proposal are considered

to be CS policies CS5, CS17 and Site and Policies Plan: Part 1 policies DM6, to which as a basket of policies, I attach substantial weight.

- 4.34** Paragraph 12 clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as a starting point for decision-taking, and that proposals which conflict with an up-to-date plan should normally be refused.
- 4.35** NPPF paragraph 147 guides that *'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'*. Paragraph 148 goes on *'very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations'*.
- 4.36** As has been outlined, the construction of new buildings for "limited affordable housing for local community needs under policies set out in the development plan" is one of the exceptions allowed for in paragraph 149.
- 4.37** Paragraph 199 advises that *'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation'*. The more important the asset, the greater the weight should be.
- 4.38** Any harm, or loss of significance should require clear and convincing justification as outlined at paragraph 200. Paragraph 202 explains that *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.'*

4.39 In respect of implementing the NPPF, paragraph 219 advises that *‘existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given’*.

5. THE COUNCIL’S CASE:

Green Belt and Rural Exception Site policy

5.1 Rural exception sites, the CS explains, are ‘small sites’ within rural areas, in locations which would not otherwise be released for housing. They are exceptions to the general rules on locating housing and only small sites are consequently permissible. CS policy CS17 explains that *‘rural exceptions schemes will be acceptable adjacent to the settlement boundaries of service villages and infill villages and elsewhere adjacent to the main body of the settlement, but not in the Green Belt unless justified by very special circumstances’*. The policy intention in the Green Belt is to preserve openness and avoid sprawl and CS17 is worded restrictively to assist in this regard. CS17 does not override the general policy of Green Belts and needs to be considered in this context. The proposed development does not constitute a rural exception site have regard to its size and is in direct conflict with CS17.

5.2 It is common ground that the appeal site sits outside the settlement boundary for Long Ashton and no case has been offered by the appellants that the proposal accords with the terms of CS policy CS32. As has been outlined, this policy does not support residential developments adjacent to service villages such as Long Ashton where the land in question is in the Green Belt.

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- 5.3** As regards the principle of development, the appellant's case rests on CS policy CS17 and NPPF paragraph 149(f). As the appeal site is located outside of the settlement boundary for Long Ashton, in the Green Belt, it must be considered against policies pertaining to rural exception sites because it clearly could not comply with any of the other housing policies within the development plan.
- 5.4** The NPPF Annex 2 Glossary provides a definition of a rural exception site as follows, '*small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection*'. The Planning Practice Guidance (PPG) (paragraph: 011 Reference ID: 67-011-20210524) makes clear that '*in designated rural areas and areas designated as Green Belt, rural exception sites are the only sort of exception site that can come forward*'.
- 5.5** The appeal proposals seek permission for affordable housing to meet a local need in a location which would not normally be used for housing. The development however can only comprise a rural exception site if it is a 'small site'. If the site is not a small site, it falls at the first hurdle because it cannot be considered a rural exception site having regard to the NPPF definition of such a site. In this respect it could not find policy support under the terms of policy CS17.
- 5.6** The glossary to the CS at Appendix B defines its rural exception sites policy as a '*policy enabling small sites within rural areas which wouldn't otherwise be released for housing to be developed to meet identified local affordable housing needs*'. The Council's Affordable Housing SPD (2008) (CD:4.4) (section 7, page 14) likewise guides that '*small sites within or adjoining existing villages for affordable housing as an exception to normal housing restraint policies to meet identified needs*' may come forward.
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- 5.7** NPPF paragraph 149(f) provides a further stipulation around the size of development for an affordable housing scheme, allowing for only limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites). Any development needs to be both a small site and limited in nature for it to be further considered against the terms of CS17.
- 5.8** The North Somerset Sites and Policies Plan Part 2 (2016) (Site Allocations Plan) (CD:4.5) at (paragraph 4.5) under the heading ‘identifying the housing allocations’ describes sites, of over 10 dwellings to be ‘large sites’. It also 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’. The glossary to the NPPF provides the same definition for major development.
- 5.9** The proposal for 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. The size of site alone might typically be considered adequately sized to accommodate in excess of 80 dwellings if developed at a density of 40 dwellings per hectare. CS policy CS14 guides in this regard that ‘*the target net density across North Somerset is 40 dwellings per hectare*’.
- 5.10** The development is well beyond what may be considered a small site, a judgement which must be reached having regard to the overall size of the site which in this case would be significant. I would expect a significant development of this scale to be brought forward through the plan-making process. It is clearly far beyond the size of site which would be considered a windfall development or
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an exception site.

