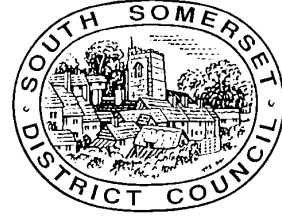


South Somerset District Council

Notice of Meeting



Area East Committee

Making a difference where it counts

Wednesday 8th February 2017

9.00 am

**Council Offices, Churchfield,
Wincanton BA9 9AG**

(Disabled access and a hearing loop are available at this meeting venue)



The following members are requested to attend this meeting:

Mike Beech
Tony Capozzoli
Nick Colbert
Sarah Dyke

Anna Groskop
Henry Hobhouse
Tim Inglefield
Mike Lewis

David Norris
William Wallace
Nick Weeks
Colin Winder

Consideration of planning applications will commence no earlier than **10.45am**

For further information on the items to be discussed, please contact the Democratic Services Officer on 01935 462038 or democracy@southsomerset.gov.uk

This Agenda was issued on Tuesday 31 January 2017.

Ian Clarke, Assistant Director (Legal & Corporate Services)

This information is also available on our website
www.southsomerset.gov.uk and via the mod.gov app



Information for the Public

The council has a well-established area committee system and through four area committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by area committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as “key decisions”. The council’s Executive Forward Plan can be viewed online for details of executive/key decisions which are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At area committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the area committee chairman’s discretion, members of the public are permitted to speak for up to up to three minutes on agenda items; and
- see agenda reports

Meetings of the Area East Committee are held monthly, usually at 9.00am, on the second Wednesday of the month in the Council Offices, Churchfield, Wincanton (unless specified otherwise).

Agendas and minutes of meetings are published on the council’s website
www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions

Agendas and minutes can also be viewed via the mod.gov app (free) available for iPads and Android devices. Search for ‘mod.gov’ in the app store for your device, install, and select ‘South Somerset’ from the list of publishers, then select the committees of interest. A wi-fi signal will be required for a very short time to download an agenda but once downloaded, documents will be viewable offline.

Public participation at committees

Public question time

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the Chairman of the Committee. Each individual speaker shall be restricted to a total of three minutes.

Planning applications

Consideration of planning applications at this meeting will commence no earlier than the time stated at the front of the agenda and on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered.

Comments should be confined to additional information or issues, which have not been fully covered in the officer’s report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should

also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the planning officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The planning officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to three minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant and/or Agent
- District Council Ward Member

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

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Area East Committee

Wednesday 8 February 2017

Agenda

Preliminary Items

1. Minutes of Previous Meeting

To approve as a correct record the minutes of the previous meeting held on Wednesday 11th January 2017.

2. Apologies for absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. Where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council.

Planning Applications Referred to the Regulation Committee

The following members of this Committee are also members of the Council's Regulation Committee:

Councillors David Norris, Sarah Dyke, Tony Capozzoli and Nick Weeks.

Where planning applications are referred by this Committee to the Regulation Committee for determination, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

4. Public Participation at Committees

- a) **Questions/comments from members of the public**
- b) **Questions/comments from representatives of parish/town councils**

5. Reports from Members Representing the District Council on Outside Organisations

6. Date of Next Meeting

Members are asked to note that the next scheduled meeting of the committee will be at the Council Offices, Churchfield, Wincanton on Wednesday 8th March at 9.00am.

7. Chairman Announcements

Items for Discussion

- 8. Environmental Health Service Update Report** (Pages 6 - 8)
- 9. Area East Annual Parish & Town Council Meeting Summary of Issues Raised** (Pages 9 - 12)
- 10. Tolbury Mill Hall, Bruton** (Pages 13 - 15)
- 11. Retail Support Initiative Grant Application - White Horse, Wincanton** (Pages 16 - 19)
- 12. Changes to Wincanton/Yeovil Bus Services** (Pages 20 - 21)
- 13. Area East Committee Forward Plan** (Pages 22 - 23)
- 14. Planning Appeals (For Information Only)** (Pages 24 - 97)
- 15. Schedule of Planning Applications to be Determined by Committee** (Pages 98 - 99)
- 16. 16/02621/OUT - Land OS 8565 West of Pilgrims Way, Lovington** (Pages 100 - 109)

Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.

This does not apply to decisions taken on planning applications.

Agenda Item 8

Environmental Health Service update report

Executive Portfolio Holder Carol Goodall(Environmental Health)
carol.goodall@southsomerset.gov.uk
Tel: 01460 57564

Strategic Director: Operations and Customer Focus
Assistant Director: Laurence Willis, AD Environment
Service Manager: Alasdair Bell, Environmental Health Manager
Contact Details: Alasdair.bell@southsomerset.gov.uk or 01935 462056

Purpose of the Report

To provide members with a brief update of the work of the Environmental Health Service in the last twelve months and to look forward to future challenges. Alasdair Bell, Environmental Health Manager will attend the meeting to answer any questions.

Recommendation

That Members note the report

Public Interest

The Environmental Health Service is a frontline service committed to protecting public health and safeguarding the environment. The majority of work undertaken by the service is required by law with very little discretionary work. The Environmental Health Service Plan that outlines the work of the service along with key service standards and the service action plan can be found on the council website at: http://www.southsomerset.gov.uk/media/569271/service_plan_eh_15-16.pdf

Report

The work of the service continues to go well with staff dealing with a wide variety of matters including routine inspections and enforcement activity. Discussion of the up and coming Transformation programme is dominating our thinking at the moment and staff resources are being allocated to help plan the future arrangements.

Food and Safety Team

The Food & Safety Team both enforces legislation and provides advice and assistance to food and other businesses. The main emphasis of the team is to contribute to the success of the local economy by helping food businesses avoid problems of food poisoning etc and the severe economic consequences that can result. The team is also involved in tackling food fraud, which can be very harmful to public safety, economic development and fair business competition. The food safety element of the work of the team includes the approval and audit of food manufacturers, food sampling, premises inspections which includes local delivery of the Food Hygiene Rating Scheme, the investigation of food complaints and food poisoning as well as responding to national food safety alerts. The health and safety element includes inspection, advice, complaint and accident investigation. In East, in the last 12 months 304 food inspections have been carried out, 72 cases of suspected food poisoning have been investigated and 11 accidents reported/investigated. Much of the work carried out is routine 'behind the scenes' and the public is generally unaware of what is going on until something significant happens such as a major food poisoning outbreak. Key achievements to note;

- All planned interventions/inspections and complaints successfully dealt with
- National food safety Week 2016 supported. The theme being Food Waste Reduction.
- Development of the Better Business for All (BBfA) project.
- Delivery of business information covering new food Information allergen regs.
- Supporting the Community Council for Somerset with an advice workshop for village hall operators on complying with the new national allergen controls
- Ongoing management of 'Flexible Warranting' scheme to allow cross boundary working throughout Somerset
- Programme of advice and guidance on working at height in the high risk warehousing sector
- Supporting a multi-agency investigation into wild game poaching with local Police, RSPCA and Trading Standards
- Maintaining a multi-agency Safety Advisory Group(SAG) for events being held in South Somerset

Environmental Protection Team

The EP Team deals with pollution control and environmental monitoring as well as the enforcement of environmental legislation. The Team checks local air quality and investigates a range of complaints about nuisance, in particular noise and smoke. The Team issues permits and inspects premises under the Pollution Prevention and Control regime (PPC). The Team also undertakes private water supply sampling, contaminated land assessment and the investigation of private drainage complaints as well as acting as a statutory consultee on planning and licensing applications. The delivery of the Pest Control service and public health burials are also part of the service provided. The Streetscene enforcement team is now part of the EP Team and deals with a range of issues including dog control and fly tipping. During the past 12 months 83 noise complaints have been investigated and 620 calls were taken regarding pest control in Area East. Significant points to note;

- Work on the remediation of an old gas works site in Langport following a successful bid for funding from DEFRA has now been completed.
- The Private Water supply sampling and risk assessment programme has been successfully completed although a lot there is a lot of work going on regarding improvement works required to the village supply at Allowenshay.
- The Permitted installation inspection programme (PPC) has been fully completed
- New contaminated Land Inspection Strategy adopted
- New Enforcement policy adopted
- Four Public Health funerals dealt with
- Enforcement Officers are continuing to implement new microchipping legislation following the success of two free microchipping events held by them in March at Ham Hill and Yeovil Country Parks. 197 dogs were microchipped at the two events.
- Last year 28 abandoned vehicles were investigated in area East resulting in 12 being removed and destroyed. The team have seen a marked increase in the number of abandoned vehicles across the district since the start of the year.

Housing Standards Team

The Housing Standards Team deal with private sector housing advice and enforcement. This includes investigating complaints about sub-standard rented housing, the inspection and licensing of houses in multiple occupation (HMOs) and the licensing of caravan sites. The team also provides advice/assistance/grant aid to improve energy efficiency and tackle fuel poverty. The team also processes applications for home repairs assistance grants, disabled facilities, HMO and empty property grants, and helps administer the WRT home loan scheme. The team works closely with the Housing Options Team in seeking to tackle the potential housing crisis that is developing in South Somerset. Significant points include;

- The running of two Landlord Forum events held at Holy Trinity Community Centre, Yeovil with over 70 local landlords attending.
- On-going enforcement action to do with substandard housing and HMOs.
- £800,000 of Disabled Facilities Grants paid
- Several key grant funded building projects underway including two projects on South Street, Yeovil.
- Over fifty empty properties brought back into use.
- Active participation in multi-agency Yeovil One project to include work on anti-social behaviour and rough sleeping.
- New grants and loans policy adopted following change in funding arrangements for DFGs.
- New Private Sector Housing Strategy 2016-21 adopted.
- New mobile home grant/loan initiative launched

Research and support

The Environmental Health service is supported by the Research and Specialist Support Team who maintain and update the Environmental Health back system Civica APP, inspection records and web pages as well as providing finance support, management performance information and produce the annual government returns. The team are currently working with the Streetscene Service to implement the Civica APP back office system at Lufton Depot.

Financial Implications

There are none attached to this report

Corporate Priority Implications

The work of the unit helps contribute towards the delivery of a range of our Council Plan aims including the aims to;

- Protect and enhance the quality of our environment.
- Enable housing to meet all needs.
- Improve health and reduce health inequalities.

Carbon Emissions & Adapting to Climate Change Implications (NI188)

The work of the unit contributes towards this NI with its work on fuel poverty

Equality and Diversity Implications

As part of the EH service plan a full equalities and diversity assessment was undertaken.

Background Papers: *Environmental Health Service Plan 2016/17*
Food & Safety Service Plan 2016/17
Private Sector Housing Strategy 2016-21
Housing Implementation Strategy 2015 update
SSDC Council Plan 2016-21
Policy for Awarding Private Sector Housing Grants and Loans -January 2017

Agenda Item 9

Area East Annual Parish & Town Council Meeting Summary of Issues Raised – For information

Assistant Director: Helen Rutter, AD Communities
Service Manager: Tim Cook, Area Development Team Lead – East
Lead Officer: Tim Cook, Area Development Team Lead – East
Contact Details: tim.cook@southsomerset.gov.uk or (01963) 435088

Purpose of the Report

To inform Members of the topics discussed and the issues raised at the Annual Parish and Town Council Meeting

Public Interest

All Area East residents are represented at the local level by their Parish Councillors. Issues that are not within their direct control can be taken up with the District Council, County Council and other public service organisations. This Annual Meeting covered topics of interest to Parishes and this year had a focus on the Community Justice Panel, the lorry watch scheme, CIL/section106 and environmental work including flooding.

Recommendation

That the report be noted.

Background

Each year the Area Committee hosts an Annual Parish Meeting. This enables the District Council to share information about topics we know to be of interest to parishes. It also enables parishes across Area East to come together to discuss locally important issues and raise matters of concern with the District Council. The Area East Committee receives a summary of the event with any issues raised and actions taken arising from the meeting.

The Event

This was hosted at Churchfield on Monday 23 January 2017. Half an hour was allocated before the meeting started to enable informal discussions with Officers and invited drop-in guests from other services, including Streetscene, Development Control and Area Development.

The event was well attended with 21 Parishes represented (40 people), 6 District Councillors and 6 SSDC/Agency staff present. Cllr Nick Weeks welcomed Parishes and said that feedback helps us to making best use of our AEC resources and helps to set priorities for the coming year.

The Area Development Team Lead outlined some of the pressures facing SSDC and its communities as a result of changes to how local government is to be funded in future. He highlighted that SSDC has to find up to a further £5.5 million of budget savings over the next 4 years as revenue support grant disappears. He outlined some of the key changes that will be needed to meet the challenging target and explained the principle aims of the Transformation process and Income generation work. This is a good time for parishes to work with other local authorities to take more control over locally important assets and services to protect and enhance community life. SSDC is open to ideas and proposals from parishes.

Community Justice Panel – Restorative Justice – Emma Bourne

Emma gave a brief overview of the principles of restorative justice, background of the Community Justice Panel and the work that they do. The main points were that the Restorative Justice process, which brings victims together with offenders in a facilitated panel, was not a soft option and had a sound track record of preventing reoffending rates. Emma gave some examples of cases which had had particularly successful outcomes. She explained that the Panel is always in need of volunteers but that the main point of the presentation was to raise awareness of the work.

Q&A session:

Q – Is Restorative Justice only used to deal with lower level issues?

A – It used to be used mainly to resolve low level issues with a view to preventing young people in particular getting a criminal record. It has also been effective in dealing with neighbour disputes. All offenders should be offered RJ as an option but for more serious offences, this forms part of the sentencing rather than an option to avoid prosecution

Q – Is there any evidence regarding the effect on re-offending rates?

A – Evidence shows that there is a 17-27% reduction in re-offending where RJ is used

Q – Can it be applied to groups ie: Town Councils?

A – Potentially mediation could be used to resolve issues around vandalism, etc.

Q – Can this approach be used if either the victim or offender is a foreign national?

A – There is nothing preventing RJ being used in cases involving foreign nationals.

Lorry Watch Scheme – Mike Brownlow (Bruton Town Council)

Mike described the problems that have been experienced with HGVs travelling through Bruton despite the weight restriction. He outlined the steps that have been taken to try to address the issues and the aim to establish a wider group of representatives of communities/users of the A371. Key issues are:

- Signage with new signs at Grove Cross given as one example that creates confusion
- Sat Nav routes but also the users of sat nav

The local speed watch group is working with their PCSO to establish a 'Lorry Watch' group. It is hoped that by recording the right details of HGV movements within the restricted area, the Police will be able to identify the business and, if not exempt, send letters to encourage them to stop.

Q&A session:

Q – Ilchester did something similar but a volunteer had windows smashed as a result

A – Investigating an online reporting system to make the reporting anonymous

Q – Are there any legal restrictions on tractors, which can cause damage to the verges etc?

A – Not known but will research and respond.

A number of potential ways to help were suggested including work done by Exmoor National Park to negotiate changes to sat nav routes and an existing management plan for the stretch of the A359 between Mudford and Sparkford.

Section 106 and CIL – James Divall and Neil Waddleton

The presentation was given, key points included:

- Section 106 contributions can only be secured for certain things
- Some items are local eg: Community Halls, play areas, etc. and some items are for District wide facilities eg: the Octagon Theatre
- Funds also secured for Education, Highways, etc.
- Evidence led audits based on quality and quantity of existing facilities have been carried out and used by SSDC Community Health & Leisure to request contributions
- Area Development has been working with Planning and Community Health & Leisure to produce accounts showing all monies secured and what they can be used for
- As of 1st April 2017 Community Infrastructure Levy (CIL) will mean that money will be collected in a different way
- CIL will still only be secured for some things but 15% will go to the PC/TC
- Evidence in local Parish/Community Plans can help to secure the right contributions

Q&A session:

Q – Will CIL replace S106?

A – CIL will apply to all development from April 2017 but 106 will still be used for some infrastructure.

Q – When does money get paid by the developer?

A – Trigger points are agreed and set out in the legal agreement. These differ from case to case and can be linked to the viability of the scheme

Flooding and other difficult environmental situations – Chris Cooper, Streetscene

Chris explained that the subject of flooding could be covered by a number of different people working for a number of different organisations. The presentation included the following key points:

- Always serious risks/dangers when dealing with flooding
- There are different types of flooding
- Detailed the organisations/agencies involved in dealing with major incidences
- Overview of the support SSDC offers
- Outline of the effectiveness of various flood protection systems

Q&A session:

Q – Keinton Mandeville have had flooding issues related to new development. The Parish is frustrated that the issue had been identified at the planning stage but has now been realised.

A – Could be a number of different solutions depending on the detail. Chris requested more information.

Q – What is SSDC policy on drain clearance?

A – SCC responsibility as it is a highway drain. Gully sucking service offered by Streetscene at £11 per drain

Q – Can anything be done about the issue of rubbish (dropped from car/blown from recycling box) blocking the drains?

A – Litter-picking is an ongoing challenge but is done as much as is possible. Volunteer effort supported. Putting recycling out on the morning of collection rather than the night before and weighing it down would help, particularly if wind is predicted

A number of parish specific issues about a range of topics were raised by individual parish representatives. These are being followed up by the Area Development team.

Feedback on the event responses

Out of the 16 feedback forms handed in 3 rated the evening excellent, 10 rated the evening good and 3 acceptable. All 16 agreed the content was relevant. There was 1 *new* Parish/Town Councillor.

Future Events for Town and Parish Councils

An Annual Parish & Town Council Meeting is held in each of the 4 Areas. In between times the Area teams arrange other workshops and events for Parishes depending on need. Parishes enjoy a close working relationship with their Ward Members who will discuss and advise on how to take up matters of local concern. In addition, they receive agendas for and are warmly invited to attend the monthly Area East Committee meetings where they can raise any topics of interest or concern to their residents.

Financial Implications

There are no new financial implications as a direct result of this report

Corporate Priority Implications

This meets the following Corporate Aim:

- *To deliver well managed cost effective services valued by our customers*

Carbon Emissions & Climate Change Implications

Equality and Diversity Implications

Background Papers: *Notes of the Area East Annual Parish & Town Council Meeting held on 23rd January 2017;*

Agenda Item 10

Tolbury Mill Hall, Bruton – Update on SSDC’s Contribution towards the roof replacement project

Assistant Director: Helen Rutter, Communities
Service Manager: Helen Rutter, Area East Development Manager
Lead Officer: James Divall, Neighbourhood Development Officer
Contact Details: James.divall@southsomerset.gov.uk or (01963) 435012

Purpose of the Report

To update members on the progress of the project and SSDC contribution towards roof replacement at Tolbury Mill Hall, Bruton

Public Interest

Community Kids is a charity running a pre-school at premises adjacent to Bruton Primary School. The bespoke eco building created for the charity used roofing material that was relatively short life and has not proved as durable as hoped for. It is now necessary to replace the roof as it is starting to fail. The facility also offers before and after school care and is a vital part of the childcare system in Bruton.

Recommendation

- (1) Members note that a Business Plan is being drawn up with assistance from SCC. This will include a sum set aside annually for further repairs & renewals on this building to protect the asset in the long-term
- (2) To ring-fence £1786.10 underspend for a period of up to three years to form a sinking fund to be paid to Community Kids, to be released on receipt of an acceptable Business Plan from the charity.

Background

The opportunity to relocate the playgroup adjacent to the School was achieved by setting aside land for the building and a new car park. This was achieved as part of the wider Tolbury Mill development in the early 2000's. The building opened in 2002 and Community Kids Playgroup was involved through a joint working group in the commissioning of the building, which was designed with many innovative sustainability features.

Community Kids obtained a receipt from the disposal of their own premises of £68k. This was a major contribution towards the building costs, which were in excess of £140k. They then entered into a full repairing lease with SSDC on a 30-year term. No rental is paid under the lease terms to reflect their capital contribution. Area East Committee made a substantial capital contribution to secure the hall and car park adjacent. Further contributions came from Bruton TC and other grant sources.

The design and delivery of the original building, which includes an asymmetric roof, was managed by the Area East Engineer, who acted as Project Manager, oversaw the snagging period on the building and liaised with the Architect and builders. The building forms part of SSDC's property portfolio.

We were made aware of some problems with the roof which has deteriorated in the last couple of years and can leak in heavy rain. Following advice from roofing experts and discussions with the original structural engineer, the preferred route was to re-roof the whole building. SSDC accepted some responsibility for promoting the existing corrugated roofing solution, which has not proved a suitable long-term material for this building.

Three competitive quotes were obtained for 3 different roofing types (corrugated fibre sheet £15,400 plus VAT, fibre cement slates £17,750 plus VAT and profiled metal sheet £19,000 plus VAT) The SSDC Surveyor discussed materials with the Planning Department who advised that all solutions would need planning permission. Of the 2 most suitable materials, the preferred solution in terms of aesthetics and durability was fibre cement slates. This will give a long-term roofing solution and marry in well with the existing building and its surroundings. A planning application has been prepared and submitted by the charity, with SSDC help.

In order to expedite this situation, property services offered to manage the re-roofing contract for the charity. A realistic funding formula has been put together to cover these costs. The charity secured £7,900 to meet the cost of reroofing the front section of the roof. SCC has awarded a sum of £5,000 to the charity as a third party contribution. Together this would meet £12,900 to cover they balance on which VAT will be payable. The situation is summarised in the table below

Total cost	SSDC contribution (VAT reclaimed)	SCC contribution	Charity contribution
17,750 plus VAT	£7,000 (Balance to find 10,750 + 20% VAT £12,900)	£5,000	£7,900

The balance of £7,000 was met by Area East Committee as a direct contribution towards the reroofing project. The Property Service team met the cost of the various professional fees incurred as part of these investigations, including the Planning and Building Control fees.

Sarah Love, SCC Early Years Manager, worked closely with the group to assess their business plan and revise their charging structure, fundraising and costs in order to generate a sufficient surplus to be viable in the long-term. This would mean generating a surplus for a repairs & renewals fund.

Update

It was agreed that the best time to undertake the re-roofing would be the Easter holidays, which run from 24th March to 11th April. In this way, whilst the re-roofing is underway, there will be no children or staff in the building, which will be optimum in safety terms.

The work programme started on schedule in March 2016 and finished in mid-April 2016 with no encountered problems or delays thanks to the project management of the SSDC property services team. The successful completed project has however provided a net cost of works to the Council of £14,177.80, which is a considerable saving compared to the £17,750 the project team had originally budgeted for (Underspend of £3,572.20).

Part of the conditions of the SSDC Area East grant was the recommendation that any funding put into the building by the AEC is conditional on the organisation coming up with a credible business plan for 2016-17 and beyond, which would include a realistic sinking fund for future building maintenance

Although SSDC have been told that a sinking fund is in place, no SSDC officers have seen a copy of the business plan or evidence of a financial sum linked to the maintenance sinking fund.

With this in mind, the Neighbourhood Development Officer would like to recommend a refund of 50% of the savings to the project equaling £1786.10 to go back to the Community Kids Charity on the condition that the charity submits a business plan and evidences the use of a maintenance sinking fund account.

The repairs and the installation of a new roof has been a fantastic success, the charity now have a dry environment from which to operate and are very happy with the outcome.

Financial Implications

The potential refund (on condition) of £1786.10 to the Community Kids charity and the returned capital sum of £1786.10 to SSDC Area East capital reserve.

Corporate Priority Implications

Focus Four: Health & Communities: encouraging communities to be healthy, self-reliant and with individuals who are willing to help each other.

Carbon Emissions & Climate Change Implications

Providing local access to a range of activities and services reducing the need to travel which therefore reduces carbon emissions.

Equality and Diversity Implications

The loss of services designed to meet the needs of the most disadvantaged in target communities is likely to have a significant effect over time.

Background Papers: *Community Kids file*

Agenda Item 11

Retail Support Initiative Grant Application – White Horse, Wincanton (Executive Decision)

Assistant Director: Helen Rutter, Communities
Service Manager: Tim Cook, Area Development Team Lead (East)
Lead Officer: Terena Isaacs – Community Support Assistant
Pam Williams – Neighbourhood Development Officer
Contact Details: terena.isaacs@southsomerset.gov.uk or 01935 462268
pam.williams@southsomerset.gov.uk or 01963 435020

Purpose of the Report

For Members to consider the Retail Support Initiative (RSI) grant request detailed below.

Public Interest

Supporting and helping to improve the retail offer in the towns and villages across Area East.

Recommendation

To consider an award of up to £2,500 as a 47% contribution to The White Horse, High Street, Wincanton, towards exterior pointing and re-decoration:

- £1,500 from the Community Development budget revenue element ring-fenced for the RSI
- £1,000 from the Community Development budget, Wincanton top-up, revenue element ring-fenced for the RSI

All awards to be subject to the following standard conditions:

- (a) The grant award may be used by SSDC for promotional/publicity purposes
- (b) Grants are paid for approved works/purchases on production of receipted invoices and subject to a visual inspection to confirm completion
- (c) Awards are subject to feedback being supplied within 12 months
- (d) Applicants will normally be expected to draw down the grant within 6 months of the offer
- (e) That appropriate consents are obtained
- (f) Works requiring listed building/planning consents or building regulations will be required to be signed off by the appropriate Officer prior to the release of funds
- (g) If, within 3 years of a grant award, the business ceases to trade, the District Council reserves the right to reclaim the grant on the following basis: year one – 100%; year 2 – 75%, year 3 – 45%

For this application there is an additional requirement for the paint colour to be agreed with the Conservation Officer ahead of commencement.

Background

This application is being considered under the scheme's operating criteria agreed in June 2016, a copy of which is attached at Appendix 1. The premises are one of a number of vacant units in Wincanton which are eligible for an additional 'top up' of £1,000 in addition to the standard Area wide Retail Support Initiative grant of £1,500

The White Horse is a Grade II* historic coaching Inn built around 1733, which is on Historic England's 'At Risk Register' with a condition listing of 'poor'. The deteriorating state of the building had been a source of concern for several years prior to it ceasing to trade in May 2015. The building was then marketed and sold to the present owners in July 2016.

Current application

Since acquiring the premises the new owners have started an ambitious programme of repair and renovation, which is likely to cost in excess of £300k once all phases are completed. The owners are working in close liaison with the District Council's Conservation Officer. Their intention for the building is a combination of living accommodation on the upper floors with two distinct areas for dining on the ground floor. Once fully operational they expect to employ up to 10 people.

This request for funding is to assist with refurbishment to the front of the building over all three floors and includes re-pointing and re-decoration. The application has been assessed using our standard criteria and we are therefore recommending our maximum grant of £2,500.

Financial Implications

If Members choose to award this grant, the unallocated budget for Retail Support Initiative will be as follows:

	Revenue element	Capital	Wincanton 'top-up'
Unallocated budget 2016/17	£4704	£1212	£8424

Corporate Priority Implications

The awarding of grants meets the following corporate aims:

To increase economic vitality and prosperity

Carbon Emissions & Adapting to Climate Change Implications

This project does not cause any changes to carbon emissions.

Equality and Diversity Implications

Background Papers: None

Retail Support Initiative

Operating criteria 2016/17

Percentage contributions cannot exceed 50% of costs and **no** retrospective applications are eligible (i.e. in respect of works which have already started).

Applications over £1000 will be considered by Area East Committee on a monthly basis. Amounts up to £1000 may be considered at any time as a delegated grant in consultation with the Chairman & Ward Member(s)..

Area-wide grant levels: **£1,500 to a maximum 50% of project costs as follows:**

Eligible costs:

Shop-front improvements, if they enhance the High Street
Business rates assistance – a contribution to the amount payable for new businesses (which do not compete with another business) in their first two years of trading
Exceptional projects which add to viability of towns/villages

Wincanton top-up

In addition to the area-wide scheme the 'top-up' scheme for Wincanton also offers:

- Maximum grant £1,000 for businesses wishing to move into one of the units currently empty units listed below:

6 High Street – Digital Error
24 High Street – formerly Green Dragon
36 High Street – formerly Alldays
4 High Street – formerly the White Horse
New Unit corner of Carrington Way
15 High Street – formerly HSBC

Eligible units which are now occupied:

59 High Street – formerly Nanny Jacks #
3 South Street – formerly Thomas Property Sales#
3 Market Place – The Red Lion#
13 Market Street – formerly Boots Chemist#
6 High Street – formerly Chicken Grill/Yummy Yummy#
1-3 High St – formerly Brocks#

Grants are only available to proprietors/owners with one business/premise and will not exceed 50% of project cost

Process

Applications for Grants are assessed and recommendations made on the basis of a fully completed application form and two 'like for like' quotes. Self-help/DIY schemes may complete the application form and supply a project budget with supporting information.

All grant recipients must accept that the grant may be used for publicity purposes by the District Council. Payment of the grant is done retrospectively, for a completed programme of works on the basis of receipted invoices. Exceptionally officers, in consultation with the Chairman, may release partial payments where there is clear justification for doing so.

The existing assessment and current scoring mechanism favours businesses:

- employing more than 2 people
- in prominent places
- key rural stores/Post Offices
- retailers

The award is subject to the following standard conditions:

- The grant award may be used by SSSC for promotional/publicity purposes;
- Grants are paid for approved works/purchases on production of receipted invoices;
- Awards are subject to a summary of the benefit of the scheme being supplied;
- Applicants will normally be expected to draw down the grant within six months of the offer and if not will have to inform us of the reason(s) for the delay. If there is a valid reason, officers can provide a 6 month extension, but beyond this the grant would either be withdrawn or referred Area East Committee to be re-affirmed;
- That appropriate consents are obtained;
- Works requiring listed building/planning consents or building regulation consent will be required to be signed off by the appropriate officer prior to the release of funds;
- If, within three years of a grant award, the business ceases to trade the District Council reserves the right to reclaim the grant on the following basis; year one –100%, year two – 75%, year three – 45%.