- 5.11** The appeal site comprises an expansive field on rising ground, widely visible in public views and it would, if allowed, protrude quite clearly beyond the western edge of the village extending the form of the village beyond the natural defensible barrier provided by Warren Lane. The development would be visually prominent and given the number of dwellings, supporting infrastructure and significant size of the site it could not be considered to be either a small or limited. It would be read as a new residential estate bolted on to the edge of the village. It would clearly harm the openness of the Green Belt as I explain in detail later in my evidence.
- 5.12** The requirement for rural exception sites to be ‘small’ and when in the Green Belt ‘limited’ derives from the fact that these types of developments are not intended to provide significant quantities of affordable housing. They are, as described, ‘exceptions’ to the rule that housing should not be located in these types of locations. It is evidently not the strategy, either of the Council or the Government, to seek to provide developments of significant size in what are inherently less sustainable locations than sequentially preferable sites. If the above were not true, the restriction that rural exception sites be ‘small’ and ‘limited’ would be unnecessary.
- 5.13** 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). It would prima facie be in direct conflict with this objective if this significantly sized site were to be allowed as a rural exception site. I address this further later in my evidence.
- 5.14** In support of the Council’s position, two appeal decisions were included as

Appendices 1 & 2 to the Statement of Case (SOC) (CD:8.1). Appendix 1 comprises a dismissed appeal for 15no affordable housing units at the edge of Pucklechurch, a village to the east of Bristol. This site was also located within the Bristol and Bath Green Belt. CD:6.6 comprises the decision, a location plan and site plan for the proposals. The inspector's decision (paragraph 8) records the appeal site to be an expansive field of around 0.8ha in size and perceptible from public view points.

- 5.15** The inspector opined (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"'*.
- 5.16** The inspector dismissed the argument that the proposed scale of development should be considered limited, in comparison to other larger scale housing allocations in the development plan. He recorded (paragraph 13) *'the term "limited" insofar as it relates to the Framework must be understood in context with the fundamental aim of Green Belt policy i.e. to prevent urban sprawl by keeping land permanently open. In this regard, I have placed limited weight on the appellant's rationale'*. The appeal proposals were ruled to be inappropriate development in the Green Belt.
- 5.17** The appeal decision at (Appendix 2 to the SOC) (CD:8.1) refers to a proposal for up to 30 affordable dwellings adjacent to the village of Whitacre Heath, North Warwickshire. Appendix 2 (CD:6.3) includes the decision, location and site plan for the proposals. The inspector noted (paragraph 17) *'according to the Council, the proposal would increase the size of the village by 20% of the existing housing numbers. Even accounting for some flexibility in the approach to the delivery of affordable housing, in any village or town, this would be a considerable expansion. In the absence of any objectively assessed local need, a proposal for*

up to 30 units would neither appear to be limited in the context of a rural windfall site or to the scale of the local village’.

- 5.18** The inspector determined that the proposal would constitute inappropriate development in the Green Belt. These appeal examples proposed development of reduced size, in terms of the extent of application sites and both proposed fewer dwellings than the current appeal.
- 5.19** These appeal decisions support the conclusion reached here that this development does not constitute a rural exception site having regard to the NPPF definition. The development would also not be ‘limited’ and would comprise inappropriate development in the Green Belt.
- 5.20** The above assessment notwithstanding, in the event the inspector was to consider the appeal site to be ‘small’ and the proposed affordable housing to be ‘limited’ it is argued that there remain a number of conflicts with policy CS17 which would nonetheless indicate the development to be contrary to this plan policy.