Agenda Item 12

Changes to Wincanton/Yeovil Bus Services

Assistant Director: Helen Rutter, AD Communities
Service Manager: Tim Cook, Area Development Lead – East
Lead Officer: Helen Rutter, Assistant Director Communities
Contact Details: helen.rutter@southsomerset.gov.uk or (01963) 435012

Purpose of the Report

To make the committee aware of proposed bus service changes that will impact on residents of Wincanton and surrounding areas.

Public Interest

The routes detailed below have been taken over by a new operator. This has resulted in some proposed changes to routes that will reduce the frequency of some services. Declining bus services are making it increasingly difficult for those without private transport to be able to access the services they need by traditional bus services.

Recommendation

That members note the notified changes and consider if they wish to make representations on this issue.

Background

SSDC has been informed by John Perrett, Service Manager, Transporting Somerset (SCC) that, as a result of The Buses of Somerset's recent take-over of the First Wessex bus operations based in Yeovil, they have been looking at the routes and timetables they have inherited and he confirms that SCC have received registration for changes to take place on Monday 27th February 2017. The Buses of Somerset is a wholly owned subsidiary of First Group.

The notified bus service changes affecting Area East & Wincanton

The services Buses of Somerset took on were:

- 1, 2 and 3 – Yeovil Town Services
- 57 Yeovil to Sherborne
- 58/58A – Yeovil to Wincanton.

A summary of the relevant changes that have been registered are:-

58/58A – The main change to this service is that another variation has been added (59) this will operate between Yeovil and Marnhull in Dorset with the 58/58A and 59 both operating on a two hourly frequency. This maintains the current hourly frequency between Virginia Ash and Yeovil but it reduces the frequency between Yeovil and Wincanton (including the villages of Yenston, Henstridge, Templecombe, Horsington South Cheriton and North Cheriton) from hourly to two hourly.

Implications

Nigel Collins our Strategic Transport Officer comments

“These routes are commercially operated (i.e. without subsidy from SCC) and the bus company is seeking to streamline their routes to reduce operational costs.

I have discussed the changes with Transporting Somerset. They regret the route changes and reduction in frequency, although they understand why the operator has had to make savings. They also add that unfortunately in the current financial climate they are unable to provide any subsidy to support the current timetable.

For those for who could now find the revised timetable unsuitable then it may be possible to use South Somerset Community Accessible Transport’s (SSCAT) Ring & Ride Service. Bus pass holders would get a 50% reduction on the SSCAT fare up to a maximum of £5.00, as against free bus travel at present and of course it is necessary to pre-book 24 hours in advance.

Transporting Somerset have commented that they are disappointed in the reduction of frequency to 2-hourly between Wincanton (and the above villages) and Yeovil. They have expressed their concern to the Buses of Somerset, although this is a commercial decision on the operator’s part and unfortunately no subsidy funding is available. However, the key journeys on 58/58A/59 to/from Yeovil College are being maintained.

Financial Implications

None for SSDC arising from this report. Subsidy of bus services on non-commercial routes is a Somerset County Council matter.

Corporate Priority Implications

Not applicable

Carbon Emissions & Adapting to Climate Change Implications (NI188)

The advice hub, if implemented, could reduce the need for the public to travel out to Brympton Way and so reduce car / taxi journeys.

Equality and Diversity Implications

Declining bus services are making it increasingly difficult for those without private transport to be able to access the services they need by traditional bus services. This particularly affects older people and those on lower incomes

Background

Papers:

None

Agenda Item 13

Area East Forward Plan

Assistant Directors: Helen Rutter (Communities)
Service Manager: Tim Cook, Area Development Lead (East)
Lead Officer: Kelly Wheeler, Democratic Services Officer
Contact Details: Kelly.wheeler@southsomerset.gov.uk or 01935 462038

Purpose of the Report

This report informs Members of the agreed Area East Forward Plan.

Recommendation

Members are asked to:-

- (1) Comment upon and note the proposed Area East Forward Plan as attached;
- (2) Identify priorities for further reports to be added to the Area East Forward Plan, developed by the SSDC lead officers.

Area East Committee Forward Plan

The forward plan sets out items and issues to be discussed over the coming few months. It is reviewed and updated each month, and included within the Area Committee agenda, where members of the Area Committee may endorse or request amendments.

Members of the public, councillors, service managers, and partners may also request an item be placed within the forward plan for a future meeting, by contacting the agenda co-ordinator.

Items marked *in italics* are not yet confirmed, due to the attendance of additional representatives.

To make the best use of the Area Committee, the focus for topics should be on issues where local involvement and influence may be beneficial, and where local priorities and issues raised by the community are linked to SSDC corporate aims and objectives.

Further details on these items, or to suggest / request an agenda item for the Area East Committee, please contact the Agenda Co-ordinator; Kelly Wheeler.

Background Papers: *None*

Appendix A

Area East Committee Forward Plan

Meeting Date	Agenda Item	Background and Purpose	Lead Officer
8 March 17	Streetscene Service	6 monthly review	Chris Cooper
8 March 17	Regeneration Board and Local regeneration Initiatives	Update report and allocation of funds to project work	Pam Williams
8 March 17	Welfare Benefits Service	Annual update report	Catherine Hansford
8 March 17	Local Housing Needs	Annual update report	Kirsty Larkins
12 April 17	Area Development Plan and end of year report	To give an overview of progress on activities and projects contained within the Area Development Plan	Tim Cook
12 April 17	Licensing Service	Annual report	Nigel Marston
10 May 17	Community Health and Leisure	Annual report	Lynda Pincombe
10 May 17	Arts and Entertainment	Annual update report	Pauline Burr/Adam Burgan
14 June 17	Highways	Annual update report	John Nicholson SCC
14 June 17	Retail Support Initiative	Annual update report	Pam Williams
14 June 17	Community Grant Applications	To consider any SSDC community grant applications	Tim Cook
14 June 17	Annual Appointments	Annual Appointments report	Angela Cox
14 June 17	Development Control Scheme of Delegation - Nomination of substitutes for Area East Chairman and Vice Chairman - 2017/18	To nominate two members to act as substitutes for the Chairman and Vice-Chairman in their absence	Martin Woods
12 July 17	Community Grant Programme	Update report	Tim Cook
12 July 17	Transport Support for Community and Public Transport	Transport Support for Community and public transport and SSCAT Bus	Nigel Collins

Agenda Item 14

Planning Appeals

Assistant Director: Martin Woods (Economy)
Service Manager: David Norris, Development Manager
Lead Officer: David Norris, Development Manager
Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

Purpose of the Report

To inform members of the appeals that have been lodged, decided upon or withdrawn.

Recommendation

That the report be noted.

Background

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the Committee.

Report Detail

Appeals Received

16/03426/OUT- Sundown, Sunny Hill, Bruton
Outline application for the erection of single storey dwelling and formation of access

16/03255/FUL - 64 High Street, Wincanton
Application to regularise the replacement of 5 white timber sash windows to front elevation with white PVCu sash windows

Appeals Allowed

15/00519/OUT - Land OS 4700, East of Station Road, Castle Cary
Residential development of up to 75 dwellings, with associated means of access with all other matters reserved (appearance, landscaping, layout and scale)

14/05623/OUT – Wayside Farm, Station Road, Castle Cary
Outline planning application for the demolition of all existing structures (including the farmhouse and agricultural buildings) and development to provide up to 125 residential units (including 35% affordable housing), associated landscaping, access and infrastructure

Appeals Dismissed

15/05159/FUL – Lavender Keepers, Great Pit Lane, Sandford Orcas
Erection of a temporary dwelling

16/01818/OUT – Land at Hollyhock Cottage, Peacocks Hill, Barton St David
Outline application for the erection of 2 no. semi-detached dwellings

Appeal decisions attached.

Background Papers: None

Appeal Decision

Inquiry held on 4-14 October 2016

Site visit made on 12 October 2016

by M Middleton BA(Econ) DipTP DipMgmt MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 January 2017

Appeal Ref: APP/R3325/W/15/3035753

Land East of Station Road, Ansford, Castle Cary, Somerset, BA7 7JY

- The appeal is made under section 78 of the Town Country Planning Act 1990 against the failure of the local planning authority to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by The Silverwood Partnership against South Somerset District Council.
 - The application Ref 15/00519OUT is dated 3 February 2015.
 - The development proposed is residential development of up to 75 dwellings with associated means of access.
-

Decision

1. The appeal is allowed and planning permission is granted for residential development of up to 75 dwellings with associated means of access on land East of Station Road, Ansford, Castle Cary, Somerset, BA7 7JY in accordance with the terms of the application, Ref 15/00519OUT, dated, 3 February 2015 and the plans submitted with it, subject to the conditions in the attached schedule.

Application for costs

2. At the Inquiry an application for costs was made by The Silverwood Partnership against South Somerset District Council. This application is the subject of a separate Decision.

Procedural Matters

3. This appeal (referred to as Appeal B), which affects land to the east of Station Road, was co-joined with another (Appeal A) that proposes residential development on nearby land to the west of Station Road. The land affected by both appeals, whilst within a direction of growth identified in the South Somerset Local Plan 2006-2028 (LP), is within the open countryside but in circumstances where South Somerset District Council (the Council) cannot identify a five year supply of deliverable housing sites. Issues concerning prematurity, accessibility, impact upon the landscape, traffic and local services, as well as conflict with strategic LP policies affect both of the appeals. However, the Council used different reasons to refuse the two applications. The above matters and others, as well as the reasons for refusal, were discussed at a joint public inquiry. Whilst using similar reasoning to justify the

- decision in each case, there are differences and I therefore consider it appropriate to write two separate decisions.
4. Third parties raised concern about the loss of views of the tower of Ansford Church, which is a Grade II Listed Building, from Ansford Hill and Station Road, close to the northern part of Appeal Site B. I examined this at the site visit and concluded that there were clear views of the Church from this location and that the development could affect its setting. As the Council had not advertised the proposal, as one affecting the setting of a Listed Building, I adjourned the Inquiry and required it to do so, with any observations to be sent to the Planning Inspectorate by 10th November 2016.
 5. During the adjournment and whilst examining the evidence, I became aware that Appeal Site A was partly affected by a Mineral Safeguarding Area. On enquiring of the Council, I discovered that the Minerals Planning Authority had not been consulted about the effect of the proposal on the safeguarding designation. I therefore arranged for it to be consulted and agreed that Appellant A could make further representations on this matter.
 6. I have taken the representations received in response to both subsequent consultations into account when making my decision. I finally closed the Inquiry on 30 November 2016.
 7. Both appeals followed from the failure of the Council to determine the applications within the prescribed period. Subsequent to making the appeal, this Appellant submitted a duplicate application to the Council. This was refused on 14 October 2015, quoting the same putative reasons for refusing the appeal scheme. These concerned, the proposal's detachment from the existing edge of development and its location within a gap between Ansford and Castle Cary; the absence of a mechanism that could reasonably secure a phased development with other schemes currently proposed within "the direction of growth"; accessibility to jobs, services and facilities; absence of a travel plan and the overall level of growth, which would be at odds with the town's status in the settlement hierarchy. Subsequently the Appellant included a travel plan within a Unilateral Undertaking. Both the Council and the Highway Authority agree that it overcomes the second part of reason for refusal 2.
 8. The application is in outline with all matters, apart from the access, reserved for subsequent approval. It is accompanied by a somewhat brief Design and Access Statement. The layout and design is to be informed by the proposed access to Station Road, existing trees and hedgerows on and surrounding the site and existing development along Station Road.
 9. The site's access proposals are shown on drawing ref: 950/01 and involve the construction of a conventional road junction. The Highway Authority supports this aspect of the proposal and in the absence of objections I do not discuss this matter any further.
 10. During the course of the Inquiry, the Appellant offered to implement works, within highway land, to clear and improve the overgrown pavements along the lower part of Ansford Hill and to do the same along parts of Station Road, if planning permission was granted. These improvements could be secured through an appropriately worded condition. I consider the implications of these works later in my decision.

11. As well as on an accompanied site visit on 12 October, I visited the appeal site and its locality, including Castle Cary Town Centre and the nearby industrial area, as well as some of the surrounding area and nearby settlements, unaccompanied, on 22 September and 3, 10, 13 and 14 October 2016.
12. The Appellant submitted a signed Unilateral Undertaking pursuant to Section 106 of the Town and Country Planning Act 1990 on behalf of the land owners and in favour of South Somerset District Council and Somerset County Council. In this document the Appellant and the land owners agree, if planning permission is granted, to provide 35% of the total number of dwellings, constructed on the site, as affordable housing and in accordance with conditions set out in the Agreement. The provision of an element of affordable housing, within market housing development, is a requirement of LP Policy HG3, which is supported by paragraph 50 of the *National Planning Policy Framework* (Framework).
13. They also agree to make financial contributions towards the provision or improvement of local education, community, children's play, youth and built sports facilities within Ansford/Castle Cary (A/CC), as well as one towards the upgrading of the Westland Entertainment Complex in Yeovil. In addition the Undertaking includes a Travel Plan, the obligations of which the owners covenant with the County Council to observe and perform.
14. The Deed includes a clause that says that the covenants and obligations shall not apply or be enforceable, if I find in my decision letter that any obligations are unnecessary or otherwise fail to meet the relevant statutory tests.
15. LP Policy HW1 requires provision/contributions from new housing development towards additional open space, outdoor playing space, local and strategic sports, cultural and community facilities, where a need is generated. This policy is supported by the Framework at paragraphs 203 and 204. In my judgement those financial contributions that are related to capital expenditure on new or extended facilities, within A/CC and which are necessary to make the proposal acceptable in planning terms, because the existing facilities do not have capacity to meet the requirements of the population that would reside in the appeal development, meet this requirement and are justified.
16. Those that seek contributions towards day to day functions, such as facility maintenance and which are conventionally met from Council Tax or other revenue raising sources, seem to me to be inappropriate. In the discussion at the Inquiry into the Agreements, the Council pointed out that the term 'ongoing maintenance' was meant to refer to establishment costs. Such costs are normally included within the overall capital provision made for a particular scheme. I consequently agree that 'ongoing maintenance' costs that are genuinely directly related to the establishment of capital works, meet the tests. Conversely, the inclusion of any costs that concern regular maintenance, which would normally be met from Council revenue budgets and whose absence would not justify a refusal of planning permission, are inappropriate.
17. The Westland Entertainment Complex is at Yeovil and about 20 km from A/CC. Whilst I do not dispute that some residents of the town occasionally use this facility and some residents of the appeal development probably would as well, in the overall circumstances, this is unlikely to be a regular destination for many residents of the appeal site. In the absence of evidence to the contrary, I am therefore not persuaded that the upgrading of this strategic cultural

facility is a prerequisite necessary to make this development acceptable in planning terms. There is also no evidence to suggest that in the context of the pooling restrictions set out in Regulation 123 of the CIL 2010, more than allowable contributions to support this upgrading could not be found through the development of the committed large sites at Yeovil, from where such contributions would more appropriately be sourced.

18. I am consequently satisfied that the measures relating to the provision of affordable housing, the education, community, children's play, youth and built sports facilities within A/CC and the travel plan, in so far as they facilitate building alterations or extensions, the provision of equipment or material and engineering works (including establishment), to facilitate increased usage by the residents of the appeal site, comply with the provisions of Paragraph 204 of the *National Planning Policy Framework* (Framework). They are necessary to make the development acceptable in planning terms and meet Regulation 122 of the *Community Infrastructure Levy Regulations* (CIL) 2010. I am satisfied, on the basis of the evidence before me that these contributions also comply with the pooling restrictions set out in Regulation 123 of the CIL 2010.

Main Issues

19. It is agreed that the Council does not have a five year supply of housing land. I was told by the Council that the supply was 4.2 years in March 2016, after accounting for any shortfall and incorporating a 20% buffer. The Appellant disputes this, claiming that the supply is no more than 3.9 years (I return to this disagreement later). In such circumstances and regardless of the dispute, paragraph 49 of the Framework says that relevant policies for the supply of housing should not be considered to be up-to-date. Paragraph 14 of the Framework says that where the relevant Development Plan Policies are out of date, planning permission should be granted for sustainable development; unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in it indicate that development should be restricted. There are no restrictive policies that are directly relevant to this proposal.
20. In this context and from all that I have read and seen, I consider the main issues to be:-

Whether the proposal is in accordance with the Development Plan

and if not

whether it is sustainable development within the meaning of the Framework, such that any harm to the local landscape character, the capacity and safety of the local highway network and any other harm attributable to the development, together with any harm resulting from the accessibility and connectivity of the appeal site and A/CC, significantly and demonstrably outweigh the benefits of the proposal; such that the presumption in paragraph 14 of the Framework to favourably consider applications for sustainable development, in areas where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable housing sites and/or their Development Plan housing policies are out of date, applies

and if so

whether this outweighs any harm to the Development Plan Strategy.

Reasons

Planning Policy

21. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that any application for planning permission must be determined in accordance with the Development Plan (DP), unless material considerations indicate otherwise. The DP for the area now consists of the LP, which was adopted in 2015. It covers a plan period until 2028. The decision notice that the Council issued following its determination of the duplicate application considered the proposal to be contrary to four LP Policies. LP Policy TA4¹ concerns the preparation of travel plans and it is agreed that its requirements are now met.
22. At paragraph 215 the Framework says that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. LP Policy SD1, Sustainable Development, is closely aligned with paragraph 14 of the Framework, seeking to approve planning applications that accord with the policies of the LP. Where the relevant policies are out of date, then planning permission will be granted unless material considerations indicate otherwise and taking account of the sustainability balance set out in the Framework. I consider this Framework compliant policy to be up-to-date and that it should be given full weight.
23. At the Inquiry the Council also relied on LP Policy SS1 and SS5 but in the case of this appeal did not consider the proposal to offend LP Policy LMT1. SS1 sets out the Settlement Strategy. There are four levels of settlement in a hierarchy and a rural area. Yeovil is a Strategically Significant Town and the prime focus for development. Provision for housing, employment, shopping and other services is also to be made in seven Market Towns to increase their self-containment and enhance their role as service centres. Two tiers of Market Towns were established, based on their level of services, facilities and economic activity. Along with two other towns, A/CC is a second tier 'Local' Market Town. Below the designated Market Towns are other market towns termed Rural Centres where provision for development that meets local housing need, will be made.
24. It is reasonable to assume that additional population, residing in new development within a market town, is likely to increase the usage of its shops and other businesses and support the establishment of new ones, thereby contributing to an increase in its role as a service centre. New housing development without commensurate increases in employment is unlikely to increase its self-containment. The absence of additional jobs would inevitably lead to an increase in out commuting. Other than temporary employment, associated with the development itself, there are no job creating proposals allied to this housing appeal. In such circumstances the proposal would be likely to lead to a decrease in self-containment and is contrary to this aspect of LP Policy SS1. I return to this consideration later.
25. LP Policy SS5 Delivering New Housing Growth, makes provision for at least 15,950 dwellings within South Somerset in the plan period (2006-2028). At least 374 are required at A/CC of which 218 remained to be committed in

¹ Wrongly referred to as TP4 in the duplicate decision notice.

2012. The policy also says that prior to the adoption of the Site Allocations Plan Document, a permissive approach will be taken when considering housing proposals in the directions of growth at the market towns.
26. LP Policy LMT1 establishes the direction of growth at A/CC. The appeal site is within this direction of growth, which is identified on the Policies Map. The proposal is in accordance with this policy. However, LP Policy SS5 qualifies the permissive approach by pointing out that the overall scale of growth and the wider policy framework, will be key considerations in taking this approach, with the emphasis upon maintaining the established settlement hierarchy and ensuring sustainable levels of growth for all settlements.
27. Even if both appeals were to be allowed and when these and all of the other housing commitments in A/CC were completed (605 additional dwellings), the settlement would still be smaller than Somerton, one of the other two Local Market Towns. It would also be about 600 dwellings smaller and only 76% of the size of Ilminster, the smallest of the four Primary Market Towns. The overall level of growth would not disrupt the established settlement hierarchy.
28. Whether it would ensure sustainable levels of growth, using the narrow definition of sustainable accessibility, is doubtful and to this extent the proposal is contrary to LP Policy SS5. In combination with Appeal A, it would be likely to result in a reduction in A/CC's self-containment and be contrary to this aspect of LP Policy SS1. Although nearly three times the additional housing proposed by the LP, at A/CC to 2028, the overall additional growth at A/CC would represent less than 1.5% of South Somerset's housing requirement for the plan period and only about 3% of the housing requirement at Yeovil, where there has been a serious under provision due to site deliverability problems. The appeal proposal, in combination with the other proposals within A/CC's direction of growth, would not materially distort the proposed overall scale of growth and the wider policy framework and is therefore not contrary to LP Policy SS5 in this respect.
29. In the absence of a five year supply of housing land, LP Policies SS1 and SS5, in as much as they refer to the provision of housing, must in any event be considered to be out of date and given reduced weight.
30. LP Policy EQ2, General Development, seeks to ensure that development is designed to achieve a high quality, promoting local distinctiveness and preserving or enhancing the character and appearance of the district. Development is to be considered against twelve criteria, most of which can only be judged at the reserved matters stage. These are consistent with similar policies in the Framework that seek to achieve good development and are consequently up-to-date.
31. The Council argued that in the absence of a mechanism to ensure the phased development of the site with other sites to the south, the landscape character of the area would be harmed and the accessibility of the site would be unacceptable and contrary to LP Policy EQ2. In response the Appellant suggested that in these circumstances LP Policy EQ2 must be a policy for the supply of housing. I am not convinced that the Council's argument is valid. Nowhere in LP Policy EQ2 or its supporting text is there any reference to the need for the phasing of development.

32. LP Policy EQ2 is primarily concerned with promoting high quality design in development that is acceptable in principle. Its reference to conserving and enhancing the landscape character of the area and to accessibility should primarily be considered in that context. The Council does not dispute that development is acceptable in principle on this site.
33. Nevertheless, the supporting text does refer to one of its aims as being to protect the natural environment and to conserve the open spaces that are important to everyone. Unfortunately the LP does not identify important open spaces, nor are significant elements in the natural environment defined in this direction of growth (assuming that there are some) either. In consequence, to this limited extent and in the context of the recent Suffolk Coastal and Richborough Estates² decision, LP Policy EQ2 should be considered as a policy for the supply of housing in circumstances where its criteria affect the principle of development.
34. Policy EQ5 promotes the provision of green infrastructure throughout the District. In its decision notice the Council refers to the proposal not demonstrating that green infrastructure in the form of a gap between Ansford and Castle Cary would be maintained and enhanced. The above court judgement also suggests that in this context LP Policy EQ5 should be similarly considered.
35. LP Policies SS1, SS5, EQ2 and EQ5 are therefore policies for the supply of housing and Paragraph 14 of the Framework is consequently engaged in the context of this appeal. Nevertheless the decision in the Renew Land Developments Ltd³ case suggests that whilst the effect of paragraph 14 of the Framework is to weight or tilt the balance in favour of the proposal, the presumption can still yield in the face of significant and demonstrable adverse impacts. Although reduced, the technically out-of-date policies, particularly SS1 and SS5 are still capable of carrying weight.
36. I was referred to the Castle Cary and Ansford draft Neighbourhood Plan, which is about to be the subject of a consultation. Both proposals would be contrary to that plan's proposals for the area. I recognise that members of the local community have devoted a great deal of their time and effort to enable this plan to be prepared. The Neighbourhood Plan has however not made sufficient progress on its road to adoption to be given any weight in the determination of this appeal.

Housing land supply

37. The Council and Appellants differ as to what was the actual five year land supply at the base date (March 2016). The Council consider it to be 4.2 years; Appellant A considers it to be 3.6 years and Appellant B 3.9 years. The differences arise because Appellant A considers the Council's windfall allowance in years one and two to be too high and that a 10% non-implementation rate should be incorporated into the assessment of the land supply. Both Appellants consider the Council's assumed delivery rates on a number of large sites to be too high, in particular Primrose Lane, Upper Mudford, Yeovil; Keyford, Dorchester Road, Yeovil; Tatworth Road, Chard; and on two small sites at The Red House, Ansford and Hillcrest School Castle Cary. Appellant A

² Court of Appeal Case No. C1/2015/0583 and C1/2015/0894

³ High Court Case No. CO/5040/2015

also considers that the site at Victoria Road Yeovil should be discounted and Appellant B the site at Coldharbour Farm, Ilminster.

38. Given its rural nature, the preponderance of barn conversions in South Somerset is likely to be higher than in most Local Planning Areas and I accept that due to Class Q permitted development rights, a number will be built out rapidly. However, barn conversions often require specialist building advice and work and their progress can be slow. In the absence of any available figures and whilst accepting that a limited number could be converted and occupied within a year, I consider the Council's forecasts in years one and two to be over-optimistic by about a factor of two and would expect the majority of the 20 units to be delivered in year two.
39. I agree with the approach taken by the Inspector examining the LP and take the view that a non-implementation rate is not appropriate. The approach adopted by the Council seems to me to be rigorous enough to meet the requirements of Footnote 11 in the Framework. Technical constraints form a part of the Council's assessment and once sites have planning permission and are capable of delivery, if market conditions allow, it is not appropriate to discount sites because some hypothetical builders may wish to reduce build rates below that which the market could sustain. Unlike the Tetbury case, referred to, there is no specific evidence as to the rate that planning permissions lapse on small sites or the extent that these sites were not available, suitable or achievable at the time they were given planning permission, if indeed they were not. The Council's explanation that the changes at the sites at Brimsore Key and Lufton, where the totals were reduced between 2015 and 2016, were because the sites delivered completed dwellings in 2015/16 seems perfectly plausible to me.
40. The email from the developer at Primrose Lane, although suggesting a different completion rate to that put forward by the Council, results in the same overall delivery within the five year period. Work appears to have commenced on-site at Hillcrest School, The Red House and Victoria Road. These are all relatively small brownfield sites that appear capable of delivery in a buoyant housing market. In another context, both Appellants stressed the different nature of the two sites in A/CC, which in their opinion catered for different niche housing markets to those supplied by the volume house builders and at which the Direction of Growth was being targeted. They were confident that development at Station Road would not prevent these sites from being developed at the same time.
41. Keyford, Tatworth Road and Coldharbour Farm are all large sites awaiting planning permission. Given the sites' complexities, the slow progress in actually preparing a planning application at Coldharbour Farm, determining one at Keyford and signing a Section 106 Agreement at Tatworth Road and the other supporting information submitted by the Appellants, I do not share the Council's optimism. I consider the trajectories submitted by Appellant B to be more realistic. These amendments would reduce the Council's overall five year supply by about 220 dwellings to 4.1 years. The shortfall is significant.

Sustainable development

42. At paragraph 14 the Framework says that at its heart there is a presumption in favour of sustainable development. At paragraph 6 it points out that the policies in paragraphs 18 to 219, taken as a whole, constitute the

Government's view of what sustainable development means for the planning system. It further points out at paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental. The three roles are mutually dependent and should not be taken in isolation (paragraph 8). The considerations that can contribute to sustainable development, within the meaning of the Framework, go far beyond the narrow meanings of environmental and locational sustainability. As portrayed, sustainable development is thus a multi-faceted, broad based concept. The factors involved are not always positive and it is often necessary to weigh relevant attributes against one another in order to arrive at a balanced position. The situation at the appeal site in this respect is no exception.

Economic role

43. Economic growth contributes to the building of a strong and competitive economy, which leads to prosperity. Even if only temporary, development creates local jobs in the construction industry, as well as business for and jobs in the building supply industry. These help to support sustainable economic development to deliver the homes, business and infrastructure that the country needs. This is emphasised in paragraphs 17 and 18 of the Framework.
44. The appeal site is available, and a building company, who has already bought the Station Road West site from the Appellant, has indicated its desire to purchase this site from the Appellant if its appeal is successful. It even considers that because of the pent up demand within the area and market bouncy, it would develop both sites at the same time. A condition could ensure that reserved matters are expedited without undue delay and to encourage development to commence at an early date, thereby making a positive contribution to boosting the supply of housing now. However, conditions requiring the early discharge of reserved and other matters and expressions of interest from building companies cannot guarantee an early start to development.

Contribution to housing supply

45. If only this appeal were to be allowed, there would be provision for about 480 dwellings to be constructed in A/CC during the plan period, when the LP sets a target of 374. Housing provision would be about 28% higher than the target. By comparison only 68 dwellings were completed in the first ten years of the plan period⁴. However, 374 is a minimum dwelling requirement. It does not appear to have been arrived at following a technical analysis to assess the housing needs of A/CC or its capacity to accommodate additional residential growth, without undermining its self-containment. It is an arithmetic apportionment, based on a simple division of the overall allocation proposed at the three local market towns and a minimum requirement. Furthermore, it appears to have fluctuated somewhat during the course of the LPs preparation (being at least 500 at one point). Consequently, only minimal weight can be given to it. Nevertheless if both appeals were allowed, there would be provision at A/CC for about 600 dwellings, which is about 62% above the minimal provision. At first sight these increases seem excessive.
46. As a result of the recession and the low level of housing completions, I accept that there is likely to be some latent demand for housing in the local area and

⁴ March 2006-March2016

given the under supply and recent under achievement in housing delivery at South Somerset District, within the wider area as well. However, the under supply appears to have resulted from a failure to deliver on proposed large sites, primarily at Yeovil, which is about 20 km from A/CC and also at Chard (a Primary Market Town, nearly 50 km away). There has also been some underperformance at Crewkerne (another Primary Market Town, over 30 km away).