CS17(b)

- 5.21** CS17(b) requires the development to be supported or initiated by the Parish Council for it to be supported, consequently an absence of support in this instance renders the development contrary to this limb of the policy. The appellant argues this is merely a technical breach.
- 5.22** 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. It goes on (paragraph 3.232) *‘partnership working is key to the delivery of affordable housing, particularly the need for close liaison between housing and planning functions of North Somerset,*

Registered Providers, Landowners and the local communities’.

- 5.23** The appellant fails to acknowledge the fundamental role which local communities and bodies such as Parish Councils are expected to play in terms of determining whether and how rural exception sites should be brought forward. The PPG (Paragraph: 014 Reference ID: 67-014-20210524) guides that bodies seeking to bring forward rural exception sites should employ such measures as *‘working in collaboration with local communities, parish councils and other relevant groups to identify and deliver rural exception sites’.*
- 5.24** NPPF paragraph 149(f) makes clear that the details of rural exception sites, should be determined having regard to policies set out in the development plan. This is clearly intended to allow local control over the detail of such sites and to avoid overarching guidance at national level frustrating or removing the ability for this local control to be exercised.
- 5.25** The Council has, in liaison with local communities, prepared detailed guidance within the Council’s Affordable Housing SPD (CD:4.4) which sets out the process by which rural exception sites are expected to be advanced. Chapter 7 of the document (page 14) guides that a development partner, typically a registered social landlord, will usually lead the process and the *‘development partner will lead the process but is expected to maintain strong links with the local community and work up proposals in consultation with the Parish Council and the local community. Schemes would not be expected to proceed unless there is significant local support for the proposals’.*
- 5.26** Local support is often a pre-requisite in delivering rural exception sites. They are not intended to be foisted upon communities who actively oppose development proposals. In this case the parish council (PC) confirm in its comments of the 30/12/21 (CD:15.2) that the Housing Needs Survey (HNS) was not initiated, requested or carried out on behalf of the PC.

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- 5.27** This response confirms the PC has not been a party to the development of the proposals and that in its view this is not a community led housing scheme. Concerns are raised about the development being in the Green Belt with no exceptional circumstances that would allow development to proceed. It records the site to not have been advanced as part of the Neighbourhood Development Plan (NDP) and indicates that the PC is unconvinced about the impact on the SM based on the application submission.
- 5.28** Subsequent to the lodging of the appeal, the PC has written again, in respect of the appeal (dated 11th April 2023) (CD:15.3) objecting in the strongest possible terms to the proposals. It notes there to be no local support for the scheme and that the PC has objected at every stage. It suggests no attempt has been made to identify more suitable sites within the village which is disappointing because the PC would have been willing to support the identification of an appropriate site. It notes this area of Green Belt is particularly valued by the community and that local brownfield sites would be more suitable. The PC also does not consider the proposal to be 'limited'.
- 5.29** A total of 48 letters of objection were received from third parties during the processing of the application, whilst not even a single letter of support was received by the Council. 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 indicate a clear and substantive breach of this limb of CS17. The argument that breaching this limb of CS17 does not make the proposal contrary to the policy when read as a whole is rejected given the fundamental importance placed in policy of rural exception sites being locally driven and championed.
- 5.30** There is no evidence that the PC or the local community support the appeal proposals, rather the contrary is true. In these circumstances were the appeal to be allowed it would greatly undermine the terms of CS17 and the Affordable
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Housing SPD which only support community led proposals for rural exception sites. It would by extension be contrary to the NPPF paragraph 149(f) guidance which requires compliance with the rural exception site development plan policy, in this case CS17.

- 5.31** In the appeal presented at (CD:6.6) the proposals also lacked parish council support. The inspector noted (paragraph 12) *'the parish council have provided relevant and material planning concerns that align with those outlined in my findings. Their support is also required for the Council's exception policy to be satisfied. Without this the terms of Paragraph 149 (f) of the Framework would not be met. Therefore, the views of the Parish Council are valid and weigh against the proposed development'*.
- 5.32** As in the referenced appeal, the Council maintain this is not simply a technical breach and the lack of support should be afforded significant weight in the determination of this appeal.