47. Although the Council maintains that South Somerset District is one single housing market centred upon Yeovil, given its size and configuration, I have doubts about its ability to operate in a universally consistent and homogeneous way. In particular, I find it difficult to accept that persons, unable to find accommodation in Chard, would as a matter of course choose to relocate to a settlement that is about 50km away. Chard is closer to both Taunton and Exeter than to A/CC, both large towns with a much larger supply of housing than A/CC.
48. The Council's housing trajectory suggests that housing will now be delivered at Crewkerne and Somerton to a greater extent than planned for and these settlements are closer to Yeovil than is A/CC. However, commuting to Yeovil clearly already occurs from A/CC and in the absence of new dwellings there, I agree that a potential home in A/CC is a better option than no home at all. Notwithstanding this I nevertheless consider that the above argument, re the transferring of unmet needs in one part of South Somerset to another, applies to Yeovil but to a lesser extent than at Chard in the context of A/CC.
49. Allowing for lead-in times, the construction of over 500 additional dwellings, within the five year period, would require annual completions approaching 150 per annum towards the end of the period, when only an average of 7 per annum have been achieved in the last 10 years. However, until three recent permissions were given, on other land within the direction of growth, the committed housing supply in A/CC was about 60. Much of this related to brownfield sites with development issues such as access. Consequently, the historic completion rate cannot be considered to be an indication of potential demand for new housing at A/CC.
50. That the granting of planning permissions for residential development on greenfield land, within the direction of growth, would lead to a boost in the supply of housing, as required by the Framework, is not in doubt. Nevertheless, in the circumstances of these appeals and in the absence of any evidence to the contrary, I have to doubt the proposition that by simply granting more and more planning permissions, more and more houses will be built in the short term.
51. The more likely scenarios are that the sites take a long time to build out, leaving future residents living on a building site for longer than they would care to or that there is insufficient interest from the building industry to progress the development of five adjacent sites at the same time so that they do not all progress, at least in the short term. The granting of planning permissions for either of these two schemes, in addition to those recently granted by the Council are, in my view, unlikely to add significantly to the rate of housing delivery at A/CC in the next five years, if indeed any more are delivered. They would be unlikely to boost the supply of housing in South Somerset now, although they could contribute significantly in the years thereafter.

52. There is already planning permission for over 300 dwellings in A/CC, on sites that have yet to commence. The Council's housing trajectory suggests that about 80 dwellings per annum would be completed in 2018-19 and 2019-20, with numbers falling off thereafter, in line with the completion of some of the committed sites. Given the local circumstances and the distances to the settlements with the most profound deficits, my experience suggests that the market would be unlikely to sustain annual completions in excess of this, particularly in view of the concentration of available sites at Station Road. Nevertheless, rolled forward over the five years from 2017, the Council's completions assumptions would produce over 350 dwelling sales by 2022. This suggests that granting planning permission for these sites now would not significantly boost the five year supply of housing and that there is consequently not support from paragraph 47 of the Framework for these schemes.
53. Ignoring the not unsubstantial backlog now built up at Yeovil, the LP was meant to provide for the construction of at least 340 dwellings per annum, within and around that settlement. Even assuming that all of the disputed sites perform as well as the Council anticipates and I agree with both Appellants that some sites are unlikely to, the trajectory suggests that Yeovil will not begin to meet its annual minimum requirement, let alone begin to reduce its backlog, before 2026. By then the district backlog, which was about 1,000 dwellings in 2016, is likely to be even higher. At 80 per annum, from 2018 onwards, 640 dwellings could be marketed by then at A/CC. This is no more than a continuation of the Council's maximum annual output from this settlement during the current five year period but more than the total number of dwellings that would be committed if both appeals were allowed.
54. Allowing these appeals would not resolve the housing land shortage in South Somerset. That is only likely to be achieved through a comprehensive allocation of additional sites, which following the abandonment of the Site Allocations Plan, now appears to be some years off. Their development would nevertheless make a useful contribution to supply in the medium term, when the trajectory suggests difficulties are still likely to be experienced. Despite my reservations, in the full circumstances of this appeal, I consider that minimal weight should be given to the contribution to housing land supply that this development could make in the medium term (after 2021).

Self-containment

55. A/CC's self-containment is far from clear. The CS (para 7.105) says that the urban area's jobs in 2010 were estimated at about 1,200 and that this number largely matched the town's economically active population, which is supposedly half that of the town's total population. That was estimated to be 3,421 in 2010. This analysis is arithmetically incorrect as half of the town's population would have been 1,710 and not about 1,200.
56. The CS goes on to say that travel to work data shows that 54% of the population (presumably working population) 'out commutes'. The 2001 Census travel to work data suggests that 1461 persons were in employment and verifies that 54% of this working population travelled more than 5km to work. This is the source of the 46% self-containment figure for A/CC found in the South Somerset Settlement Role and Function Study (SSSRFS), which was

- produced in 2009 to assist the definition of the market towns and used to inform the Local Plan's adopted Settlement Hierarchy.
57. The job growth information discussed below suggests that self-containment has improved since 2001. Unfortunately no one was able to provide travel to work data from the 2011 census that related to A/CC, to confirm this. The occupational data from the Censuses says that 1397 persons were in work in 2001, rising to 1490 in 2011. If the 46% self-containment figure is still correct, then the information suggests that about 800 persons out-commuted in 2011 (more than 5km) and that there was then an inflow of about 400 persons. This appears to have grown significantly since 2001 when analysis of the census suggests that in-commuting was only 1.8% (about 25 persons).
58. However, I was told at the Inquiry that there had been significant job growth at the Torbay Road industrial estate during that period, including the relocation of The Royal Canin pet food factory from Yeovil to A/CC. Either there is now a significant level of in-commuting to A/CC or its self-containment must have significantly improved from the 46% found in 2001.
59. The LP encourages the provision of 273 additional jobs (2006-2028) at A/CC, partly through the development of 18.97 hectares (ha) of industrial land, of which 8.9 hectares needed to be provided at the time of its adoption. The Royal Canin pet food factory used 9 ha of land when relocating in 2008, when it was reported to be employing 167 persons. I was told that this has increased to about 250 today. The Local Plan suggests that this could grow further and that a neighbour, Centaur Services, also has expansion plans. Nothing was said at the Inquiry to contradict the LP's expectations in this context.
60. An analysis of planning permissions, undertaken by the Council, suggests that about 250 jobs would be created if all of the current employment commitments and proposals, within 10 km of A/CC, were implemented. Further jobs would also be provided if the remaining 8.9 hectares of additional employment land, identified as a requirement in the local plan, were to come to fruition. 2.0 hectares of employment land have recently been granted planning permission, along with 165 dwellings on land off Torbay Road.
61. However, it is unlikely that all of the jobs identified, from the analysis of commitments and proposals, will become a reality. Nevertheless, the establishment of even a proportion should improve the settlement and its immediate hinterland's self-containment.
62. In addition, in 2001 14% of the residents of A/CC worked between 5km and 10km of their home. As a consequence, only 40% of the working population travelled more than 10km to work. In a rural area such as South Somerset, a travel to work journey of up to 10km is not a particularly unusual or undesirable distance. Overall, the statistical evidence suggests that A/CC and its immediate hinterland is already self-contained to a greater extent than the LP suggests and that there is likely to be an increase in the number of jobs in the coming years that would support a higher population, without undermining this.
63. Although lower, given the rural location, the statistic that 60% of the employed population work within 10km of their home, compares favourably with the South Somerset figure of 67%, which is heavily influenced by the dominance of Yeovil and also compares very favourably with the English average (60%).

According to the SSSRFS A/CC's self-containment, then assumed to be at 46% within a 5km radius, was noticeably higher than that at the other Local Market Towns and similar to that at Crewkerne and Illminster, which were designated as Primary Market Towns and given higher minimum dwelling targets. The evidence suggests that A/CC's self-containment has improved since then.

64. The above suggests to me that self-containment at Ansford/Castle Cary in comparison to Yeovil and Chard is weak but that as a result of recent and anticipated future job growth and on the basis of the information before the Inquiry, the settlement could accommodate further housing growth to a greater extent than at some of the other market towns, whilst at the same time maintaining an acceptable level of self-containment. This would be particularly so if the Torbay Road industrial estate was encouraged to expand further, along the lines advocated in the LP.
65. Having said that, if all the committed dwellings were completed and occupied, there would most likely be more new residents in work, than additional jobs created, in the local area. Consequently there would have to be additional commuting beyond 5 km, leading to a reduction in the town's self-containment.
66. However, additional residential development has already been allowed at other market towns, both on appeal and by the Council, without resulting in the provision of a five year supply. Commitments and completions at Illminster, Langport and Somerton are already 151%, 125% and 130% of the requirements. The Inspector determining the Langport appeals⁵ did not find material conflict with the settlement strategy of the LP when considering a proposal that would have taken the committed supply of housing at that settlement to 145%. Out-commuting from the other Local Market Towns in 2001 was 59% at Langport and 62% at Somerton, compared to 54% at A/CC. Even Illminster, which is a Primary Market Town and consequently has a higher housing requirement, only had out-commuting of 52%.
67. In addition I was told that the pet food factory chose to relocate to A/CC, rather than to a location further away from Yeovil, in order to retain as much of its existing workforce as possible. Whilst A/CC is close enough for that element of the original workforce who live in and around Yeovil to commute, the likelihood is that with the passage of time and a change in the composition of the workforce, a greater proportion would choose to live in or closer to A/CC if there was additional accommodation of the right kind.
68. The number of cars parked at the railway station suggests that a significant number of persons use it for park and ride but the 2011 Census says that only 1.3% (about 20 persons) of the working population at A/CC used the train as a means to travel to work. This suggests that many people travel by car to the station from further afield. Were appropriate housing to be provided close to the station then there is every likelihood that some of these would move to A/CC in order to reduce their commuting times and car parking expenses. The appeal sites are less than a km (about a 10 minute walk) from the railway station.
69. Bringing all this together suggests to me that the economic circumstances of A/CC would allow it to significantly expand its housing and population beyond that already committed but without seriously undermining its level of self-

⁵ Appeals ref: APP/R3325/W/15/3136302 & 3136307, Land north of Kelways, Wearne Lane, Langport, Somerset

containment, as assumed in the LP. Nevertheless, a 62% increase above the minimal dwelling figure would undoubtedly reduce its current level of self-containment. This needs to be balanced against the significant shortfall in housing land supply going forward into the medium term, the Council's failure to regularly meet its annual housing target and the likelihood that without additional planning permissions at market towns this situation is likely to continue beyond five years.

Other economic considerations

70. The site is close to Castle Cary Town Centre, which has a wide variety of small shops and other businesses. Additional population, residing in the appeal development, would undoubtedly generate more expenditure to support these businesses. In contributing to economic vitality, the proposal is supported by paragraph 55 of the Framework, which encourages housing development in rural areas where it will enhance the vitality of rural communities.
71. There would be short term benefits to the local economy through increased expenditure in the form of wages and material purchases during the construction period. New jobs would be created for the duration of the development but not all of these would be based or recruited locally. Nevertheless, these economic benefits of the development, as discussed above, in a minor way weigh in favour of the proposal in the sustainability balance.
72. The site is largely grade 1 agricultural land with some grade 3b. The Framework promotes the use of poorer quality land in preference to that of a higher quality when significant development of agricultural land is involved but does not define significant. Whilst the Framework says that local planning authorities should take account of agricultural land quality in their decisions, and a large part of this site is among the best and most versatile agricultural land, the fact remains that the area chosen for the direction of growth clearly includes the 2.87ha that comprise this appeal site. The loss of Grade 1 agricultural land can consequently only be given minor weight. The land within the direction of growth ranges from grade 1 to grade 3, the whole of the Appeal A land being Grade 3b land. Were there to be a requirement for one and not two additional sites to be developed, then this would weigh against choosing the Appeal B site.
73. Together the above economic considerations attract minor weight in favour of the appeal proposal in the overall sustainability balance.

Social role

Affordable housing

74. The proposal would contribute to the supply of both market and affordable housing. South Somerset has a need for affordable housing. In accordance with LP Policy HG3, the Unilateral Undertaking says that 35% of the dwellings to be built within the development would provide this type of accommodation. Up to 26 units would be supplied at a time when the Council is failing abysmally to meet the established need. The 2009 Strategic Housing Market Assessment established a net annual affordable housing need in South Somerset for 659 dwellings. Only 299 have been provided in the last five years and none of these were in A/CC. I should therefore give significant weight to

the contribution made to the provision of affordable housing by the appeal proposal.

Infrastructure improvements

75. The Section 106 monies would provide funding to extend the capacity at the local primary school, either at its existing site or on a new site close to the appeal site, as well as funding other community and recreational infrastructure projects in the local area. Whilst these aspects of the proposal would primarily meet need generated by the new residents and are necessary to enable the development to be acceptable in planning terms, the improvements to primary school provision and other local recreational infrastructure would also improve facilities for the benefit of existing residents and in the circumstances they do attract some minor weight in the sustainability balance.
76. The provision of well laid-out areas of public open space with play facilities and within the development, which could be provided at the reserved matters stage, would also enable the residents to walk to this facility. They would consequently only need to use those further away to access team sport facilities.

Connectivity

77. There are over 30 service bus departures on weekdays destined for Yeovil, Wincanton, Street and Shepton Mallet from A/CC. However, a high proportion of these do not use Station Road, where there are hail and ride bus stopping facilities. There are also train services, to Yeovil, Bristol, Weymouth, Taunton and Reading from Castle Cary station, which is only a short walk from the northern edge of the site and along pedestrian routes that would be improved. However, given the distances and frequencies, particularly bus services that stop outside of the site, I am not persuaded that they would be a preferred movement option for a majority of persons residing at the appeal development.
78. Nevertheless, when compared with many rural locations, the bus services are adequate and the number of cars parked at the station on a daily basis suggests that although comparatively infrequent, the rail services are nevertheless well used. The successful implementation of the Travel Plan could improve the usage of public transport from this site. The Appeal A development proposes to enable the diversion of Service 1 through Churchfields to Station Road and to provide improved bus stopping facilities on Station Road. This appeal does not and consequently unless both appeals are allowed, the opportunities for using bus transport would be somewhat reduced and inferior to those that would be provided if Appeal A were to be implemented.
79. The centre of the village, where many facilities are concentrated, including the nearest convenience shop, is about 1km from the site entrance. The secondary school is a similar distance to the east. Although, given the distances, some residents would undoubtedly drive to local facilities, I would nevertheless expect a not insignificant proportion of residents of the appeal site to walk to these local facilities, particularly once the proposed improvements to the pavements along Station Road have been implemented.