CS17(c)

- 5.33** The supporting text to policy CS17 provides assistance as to how limb (c) of the policy is intended to operate. Paragraph 3.229 advises *'the Green Belt is a key policy constraint within the north of the district. Those rural communities living within the Green Belt are generally well related to higher order settlements, including Bristol, where affordable housing opportunities should be concentrated'*.
- 5.34** Policy CS17 does not envisage rural exception sites being provided in 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. It certainly cannot be said that CS17 requires individual rural exception sites to meet significant levels of unmet need, indeed, this would contravene the NPPF guidance limiting their extent to be small sites and limited

in scale. It is also helpful to reference the context to this appeal in respect of overall affordable housing delivery. 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.

- 5.35** The appellants' alternative site search is documented within part 6 of the Planning, Design & Access Statement (CD:1.4). CS17(c) requires in the first instance priority to be given to sites within any settlement boundary. The wording of this clause is significant because it is not worded to limit this element of the site search to any particular settlement boundary and could therefore involve consideration of sites within more than one 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.
- 5.36** In respect of potential sites within the settlement boundary of Long Ashton itself, the appellants rely on the fact that there are no major residential allocations within the settlement to discount the possibility of affordable housing being delivered, arguing that small windfall sites will not provide affordable housing.
- 5.37** It is reasonable to conclude that small windfall sites could not be compelled to provide affordable housing, this shouldn't however be seen as obviating 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. It may be this leads sites to be discounted, in the absence of willing landowners, however the exercise nonetheless needs to be undertaken if the sequential approach to the site search is to be evidenced.
- 5.38** The site search outside of the settlement boundary fails 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, these may be valid reasons to discount these alternative sites, however they do not make the appeal site acceptable for development given the harm which would result to the SM as part of developing the site.

- 5.39** The requirement to avoid sensitive locations as part of the sequential approach to identifying a site has not been passed in this case and the development conflicts with this limb of CS17. It is important to contextualise the site search having regard to the terms of CS17 and its supporting text. There is no policy expectation that a rural exception site will be found in Long Ashton. Meeting unmet affordable housing need in those service villages within the Green Belt should be concentrated on higher order settlements.
- 5.40** The appellant's site search discounts larger sites on the basis that they would be excessively sized for a rural exception site. This is not disputed and the analysis accords, in part, with the Council's assessment as regards the scale of development which can constitute a rural exception site. This notwithstanding, it does not mean that these sites cannot come forward as residential allocations in future plan-making, which could deliver very significant levels of affordable housing within the Parish.
- 5.41** The emerging North Somerset Local Plan (2038) (CD:5.1) is at Preferred Options stage and it has the potential in the medium term to deliver very significant levels of affordable housing within the Parish. The site known as Yanley Lane (Woodspring Golf Course) as a 'residential growth area' is proposed to be released from the Green Belt which could deliver 2,500 dwellings, 875 of which would be affordable homes (Fig 1). Further details of the proposal site are provided at (CD:5.1 – pages 23-25).