Pedestrian accessibility

80. Whilst there is a footpath along the eastern side of Station Road, parts of it are significantly overgrown with grass and by the adjacent hedgerow, such that the walkable space narrows to less than a metre at a number of points and the surface has deteriorated. Such a situation is far from ideal for persons with prams and pushchairs or for disabled persons. I agree that without the proposed footpath improvements, there could be a severe highway safety issue were this appeal proposal to be implemented.
81. The Appellant proposes to improve the footpath along the eastern side of Station Road between its junction with Torbay Road and Castle Cary Station and along the northern side of Ansford Hill between its junctions with Station Road and Lower Ansford. The Highway Authority considers the proposed improvements to the footpaths to be an acceptable solution to the problem. In addition the proposed new footpaths would also improve highway safety for existing pedestrian users along both Station Road and Ansford Hill.
82. The improvements to the footpath on the eastern side of Station Road that the Appellant would implement, if planning permission was granted, would create a much improved route for pedestrians wishing to walk to Castle Cary Town Centre. There is no obvious alternative that could be provided to fulfil movement along this desire line in any event.
83. Improvements to the Street Lighting along Station Road would not be carried out if planning permission was given for this proposal and the development implemented. There are sections of Station Road where there are no street lights and their absence would undoubtedly increase the risk of accidents to pedestrians using the road at night. There would also be accompanied security concerns that could lead to a reduced number of residents walking to and from Castle Cary Town Centre at night. This consideration weighs against this appeal proposal.
84. My discussion about social connectivity suggests that although not ideal, the site has a number of positive attributes. At the Inquiry the Council was concerned about the site's accessibility to other development sites and facilities elsewhere in A/CC. Whilst in an ideal world there would have been an overall master plan for the direction of growth that identified the areas that were to be developed and for which purposes, and setting out an overall movement and landscape strategy, A/CC does not have that luxury. The LP did not require the development industry to prepare one and the Council although not preparing one itself, did not require the promoters of the three schemes that it has already approved, to prepare one either.
85. The creation of a landscaped footpath/cycleway link from the core of this site to Lower Ansford and Churchfields would do much to improve the site's linkages with the secondary school and the recreational areas to the east of the site and it would encourage residents to walk or cycle there. However its implementation is now largely the responsibility of the Council and a segregated landscaped route is probably unlikely. An element of it will be provided in the form of a surfaced footpath by the Wells Farm development to the south and through the Council's consideration of a reserved matters application at this site (if approved). If proposals for the development of the land immediately to the south of this appeal site eventually come forward, then there would be an opportunity for a safe surfaced route to be eventually

provided, linking any footpaths provided to the southern edge of this site with that at Wells Farm.

86. However, in the planning circumstances that now pertain, all this applicant can do is to provide a network within the appeal site to (an) appropriate point(s) along the southern boundary. It would then be the Council's responsibility to ensure that there is eventually an attractive means for sustainable movement across the site to the immediate south and then onwards to the east, if or when that site is developed.

Social cohesion

87. A/CC appears to be a socially cohesive settlement. As well as the facilities referred to above, there appears to be a thriving local community with numerous activities taking place, throughout the week, in a variety of locations. I understand the local concerns about the rate of development. The Council has recently approved three developments off Station Road. In combination with other local commitments and the appeal proposals, over 500 dwellings could be built in that area within a relatively short period of time. This could lead to an undesirable bulge in children seeking school places and undue pressure on other facilities. However, the responsible authorities have all accepted that there would be no harm if improvements that could be implemented by the Section 106 monies, provided by the development, were carried out.
88. Nevertheless, a large number of new residents, however well motivated and when moving into the town in a short period of time, would be more difficult to absorb than a low number or even a high number over a longer period. There would undoubtedly be some harm to social cohesion but in the context of the overall size of the town (about 3,420 persons), the appeal proposal would not be a major component. There is no evidence that A/CC suffers from crime and disorder or that there is a fear of crime among the local population. I can therefore give the overall consideration of social cohesion no more than minor weight against the proposal in the sustainability balance.
89. Overall I conclude that in the context of social sustainability the appeal proposal should attract moderate weight.

Environmental role

Countryside landscape

90. The Framework at paragraph 49 seeks to ensure that the need for housing does not take second place to other policy considerations and the courts have ruled that where paragraph 49 applies a tilted balance in favour of proposals should apply⁶. Nevertheless, that does not mean that those other considerations, including the protection of the countryside, should be disregarded altogether.
91. The importance of recognising the countryside's intrinsic character and beauty is one of the Framework's core principles, as set out at paragraph 17, and paragraph 109 seeks to ensure that valued landscapes are protected and enhanced. The protection of the environment, in its widest sense, is one of the three 'dimensions' of sustainability, as set out in paragraph 7.

⁶ High Court Case No. CO/5040/2015

92. The appeal site does not lie within any designated area of special landscape value. Nevertheless, that does not mean that the local countryside landscape has no value or that it is not valued by local people. Nothing in the Framework suggests that non designated countryside may not be valued or protected. Indeed many everyday landscapes are treasured by people and are as much a part of the identity of communities as are outstanding landscapes. Having said that, all landscapes are likely to be valued by someone and there is no dispute that some areas of countryside will have to be built upon if South Somerset's development needs are to be met.
93. More fundamentally, the definition of A/CC's direction of growth in the LP implies that some development could occur at the appeal site at some point in time. The results of the Peripheral Landscape Study informed the LP and it must be assumed that the landscape implications of development at this site and at other sites, within the direction of growth, were fully appraised and objectively assessed in arriving at the proposal illustrated on the Policies Map.
94. Notwithstanding that, the effect of the proposal on the character and appearance of the countryside and the setting of the town was a central part of the Council's case at the Inquiry. The Council thought that the development of the appeal site, at this point in time, would be detrimental in terms of its extension of the built environment, the erosion of the gap between Ansford and Castle Cary and in terms of the setting of the town, particularly when viewed from Lodge Hill to the south-east but also from the north.
95. However, the acceptance of a fundamental change in the environmental character of this area was established when the Council defined the extent of the direction of growth in the LP. Whilst I can understand its desire to prevent isolated development, detached from the edge of built development, from occurring, no substantial evidence was offered to support the contention that this was now likely to happen. The recent approvals, on the part of the Council, provide for continuous urban development along Station Road from Torbay Road to close to the south-western boundary of this appeal site.
96. There has not been a gap between the historic villages of Ansford and Castle Cary for many years. Nevertheless, the slopes below Lower Ansford and to the east of this appeal site are prominent in views to the east from Station Road. Were the appeal site and other land to the east of Station Road not to be developed, then they would act as a Green Wedge separating the village of Ansford, with its twentieth century additions, from the new development in the fields to the west of Station Road.
97. The Peripheral Landscape Study that was prepared to inform the selection of development areas, through the Local Plan process, identifies the open fields to the east of this appeal site as an area that has a high visual sensitivity. However, that area is not this appeal site, which overall was considered to be of moderate visual sensitivity. Additionally, there is nothing in the Local Plan that suggests that no matter how desirable, in combination with this appeal site or otherwise, the open hillside, immediately to the west of Lower Ansford, should be preserved as a Green Wedge. The proposal is not contrary to LP Policy EQ5 in this context.
98. Looking at the area from Lodge Hill, the development will be seen along with the rest of the settlement's built development and including that recently approved but not yet built. The panorama from Lodge Hill is extensive,

extending across the Somerset Levels to the north-west, with landmarks such as Glastonbury Tor clearly visible and acting as a focus for the viewer's experience. The appeal site would be seen as a modern housing development but in the context of development within the whole direction of growth to the east and west of Station Road, including existing development on the other side of Station Road. In such circumstances the appeal development would not be a residential outlier. In this view, the outer limits of A/CC would clearly have moved to the north, once the development was completed but this must have been perceived when the direction of growth was defined.

99. Nevertheless, the northern part of the site was discernable from some of the viewpoints that I was taken to north of the appeal site. Some development to the west of Station Road can already be seen in these vistas but because of its low density and mature vegetation it is not too conspicuous. It is absorbed into the landscape, appearing as isolated development, a phenomena that is not uncharacteristic in this settled landscape, rather than as a hard edge to a settlement. Estate type development close to the northern edge of the appeal site would clearly breach the ridge line, creating a visible hard edge to A/CC and adversely affect the character of the countryside when viewed from the north.
100. However, this is a proposal for up to 75 dwellings at a not excessive density and there is an intention to provide open, landscaped areas, within the development. At the reserved matters stage, buildings could be pulled back from Ansford Hill to maintain the openness of the skyline when viewed from the north, keeping this part of the site open but without undermining the overall principle of residential development on this site. Consequently, although I agree that the landscape will change, in the context of this appeal the change can only attract minimal weight against the proposal, assuming that at the reserved matters stage the development does not breach the ridge line to the south of Ansford Hill.

Heritage

101. Third parties raised the harm that would be caused to the prospect of Ansford Church, a Grade II Listed Building, when seen across the appeal site from Station Road and from the adjacent part of Ansford Hill, if the site were to be covered in buildings. Section 66 of the Planning (Listed Building and Conservation Areas) Act says that the Secretary of State shall have special regard to the desirability of preserving the setting of a listed building. The Framework says that when considering the impact of a proposed development, on the significance of a designated asset, great weight should be given to the asset's conservation. It points out that significance can be harmed or lost through development within its setting and also that if the harm is less than substantial, then the harm should be weighed against the public benefits of the proposal.
102. The contribution of setting, which does not have a fixed boundary, to the significance of a heritage asset, is often expressed by reference to views. This is a purely visual impression of an asset, which can be static or dynamic, including a variety of views of, across, or including that asset, and views of the surroundings from or through the asset. The setting's importance lies in what it contributes to the significance of the heritage asset.

103. The church tower and to a lesser extent other parts of the building, is experienced when approaching A/CC from the north along the A371. It is clearly seen in views across the appeal site as the corner of Station Road and Ansford Hill is turned and again over the hedge and a field gate, from Station Road, for a short distance to the south. Pedestrians, as well as motorists will experience these views of the Listed Building when walking or driving in a southerly direction. Both are subtly framed by isolated trees within or on the edge of the appeal site. The Framework makes it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced.
104. At the present time the architectural significance of the church and its tower is appreciated in a traditional landscape context with open views across fields that are used for pasture. These have probably been a part of its setting for centuries. As well as parts of the appeal site, elements of the fields immediately below Lower Ansford are also an important part of this setting. I consider that development on the appeal site could affect the setting of this listed building. Development could reduce the openness of the view and its visual permeability. It would consequently detract from the appreciation of the heritage asset.
105. Nevertheless because of the hedges that bound this appeal site, the views are limited and that adjacent to Ansford Hill coincides with the area referred to above that is also prominent in views of this appeal site from the north. With careful attention to the site's layout and landscaping, at the reserved matters stage, housing development at the appeal site could be designed to create a form of built development that did not detract from the views of the listed building and was not harmful to its setting and the character and appearance of the local countryside. The development would impact upon an element of the view from Lodge Hill but this again could be mitigated by tree planting within the developed area.
106. Although there would clearly be a reduction in openness, for the reasons discussed above, the harm to LP Policy EQ2 need not be other than minor. In such circumstances and having regard to the LP policy for the direction of growth and the ability to safeguard the important elements of the views of St Andrew's Church and the ridge line to the south of Ansford Hill from the north, at the reserved matters stage, overall I can only give minor weight to the harm to the setting of the listed church and the character and appearance of the countryside that would result from the implementation of the appeal proposal. Nevertheless, in coming to this conclusion I am conscious that it may not be possible to satisfactorily develop this site with up to 75 dwellings, particularly if they are conventional houses with gardens.

Traffic

107. There is local concern about congestion in the centre of Castle Cary and its impact upon the vitality of local shops and businesses. However the Highway Authority is satisfied that the additional traffic generated by all of the approved and proposed developments, close to Station Road, would not give rise to highway safety implications or disrupt the free flow of traffic to an extent that justifies objection to the proposal. The Framework says at paragraph 32 that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe. There is no evidence to suggest that that would be the case at A/CC, if the appeal proposals were

allowed. Whilst there would be increased vehicle numbers travelling through the centre, these would be most pronounced at peak periods and at times when most shops and businesses located there are not open to the public.

108. I note the concerns about the nature, condition and use of the B5153 at Clanville and am aware that two Inspectors have dismissed appeals for development in that area⁷. However, the concerns were about a noticeable increase in heavy goods vehicles using a narrow stretch of road, whilst visiting a proposed concrete batching plant that would be accessed via that road. The proposed Waste Transfer Station, which is also of local concern, would likewise attract similar vehicles on a regular basis.
109. However, other than during the construction phase, the appeal development would not generate other than minimal amounts of heavy goods traffic. I accept that the vehicular traffic generated by a succession of new developments off Station Road would not be insignificant. However, there is no empirical evidence to suggest that such vehicles, when visiting the appeal site or other vehicles, originating there, would travel via the B5153 through Clanville rather than by other routes into and out of A/CC.
110. Furthermore there is no evidence to suggest that the appeal proposal itself or in combination with other proposals would result in severe congestion or highway safety concerns. Additionally the Highway Authority, who attended the Inquiry to answer questions, does not object to the proposals. I consider the highway implications of this proposal to be neutral in the sustainability balance.

Accessibility

111. Employment and facilities at A/CC are not sufficient to sustain the local population. Consequently a proportion of the economically active residents of the appeal site, like the rest of the town, would travel elsewhere for work, as well as for comparison shopping and they would also be likely to visit the larger supermarkets in Wincanton and Shepton Mallet for many of their convenience purchases.
112. A development of up to 75 new homes, in addition to about 400 others (275 if Appeal A is not allowed), would generate significant movement. However, there are regular bus services to the higher order centres around A/CC, which are likely to be the principal destinations. The information before the Inquiry suggests that there are eight buses on each weekday to Yeovil and Shepton Mallet, seven to Wincanton and six to Street. There are also nine trains each weekday to and from Yeovil. However, Unlike Appeal A, this proposal would not fund measures to facilitate the diversion of Service 1 through the Churchfields and Victoria Park areas, as well as along Station Road and past the appeal site. Consequently the opportunities for encouraging its residents to use sustainable modes for some of their journeys would be reduced unless both appeals are allowed.
113. Wincanton, to where many bulk convenience shopping trips would be made, is only about five miles away. In the context of rural Somerset this is not an excessive distance and A/CC is an accessible settlement, with better opportunities for encouraging residents to use public transport for some of their

⁷ Appeals ref: APP/R3325/A/13/2210452 & W/15/3024073, land at Camp Road, Dimmer, Castle Cary, Somerset

journeys than is the case at many other places in the area. Within the context of A/CC, once the pedestrian improvements, referred to above, have been implemented, this could be a relatively accessible site, being within walking and cycling distance of the town's facilities and close to bus stops as well as a main line railway station. Some of the new properties could well be occupied by the numerous persons who appear to drive to Castle Cary station, from further afield, on a daily basis.