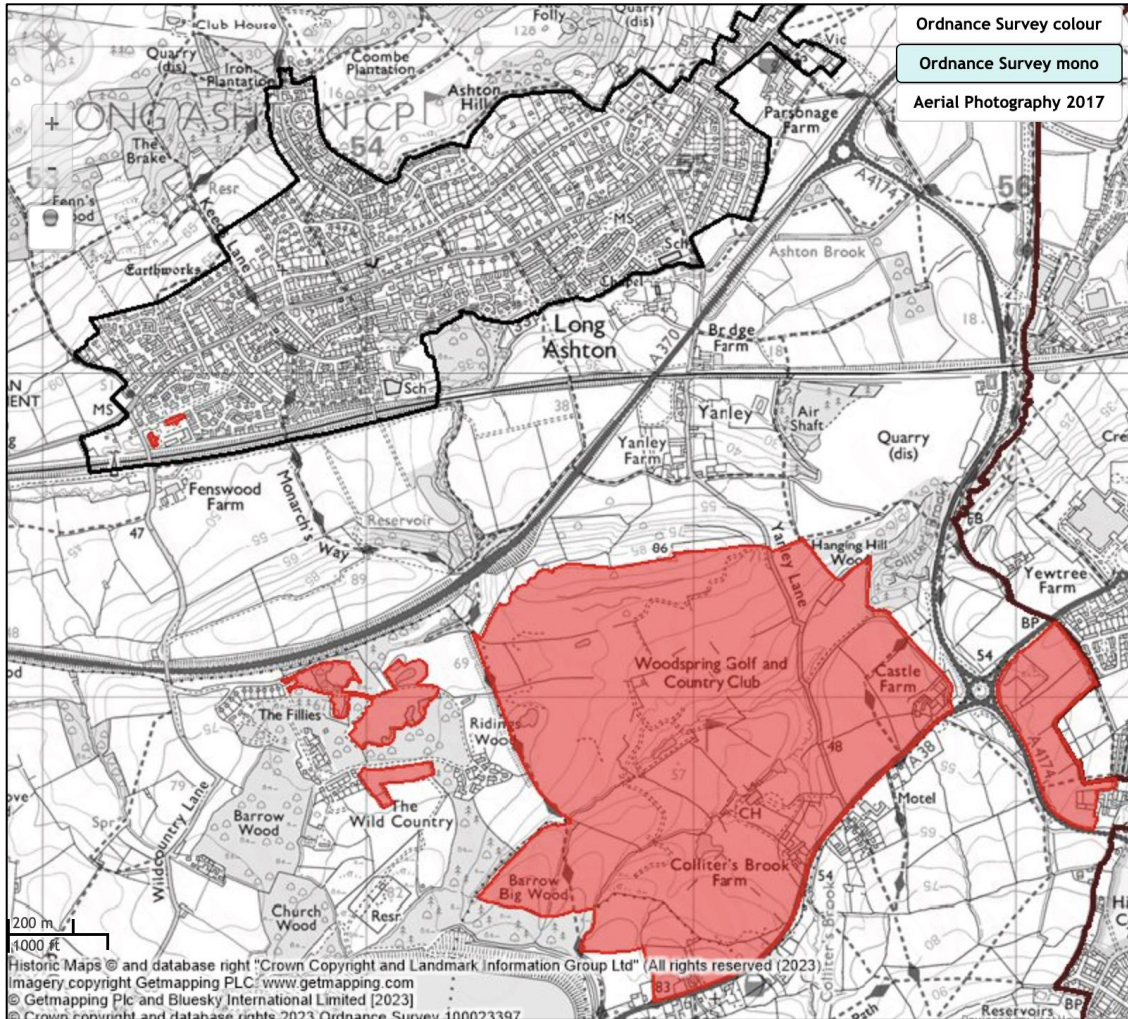


Fig 1 – Map of Yanley Lane proposed allocation

5.42 It is possible that unmet affordable housing need within the Parish might be met by the Yanley Lane development in the future. In this regard a holistic view to the possible mechanisms for affordable housing delivery needs to be taken, accepting the possibility of large-scale housing allocations assisting to meet need in the future. Overall, for the reasons outlined the development is in conflict with limb (c) of CS17.

CS17(d)

5.43 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.

Openness of the Green Belt

- 5.44** Paragraph 137 of the NPPF states 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*'. The PPG (paragraph: 001 Reference ID: 64-001-20190722) notes that the courts have identified that openness is capable of having both spatial and visual aspects and that the degree of activity likely to be generated may impact openness.
- 5.45** The development would result in the construction of up to 35no dwellings, associated domestic paraphernalia, an access road servicing cul-de-sac of houses, significant numbers of parking spaces and associated vehicle movements, allotments and drainage infrastructure. The buildings are illustratively shown to be predominantly two storeys in height with some limited dwellings at 2.5 storeys. This would cause clear visual and spatial harm to the openness of the Green Belt.
- 5.46** The appeal site is currently an undeveloped open field absent of any buildings. The development of a large housing site in this location 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. Overall, the development would result in a significant loss of openness of the Green Belt.