114. I accept that residents of the appeal site would make many journeys by the private car and paragraph 34 of the Framework says that decisions should ensure that developments that generate significant movement are located where the need to travel can be minimised and the use of sustainable transport modes can be maximised. In paragraphs 93 and 110 it encourages radical reductions in greenhouse gas emissions but at paragraph 29 it also recognises that opportunities to maximise the use of sustainable transport in rural areas will be different to those in urban areas. LP Policy TA1 encourages low carbon travel; the appeal proposal would provide and distribute travel packs to future residents. The implementation of the travel plan presents an opportunity to encourage new residents to take a sustainable approach to their movement.
115. Overall and in the context of rural South Somerset and the CS's desire to concentrate a significant amount of development in its market towns, I find that the site has potential locational advantages in its own right. However, the comparative locational advantages of this site can only achieve their real potential if there are improved bus service and stop provision and there is a safe walking route to the town centre at night. When considered in the sustainability balance as an individual proposal, this environmental consideration is neutral in that context. In combination with the further sustainable movement benefits that would be provided by Appeal A, this consideration would attract minor weight.

Other environmental considerations

116. On balance there would be net gains to ecology, on a site that currently has little in the way of flora and fauna at the present time. The hedges around the site are to be protected and retained. Bat boxes could assist in the protection and growth of the local bat population. Artificial nest boxes would also help to maintain and improve the local population of other birds. Other improvements in ecology could be achieved by facilitating the use of some of the amenity open space by wildlife and the planting of trees in parts of these areas and within the areas to be developed, followed by their effective management. These improvements, which are supported by LP Policy EQ4, could be ensured through conditions and would weigh in favour of the proposal in a minor way.
117. It is agreed that through the discharge of appropriate conditions, the development could be of a design, layout, scale and mass compatible with the locality and that it could respect and enhance the local environment. If the detailed design and layout were pursued, in accordance with these objectives, the result would be a development that was of a high quality, safe, sustainable and inclusive, in accordance with the requirements of the relevant DP policies. There is no evidence to suggest that the development could not be designed to a high quality using the sustainable design principles outlined in LP Policy EQ1.
118. LP Policy EQ2 seeks to create high quality development, promoting local distinctiveness and preserving or enhancing the character and appearance of

the district. It sets out ten criteria against which development proposals will be considered. This is an outline application with the details of its layout and design reserved for subsequent approval by the Council. The information contained in the Design and Access Statement and the supporting documentation suggests that subject to the appropriate discharge of the reserved matters and other conditions, a high quality development could be achieved at the appeal site that satisfied these aspects of LP Policy EQ2. With careful attention being given to the detail, I can see no reason why this development should not reflect the better examples of layout and vernacular architecture to be found in the area, thereby respecting its character and appearance.

119. I have found that there would be some harm to the character and appearance of the local countryside and the setting of the listed church, as a result of the appeal proposal. However, providing the settlement edge is concealed in views from the north and the principle views of the church from Ansford Hill and Station Road are protected, the harm would be no more than minor. The proposed ecological improvements weigh, to a small extent, in favour of the proposal in the environmental balance, whilst the accessibility and highways considerations are neutral. Overall I conclude that in the context of environmental sustainability the appeal proposal should attract no weight.

Sustainability conclusion

120. The Framework is clear, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is rare for any development to have no adverse impacts and on balance many often fail one or more of the roles because the individual disbenefits outweigh the benefits. There are no overall environmental benefits from this proposal, particularly if the site is developed without the Appeal A site and the short term economic benefits are similarly reduced the more the number of dwellings with planning permission increases. Nevertheless, there would be benefits to the supply of housing in South Somerset in the medium term and to the requirement for affordable housing at A/CC.
121. I find that the proposal in isolation would not overall positively benefit each of the threads of economic, social and environmental sustainability. It is nevertheless my judgement that the appeal proposal would on balance deliver sustainable development within the meaning of paragraphs 18-219 of the Framework, although to a lesser extent than Appeal A. Consequently if only one appeal is to be allowed then it should be Appeal A. Nevertheless, the provisions of Para 14 apply and the proposal is in accordance with LP Policy SD1.

Planning balance and overall Conclusion

122. The proposal is outside of the defined Development Area of A/CC but within a Direction of Growth. The amount of housing development that would be committed in A/CC and the resultant scale of growth, if both appeals were to be allowed, would be such that the settlement would be unlikely to maintain its existing level of self-containment. This would be contrary to LP Policies SS1 and SS5 and the proposal would consequently distort the wider policy framework. However, in taking a permissive approach to development in this area of growth, while ever there is not an adopted Site Allocations Development Plan Document, LP Policy SS5 gives some support to the

proposal. I have nevertheless also found that the proposal would be contrary to LP Policy EQ2 in some respects.

123. However, in the absence of a five year supply of housing land, the above policies are out of date and therefore in the context of this appeal, attract minor weight. In addition I have found that on balance the proposal is sustainable development within the overall meaning of paragraphs 18 to 219 of the Framework and that the proposal therefore complies with LP Policy SD1. Nevertheless, on balance, I consider it not to be in accordance with the Development Plan as a whole.
124. Whilst accepting that the implementation of this development could lead to increased commuting from A/CC and reduce its self-containment, thereby causing some harm to the DP strategy, in a situation where the DP housing policies are not up to date, and South Somerset appears to be in a position where it is likely not to have a five year supply of housing land for some years, I consider the harm to the DP to be outweighed.
125. The other material considerations, to which I have been referred, including the representations from local people and the extensive array of other appeal and court decisions that I have not specifically quoted in this decision, do not indicate that planning permission should be refused. For the reasons discussed above I therefore find that the appeal should be allowed.

Conditions

126. The Council's sixteen suggested conditions were considered and expanded in the context of the discussion at the Inquiry, the Framework and the advice in the NPPG. Not all of the conditions were agreed in principle by the parties.
127. They now include reduced time limits for commencement, as well as specification of approved plans and approval of reserved matters that are routinely applied to outline planning permissions. To enable the developments to meet Development Plan policies that seek to achieve sustainable development, conditions concerning the site's access, drainage (including surface water management), ecological and environmental protection and enhancements, on-site roads and footpaths and contamination were suggested, as well as the phasing of the development. A condition to secure the implementation of off-site footpath improvements was also put forward and agreed.
128. I have considered the need for these conditions in the context of the six tests contained in paragraph 206 of the Framework and the advice contained in the NPPG. Although discussed at the Hearing, as the site's alleged ability to significantly contribute to housing provision, within the short term, is not a justification for allowing this appeal, it is not appropriate to reduce the time limits for the submission of details and the commencement of development from the norm.
129. The means of access to the site is clearly shown on drawing ref: 950/01. The highway Authority has its own powers to control the construction details of works within the public highway and also within development sites through adoption procedures. It is not therefore appropriate for the Appellant to be required to submit details of the proposed construction of roads and footpaths to the Local Planning Authority. Similarly, the Water Authority has its own

powers to control the construction and connection of foul sewers to its network. It is not necessary for the Local Planning Authority to approve their design or to supervise their implementation.

130. Bats are a protected species and in the absence of verified evidence to the contrary, I consider it appropriate for the site to be surveyed for their presence at the appropriate times. This would enable the detailed design of the development to mitigate against any potential harm that could be caused to their presence.
131. It is not appropriate to link the progress of development at this site to that at other sites within the Direction of Growth. I have considered whether the absence of the street lighting and bus service improvements that are a part of the Appeal A proposal but not this one, justify preventing the development of this site until they have been implemented. However, as I have concluded that on balance this appeal should be allowed despite their absence, in order to assist in the reduction of South Somerset's housing land shortage, this is not justified. The framework requires the supply of housing to be boosted now. Such a restrictive condition would be contrary to this objective.
132. The remainder of the conditions are necessary in order to ensure that the development is of a high standard, creates acceptable living conditions for existing and future residents within the development and area as a whole, is safe and sustainable, minimises the impact on the environment and complies with the relevant DP Policies.

M Middleton

INSPECTOR

Schedule of Conditions

1. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
2. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
3. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") of the development shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
4. The development hereby permitted relates to the land identified on the Land Registry location plan submitted with the application received 04/02/15.
5. The development hereby approved shall not be commenced until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. Such a scheme shall include:
 - Measures to prevent the run-off of surface water from private plots onto the highways.
 - Measures to limit the surface water run-off generated by the 1 in 100 year (+ 30% for climate change) critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 - Provision of compensatory flood storage on the site to a 1 in 100 year (+ 30% for climate change).
 - Measures to address all rainfall events up to and including the 1 in 100 year (+30% for climate change).
 - Details of the timetable for implementation
 - A scheme for the future responsibility and maintenance of the implemented surface water drainage system

The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied

6. In In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (i) and (ii) below shall have effect until the expiration of 1 year from the date of the occupation of the last dwelling.
 - i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5837 2012 (Tree Work).
 - ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
 - iii) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with plans and particulars to be

approved by the local planning authority before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.

7. Bat surveys shall be undertaken in accordance with industry best practice and shall include bat activity surveys during the period April to October as well as surveys of potential tree roosts. The results shall be submitted to the local planning authority, along with any appropriate mitigation proposals, as part of any reserved matters application.
8. Prior to the commencement of the development hereby approved details of measures for the enhancement of biodiversity, which shall include the provision of bat, swallow and swift boxes and a time scale for delivery of all such measures, shall be submitted to and approved in writing by the local planning authority. The biodiversity enhancement measures shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.
9. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.
10. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc).
11. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - iv) the parking of vehicles of site operatives and visitors
 - v) loading and unloading of plant and materials
 - vi) storage of plant and materials used in constructing the development
 - vii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - viii) wheel washing facilities
 - ix) measures to control the emission of dust and dirt during construction
 - x) a scheme for recycling/disposing of waste resulting from demolition and construction works

12. The reserved matters application(s) shall include provision for footpath, cycle-path and vehicular links to the boundaries with the adjoining land in the direction of growth as identified by policy LMT1 of the South Somerset local Plan 2006-2028. Unless agreed otherwise in writing, such links shall be fully provided to the boundary prior to the occupation of the 75th dwelling on the site.
13. The access to the site shall be formed generally in accordance with the details shown on drawing 950/01. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level within the visibility splays shown on the approved plan. Such visibility splays shall be provided prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.
14. The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:
 - i) A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175 : 2011 Investigation of Potentially Contaminated Sites – Code of Practice.
 - ii) A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.
 - iii) A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any ongoing monitoring should also be outlined.
 - iv) If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the local planning authority.
 - v) A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.”
15. No development shall take place until a detailed scheme of footway width maintenance has been submitted to and approved by the local planning authority to the eastern footway of Station Road southbound from the site access to the junction with Torbay Road and northbound from the site access

to the entrance of the railway station car park and to the northern footway of Ansford Hill from its junction with Station Road to the railway station footpath, all works to be within the limits of the adopted highway and as shown on drawing number A099304-SK01. The approved scheme shall be implemented prior to the occupation of the first dwelling.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Richard Banwell	Instructed by Ian Clarke of South Somerset District Council
He called	
Robert Archer Dip LA, CMLI	Landscape Architect
Keith Lane BA, MTP, MRTPI	Policy Planner
Adrian Noon BA, Dip UP	Town Planner
Lynda Pincombe BA	Community Health and Leisure Manager
Stephen Fox BSc	Horticultural Officer
Ceri Owen BA	Horticultural Technician
Colin McDonald MA FCIH	Housing Manager
Charlie Field	Property Estates Manager

FOR THE APPELLANT: (APPEAL A)

Michael Bedford	Instructed by Mark Scoot of Amethyst Planning
He called	
Neil Thorne BSc, MSc, MILT, MIHT, MTPS	Peter Brett Associates Transport Engineer
Chris Britton BSc, MLA, CMLI	Chris Britton Landscape Associates Landscape Architect
Mark Scoot BSc, Dip TP, Dip Surv, MBA, MRTPI, MRICS	Amethyst Planning Town Planner

FOR THE APPELLANT: (APPEAL B)

Giles Cannock	Instructed by Desmond Dunlop of D2 Planning Ltd
He called	
Chris Miles BSc, CMILT, MCIHT, AMICE	WYG Environment Planning Transport Ltd Traffic and Transportation Engineer
Clare Brockhurst BSc Dip LA, FLI	Tyler Grange Landscape Architect
Desmond Dunlop BA, MRTPI	D2 Planning Ltd Town Planner

SOMERSET COUNTY COUNCIL

Helen Vittery Dip CSM	Highways Development Manager
Jon Fellingham BA	Planning Liaison Officer
Albert Ward	Travel Plan Officer

INTERESTED PERSONS:

Henry Hobhouse	District Council
Chris Edwards	Ansford Parish Council
Pek Peppin	Castle Cary Town Council
David Holt	Castle Cary Town Council and Ansford Parish Council Neighbourhood Plan Group
Barry Lane	Castle Cary Town Council and Ansford Parish Council Neighbourhood Plan Group
Vicki Nobles	Care4Cary
Helen Cleaveland	Care4Cary
Colin Kay	Local resident
	Local resident

DOCUMENTS SUBMITTED TO THE INQUIRY

- 1 Correction to Section 8 of Mark Scoot's Proof of Evidence
- 2 Supplementary Evidence from Neil Thorne addressing third party concerns and comments on the capacity and suitability of the local highway network to accommodate all of the additional traffic generated by the committed and appealed proposals off Station Road
- 3 Rebuttal evidence to the Proof of DS Dunlop, submitted by the Council
- 4 Statement submitted by Chris Edwards on behalf of Ansford Parish Council
- 5 Statement submitted by Pek Peppin on behalf of Castle Cary Town Council
- 6 Statement with Appendices submitted by David Holt on behalf of Castle Cary and Ansford Neighbourhood Plan Group
- 7 Statement with Appendices submitted by Vicki Nobles on behalf of Care4Cary
- 8 Statement with annotated map submitted by Helen Cleaveland on behalf of Care4Cary
- 9 Statement submitted by Barry Lane
- 10 Castle Cary and Ansford draft Neighbourhood Plan
- 11 Ansford/Castle Cary, Housing affordability ratios, submitted by the Council
- 12 Email exchange between Keith Lane and Nigel Timmis concerning dwelling delivery timescales at Upper Mudford, Primrose Lane, Yeovil
- 13 Email exchange between Keith Lane and John Bishop concerning dwelling delivery timescales at Ketford, Yeovil
- 14 Email exchange between Keith Lane and Stuart Carvel concerning dwelling delivery timescales at land north of Tatworth Road, Chard
- 15 Ansford/Castle Cary, South Somerset, South West and England, Employment by occupation 2001, 2011 and changes 2001-11, provided by the Council
- 16 South Somerset, South West and Great Britain, Employment by occupation 2015, provided by the Council
- 17 Ansford/Castle Cary, South Somerset and England, Employment by industry 2011, provided by the Council
- 18 Ansford/Castle Cary, Mode of travel to work 2001 by age group, provided by the Council
- 19 Ansford/Castle Cary, South Somerset and England, Travel to work by distance bands 2001, provided by Appellant A