Green Belt purposes

- 5.47** As part of the evidence base to the North Somerset Local Plan 2038 a review of the Green Belt has taken place (Green Belt Review Part 1 – January 2022) (CD:5.2). The appeal site formed part of a parcel of land considered as ‘Land West of Long Ashton’ (Fig 2). The review considered the contribution which each parcel of land made to the purposes of the green Belt, as defined in paragraph 138.

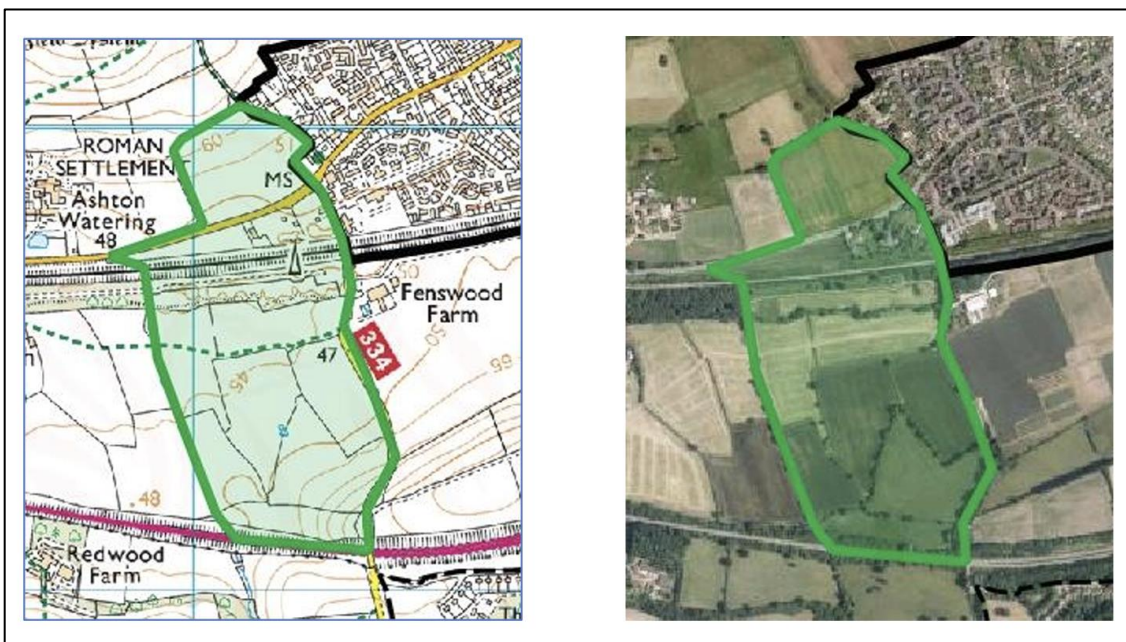


Fig 2 – The land west of Long Ashton considered in the Green Belt review

- 5.48** The assessment identified (pages 34-35) that development of the parcel would have a moderate/high harm in respect of preventing neighbouring towns (Nailsea/Backwell area and Bristol) merging. The development of single small sites may result in moderate harm as a result of the erosion of gaps along the transport corridor. The commentary notes that 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 a high level of harm to the Green Belt purpose.

5.49 It is concluded that the appeal proposals would also conflict with the purposes of preventing neighbouring towns merging into one another and assisting in safeguarding the countryside from encroachment. In my professional opinion the proposed development would cause clear harm to the openness of the Green Belt in both visual and spatial terms and would clearly conflict with the purposes of the Green Belt.

The effect on the scheduled monument

5.50 The effect of the proposal on the Scheduled Monument is dealt with in the evidence of Ms Catherine Lodge. The Roman settlement, part of an associated field system and earlier Iron Age settlement remains at Gatcombe Farm are of national significance.

5.51 The SM was designated for several key reasons. It forms a Roman small urbanised settlement with associated field systems, including evidence of Iron Age settlement. The Gatcombe settlement is relatively rare in a national context. The site as a whole has a high potential to add to our understanding of the contemporary agricultural and industrial methods, and the social and economic changes that the Roman conquest brought. The area probably formed part of a wide network of Roman sites, with links to settlements in Bath and Bristol.

5.52 Ms Lodge notes 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 unclear at this stage given that earlier evaluation trenching has only taken place in certain areas. There may be additional undetected remains in this area relating to the Iron Age or Roman occupation which will contribute to the significance of the SM.

5.53 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.

- 5.54** Ms Lodge reasons that the removal of this rural, agrarian setting would also cause harm to the heritage asset's significance. Overall, Ms Lodge concludes that less than substantial harm would result to the significance of the heritage asset and that this harm would be at the upper end of the spectrum of less than substantial harm. I agree with and adopt her conclusion.
- 5.55** CS Policy CS5 and Sites and Policies Plan: Part 1 policy DM6 are considered to be the most important development plan policies when assessing the heritage impact of the appeal proposal. As I have outlined, I consider these policies to be closely aligned with the NPPF chapter 16, as such these policies can each be afforded substantial weight in the assessment of the proposal.
- 5.56** CS policy CS5 advises that '*the Council will conserve the historic environment of North Somerset, having regard to the significance of heritage assets such as...scheduled monuments*'. Policy DM6 advises that '*it is nearly always preferable that archaeological remains are preserved 'in situ' as even archaeological excavation means the total destruction of evidence, apart from removable artefacts*'.
- 5.57** NPPF paragraph 199 advises that '*when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance*'. Paragraph 202 requires that in cases where less than substantial

harm is identified, this harm should be weighed against the public benefits of the proposal.

- 5.58** I concur with and adopt the conclusion of Ms Lodge that the harm to the SM would constitute less than substantial harm for the purposes of NPPF paragraph 199. Great weight must be applied to the conservation of this heritage asset and as a SM this is an asset of the highest significance. The identified harm from the proposal in this case is to be weighed against the public benefits, which is undertaken in section 6 of this Proof of Evidence (POE). It is clear however that application of NPPF policies to protect heritage assets provide a clear reason for refusing the development proposed.

Five-year housing land supply

- 5.59** The Council accept that the recent appeal decision at Farleigh Farm, Backwell (CD:6.5) concluded that it cannot demonstrate a five-year supply. The appeal inspector in that case identified a 3.5 year housing land supply. Therefore, subject to the application of footnote 7 of the framework, the tilted balance could be engaged. However, in this case for the clear reasons I have set out above and in Ms Lodge's evidence on the impact on the SM and the Green Belt are clearly contrary to NPPF policy and that therefore the footnote applies and the titled balance is dis-engaged.

6. S38(6) BALANCE AND CONCLUSIONS:

Benefits

- 6.1** A clear benefit of this proposal is that it would assist the Council in delivering the overall number of homes required under its local housing need figure. It would

support the Government's objective of significantly boosting the supply of homes. The appeal proposal makes provision for 100% affordable housing (up to 35no. units). It is acknowledged that there is a significant and demonstrable need for further affordable housing in North Somerset and I award **significant weight** to this as a benefit of the appeal proposal.

- 6.2** The construction of the development would create jobs comprising a temporary economic benefit. Future residents would result in a degree of additional expenditure in the area, albeit the affordable houses would be occupied by a high proportion of people already based in the locality. Given the limited degree of self-containment of Long Ashton as a service village it is unlikely that the majority of this expenditure would be limited to the local area. I give these economic benefits **limited weight**.
- 6.3** The appellants argue that the provision of open space within the development would be a public benefit of the proposal. The submitted 'Parameter Plan Green Infrastructure' (drawing Number 1006 Rev 2) (CD:1.29) indicates the larger parcel of land to the west of the housing would comprise an ecologically enhanced green buffer. Within the Construction Environmental Management Plan (CEMP) (CD:1.20) reference is made to a wide wildflower planted strip. The areas of open space for recreation including a strip at the western edge of the site and two areas at the front of the site on either side of the access would also host tree planting as part of the landscaping scheme.
- 6.4** These areas are unlikely to be attractive for recreational use given their limited size, proposed planting, pathways and in the case of the frontage, proximity to Weston Road. I attach **very limited weight** to this as a benefit which would be required to service the development itself rather than offering attractive open spaces that might draw the public into the site.
- 6.5** A modest area of allotments is proposed in the northern corner of the site. These

are shown to be surrounded by trees on the Illustrative Site Plan (CD:1.26) which would be likely to reduce their attractiveness for domestic gardening use. The size of allotments proposed, coupled with the number of dwellings, indicates access to them would principally be likely to be available to residents rather than forming a broader social benefit. I would attach only **very limited weight** to this as a benefit.

- 6.6** The provision of ecological mitigation measures is principally intended to ensure that no harm results to existing species using the site. Delivery of ecological enhancements in the form of wildflower planting, new native hedgerow and tree planting along with the installation of bat and bird boxes would be consistent with NPPF paragraphs 174 and 180 and CS policy CS4 which each promote enhancements to biodiversity being secured in developments. Overall, I consider the measures in respect of biodiversity to be a benefit of **moderate weight**.

Harms that would result from the appeal proposal

- 6.7** The appeal proposals comprise inappropriate development in the Green Belt which is harmful by definition and which would also result in a significant loss of openness and harm to two of the purposes of the Green Belt. The NPPF (paragraph 148) makes clear that substantial weight is to be given to any harm to the Green Belt. I therefore attach **substantial weight** to this identified harm.
- 6.8** The proposal would result in less than substantial harm to the significance of the Gatcombe Roman Settlement SM through the loss of archaeological remains and harm to its setting. This harm is considered to be at the upper end of the spectrum of 'less than substantial'. This harm to a heritage asset of the highest significance would be irreversible and it lacks clear and convincing justification. The NPPF (paragraph 199) requires great weight to be given to the asset's conservation (and the more important the asset, the greater the weight should be) irrespective of the degree of harm that would be caused. I therefore attach

great weight to this identified harm.

NPPF paragraph 202 balance

- 6.9** I attribute significant weight to the public benefit of providing affordable housing, especially in the context of an overall shortfall in housing provision within the district, and limited cumulative weight to the other public benefits of the proposals. These benefits are not however collectively sufficient to outweigh the identified harm to the designated heritage asset and the inspector is respectfully requested to find that the NPPF paragraph 202 balance is failed.

S38(6) balance and conclusion

- 6.10** S38(6) of the Planning and Compulsory Purchase Act 2004 requires that '*if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan*'. The proposal comprises inappropriate development in the Green Belt, which would also significantly harm openness and conflict with two of the purposes of the Green Belt contrary to CS17. The proposal would result in less than substantial harm to the significance of the SM and would be contrary to the terms of CS policy CS5 and DM6 of the North Somerset Sites and Development Plan.
- 6.11** 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. Whilst the public benefits I have outlined comprise 'other considerations', for the purposes of NPPF (paragraph 148). In this case these do not come close to clearly outweighing the harm to the Green Belt and the harm to the SM I have identified. Consequently, I do not identify the existence of any very special circumstances which would justify this development.

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- 6.12** I acknowledge that NPPF paragraph 11(d) applies on the basis that the Council cannot demonstrate a 5-year housing land supply. This notwithstanding, based on the conclusion that 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).
- 6.13** Overall, I conclude that the proposal would be contrary to policies CS17 and CS5 of the CS and DM6 of the North Somerset Sites and Policies Plan Part 1. The appeal proposals are in conflict with the development plan taken as a whole and there are no other material considerations to indicate a decision otherwise than in accordance with its terms should be reached.
- 6.14** On a without prejudice basis 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, outlined within the evidence of the Council, would significantly and demonstrably outweigh the benefits of the appeal proposal, when assessed against the policies in the NPPF taken as a whole.
- 6.15** I therefore respectfully invite the Inspector to dismiss the appeal whether it benefits from the presumption in favour of sustainable development or not.