- 20 South Somerset, Method of Travel to Work by Settlement 2011, provided by Appellant A
- 21 South Somerset, Self-Containment by Settlement 2001, provided by Appellant A
- 23 Employment commitments within 10km of Ansford/Castle Cary, October 2016, provided by the Council
- 24 Undecided planning proposals with employment within 10km of Ansford/Castle Cary, October 2016, provided by the Council
- 25 Approved employment proposals at Torbay Road Industrial Estate, provided by the Council
- 26 Daily telegraph article of 08/10/16 about the future of GKN, Yeovil, submitted by Barry Lane
- 27 Email from Peter Lennard to South Somerset Planning, providing comments from the Governors of Castle Cary Community Primary School on the options of expanding the existing Primary School or moving to a new school at Torbay Road, submitted by Vicki Nobles
- 28 Ansford/Castle Cary, Agricultural land classification 1992, provided by the Council
- 29 Country Life article of 08/06/2016 about residential development in the countryside, submitted by Barry Lane
- 30 Report to South Somerset Waste Board meeting of 21/10/16, concerning proposed New Waste Transfer facilities at Dimmer and Walpole, submitted by the Council on behalf of Vicki Nobles
- 31 Notes of a pre-application meeting between Silverwood Holdings, Castle Cary Town Council and South Somerset Planning Department, concerning proposals to develop land to the south of Station Road (Station Road West site), submitted by Silverwood Holdings
- 32 Newspaper notification that Appeal B affected the setting of a Listed Building and inviting comments to be made to the Planning Inspectorate, provided by the Council
- 33 Listed Building Entry, Church of St Andrews , Tuckers Lane, Ansford, Somerset
- 34 Accompanied site visit programme, with map of route to be taken, provided by the Council
- 35 Additional route to drive on site visit to Sparkford via North Barrow and South Barrow, submitted by Barry Lane on behalf of Vicki Nobles
- 36 Map of viewpoints to be visited and from which the appeal sites can be seen, provided by Appellant A
- 37 Appeal decision Ref:- APP/F0114/A/14/2217216 land at Cappards Road, Bishop Sutton, Somerset, submitted by the Council on behalf of Vicki Nobles
- 38 Suggested conditions, Appeal A
- 39 Suggested conditions, Appeal B
- 40 Residential Travel Plan, Appeal A
- 41 Section 106 Agreement, Appeal A
- 42 Unilateral Undertaking, Appeal B
- 43 Statement of CIL Compliance by Somerset County Council, acting as the Local Education Authority
- 44 Statement of CIL Compliance by South Somerset District Council, acting as the provider of Sport and Recreation Facilities
- 45 South Somerset District Council, Community, Health and Leisure Service Planning Obligations

- 46 Advertisement inviting comments on the effect of the Appeal B proposal on the setting of St Andrew's Church, which is a listed Building.
- 47 Observation from Historic England on the setting of the Listed Building
- 48 Heritage Impact Assessment submitted by the Appellant.
- 49 Conservation Consultation Response (South Somerset District Council) on the setting of the Listed Building
- 50 Consultation letter to Somerset County Council inviting comments on the implications of the Appeal A proposal for the Mineral Safeguarding Area.
- 51 Consultation response from Somerset County Council
- 52 Letter from Geo Consulting on behalf of Appellant A to Somerset County Council, discussing an attached Geotechnical Investigation
- 53 Letter from Somerset County Council, agreeing that there is no economically viable sand and gravel mineral reserve beneath the site and confirming that the proposal does not offend Policy SMP 9 of the Somerset Minerals Plan
- 54 Costs Decision Appeal Ref: APP/R3325/A/13/2209680, Land East of Mount Hindrance Lane, Chard
- 55 Costs Application on behalf of the Silverwood Partnership
- 56 Response to Costs Application on behalf of the Council

PLANS SUBMITTED TO THE INQUIRY

- A Layout of Appeal A proposal showing locations of possible pedestrian links into the sites to its south
- B Illustrative Master plan, Land at Torbay Road
- C Planning Layout, land West of Station Road
- D Planning Layout, Wells Farm

PHOTOGRAPHS SUBMITTED TO THE INQUIRY

- 1 View over Castle Cary and Ansford from Lodge Hill with Appeal A site and approved development sites at Station Road indicated, provided by the Council
- 2 HGV turning the corner onto Castle Cary Station bridge, whilst travelling in a southerly direction, provided by Vicki Nobles
- 3 HGV turning the corner onto Castle Cary Station bridge, whilst travelling in a southerly direction, provided by Vicki Nobles



Appeal Decision

Inquiry held between 4 and 14 October 2016

Site visit made on 12 October 2016

by M Middleton BA(Econ) DipTP DipMgmt MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 January 2017

Appeal Ref: APP/R3325/W/15/3121541

Land at Wayside Farm, Station Road, Ansford, Castle Cary, Somerset, BA7 7PA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
 - The appeal is made by Gerry Keay of Waddeton Park Ltd against South Somerset District Council.
 - The application Ref 14/05623/OUT is dated 5 December 2014.
 - The development proposed is the demolition of all existing structures (including the farmhouse and agricultural buildings) and development to provide up to 125 residential units (including 35% affordable housing), associated landscaping, access and infrastructure.
-

Decision

1. The appeal is allowed and planning permission is granted for the demolition of all existing structures (including the farmhouse and agricultural buildings) and development to provide up to 125 residential units (including 35% affordable housing), associated landscaping, access and infrastructure on land at Wayside Farm, Station Road, Ansford, Castle Cary, Somerset, BA7 7PA in accordance with the terms of the application, Ref 14/05623/OUT, dated, 5 December 2014 and the plans submitted with it, subject to the conditions in the attached schedule.

Procedural Matters

2. This appeal (referred to as Appeal A), which affects land to the west of Station Road, was co-joined with another (Appeal B) that proposes residential development on nearby land to the east of Station Road. The land affected by both appeals, whilst within a direction of growth identified in the South Somerset Local Plan 2006-2028 (LP), is within the open countryside but in circumstances where South Somerset District Council (the Council) cannot identify a five year supply of deliverable housing sites. Issues concerning prematurity, accessibility, impact upon the landscape, traffic and local services, as well as conflict with strategic LP policies affect both of the appeals. However, the Council used different reasons to refuse the two applications. The above matters and others, as well as the reasons for refusal, were discussed at a joint public inquiry. Whilst using similar reasoning to justify the decision in each case, there are differences and I consider it appropriate to write two separate decisions.

3. Third parties raised concern about the loss of views of the tower of Ansford Church, which is a Grade II Listed Building, from Ansford Hill and Station Road, close to the northern part of Appeal Site B. I examined this at the site visit and concluded that there were clear views of the Church from this location and that the development could affect its setting. As the Council had not advertised the proposal, as one affecting the setting of a Listed Building, I adjourned the Inquiry and required it to do so, with any observations to be sent to the Planning Inspectorate by 10th November 2016.
4. During the adjournment and whilst examining the evidence, I became aware that Appeal Site A was partly affected by a Mineral Safeguarding Area. On enquiring of the Council, I discovered that the Minerals Planning Authority had not been consulted about the effect of the proposal on the safeguarding designation. I therefore arranged for it to be consulted and agreed that Appellant A could make further representations on this matter. Following the submission of the results of ground investigations, that had been carried out on behalf of Appellant A, the Minerals Planning Authority confirmed that it agreed that there were no economically viable sand and gravel mineral reserves beneath the site.
5. I have taken the representations received in response to both subsequent consultations into account when making my decision. I finally closed the Inquiry on 30 November 2016.
6. Both appeals followed from the failure of the Council to determine the applications within the prescribed period. Subsequent to making the appeal, this Appellant submitted a duplicate application to the Council. This was refused on 16 October 2015, quoting the same putative reasons for refusing the appeal scheme. These concerned, the proposal's detachment from the existing edge of development; the absence of a mechanism that could reasonably secure a phased development with other schemes currently proposed within "the direction of growth"; accessibility to jobs, services and facilities; an inadequate travel plan and the overall level of growth, which would be at odds with the town's status in the settlement hierarchy. Subsequently the Appellant submitted a revised travel plan, which both the Council and the Highway Authority agree overcomes the second part of reason for refusal 2.
7. The application is in outline with all matters, apart from the access, reserved for subsequent approval. It is accompanied by a Design and Access Statement and an illustrative Masterplan, (Drawing No. DC/MT A), dated November 2014. This demonstrates, through a notional layout, how the site could be developed. It includes housing in a landscaped setting across most of the site. The dwellings would be served from a network of cul-de-sacs, leading off a looped distributor road that would be accessed from a junction with Station Road. There would be an access for cyclists and pedestrians, as well as for emergency vehicles, from a track that runs along the site's northern boundary, towards the junction of Station Road with Ansford Hill.
8. Generous areas of managed open space are proposed in the Design and Access Statement, including a large area along the south western edge of the site that incorporates a balancing pond. A "village green" type feature is indicated in the centre of the site, with a landscaped walkway linking this to the primary area of public open space. Another small area of open space, labelled "village

- green” on the Masterplan, is also suggested adjacent to the development’s access from Station Road. An intensively planted belt of trees is indicated along the north-western boundary, adjacent to a railway line. It is agreed that the details shown on this drawing are for illustrative purposes only.
9. The site’s access proposals are shown on drawing ref: 30875/5501/003 Rev A. As well as a conventional road junction, they include two informal pedestrian crossings and the relocation of two bus stops, one of which would be provided with a shelter. The Highway Authority supports this aspect of the proposal and in the absence of objections I do not discuss this matter any further.
 10. The application was also accompanied by drawing ref: 30875-5501-004, which shows a number of proposed pedestrian accessibility improvements along Station Road and Ansford Hill and within the town centre. These are also supported by the Highway Authority, which does not object to the application on highway or transportation grounds, if appropriate conditions are attached to any permission.
 11. During the course of the Inquiry, the Appellant offered to implement works, within highway land, to clear and improve the overgrown pavements as well as to provide additional street lighting, along the lower part of Ansford Hill and along parts of Station Road, if planning permission was granted. This could be secured through an appropriately worded condition. I consider the implications of these works later in my decision.
 12. As well as on an accompanied site visit on 12 October, I visited the appeal site and its locality, including Castle Cary Town Centre and the nearby industrial area, as well as some of the surrounding area and nearby settlements, unaccompanied, on 22 September and 3, 10, 13 and 14 October 2016.
 13. The Appellant submitted a signed Deed of Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 between itself, the land owners, South Somerset District Council and Somerset County Council. In this document the Appellant and the land owners agree, if planning permission is granted, to provide 35% of the total number of dwellings, constructed on the site, as affordable housing and in accordance with conditions set out in the Agreement. The provision of an element of affordable housing, within market housing development, is a requirement of LP Policy HG3, which is supported by paragraph 50 of the *National Planning Policy Framework* (Framework).
 14. They also agree to make financial contributions towards the provision or improvement of local education, community, children’s play, youth and built sports facilities within Ansford/Castle Cary (A/CC), as well as one towards the upgrading of the Westland Entertainment Complex in Yeovil. In addition the application is accompanied by a Travel Plan, the obligations of which the owners covenant with the County Council to observe and perform.
 15. The Deed includes a clause that says that the covenants and obligations shall not apply or be enforceable, if I find in my decision letter that any obligations are unnecessary or otherwise fail to meet the relevant statutory tests.
 16. LP Policy HW1 requires provision/contributions from new housing development towards additional open space, outdoor playing space, local and strategic sports, cultural and community facilities, where a need is generated. This policy is supported by the Framework at paragraphs 203 and 204. In my

judgement those financial contributions that are related to capital expenditure on new or extended facilities, within A/CC and which are necessary to make the proposal acceptable in planning terms, because the existing facilities do not have capacity to meet the requirements of the population that would reside in the appeal development, meet this requirement and are justified.

17. Those that seek contributions towards day to day functions, such as facility maintenance and which are conventionally met from Council Tax or other revenue raising sources, seem to me to be inappropriate. In the discussion at the Inquiry into the Agreements, the Council pointed out that the term 'ongoing maintenance' was meant to refer to establishment costs. Such costs are normally included within the overall capital provision made for a particular scheme. I consequently agree that 'ongoing maintenance' costs that are genuinely directly related to the establishment of capital works, meet the tests. Conversely, the inclusion of any costs that concern regular maintenance, which would normally be met from Council revenue budgets and whose absence would not justify a refusal of planning permission, are inappropriate.
18. The Westland Entertainment Complex is at Yeovil and about 20 km from A/CC. Whilst I do not dispute that some residents of the town occasionally use this facility and some residents of the appeal development probably would as well, in the overall circumstances this is unlikely to be a regular destination for many residents of the appeal site. In the absence of evidence to the contrary, I am therefore not persuaded that the upgrading of this strategic cultural facility is a prerequisite necessary to make this development acceptable in planning terms. There is also no evidence to suggest that in the context of the pooling restrictions set out in Regulation 123 of the CIL 2010, more than allowable contributions to support this upgrading could not be found through the development of the committed large sites at Yeovil, from where such contributions would more appropriately be sourced.
19. I am consequently satisfied that the measures relating to the provision of affordable housing, the education, community, children's play, youth and built sports facilities within A/CC and the travel plan, in so far as they facilitate building alterations or extensions, the provision of equipment or material and engineering works (including establishment), to facilitate increased usage by the residents of the appeal site, comply with the provisions of Paragraph 204 of the *National Planning Policy Framework* (Framework). They are necessary to make the development acceptable in planning terms and meet Regulation 122 of the *Community Infrastructure Levy Regulations* (CIL) 2010. I am satisfied, on the basis of the evidence before me that these contributions also comply with the pooling restrictions set out in Regulation 123 of the CIL 2010.

Main Issues

20. It is agreed that the Council does not have a five year supply of housing land. I was told by the Council that the supply was 4.2 years in October 2015, after accounting for any shortfall and incorporating a 20% buffer. The Appellant disputes this, claiming that the supply is no more than 3.6 years (I return to this disagreement later). In such circumstances and regardless of the dispute, paragraph 49 of the Framework says that relevant policies for the supply of housing should not be considered to be up-to-date. Paragraph 14 of the Framework says that where the relevant Development Plan Policies are out of date, planning permission should be granted for sustainable development

unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in it indicate that development should be restricted. There are no restrictive policies that are directly relevant to this proposal.

21. In this context and from all that I have read and seen, I consider the main issues to be:-

Whether the proposal is in accordance with the Development Plan
and if not

whether it is sustainable development within the meaning of the Framework, such that any harm to the local landscape character, the capacity and safety of the local highway network and any other harm attributable to the development, together with any harm resulting from the accessibility and connectivity of the appeal site and A/CC, significantly and demonstrably outweigh the benefits of the proposal; such that the presumption in paragraph 14 of the Framework to favourably consider applications for sustainable development, in areas where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable housing sites and/or their Development Plan housing policies are out of date, applies.

and if so

whether this outweighs any harm to the Development Plan Strategy.

Reasons

22. *Planning Policy*

23. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that any application for planning permission must be determined in accordance with the Development Plan (DP), unless material considerations indicate otherwise. The DP for the area now consists of the LP, which was adopted in 2015. It covers a plan period until 2028. The decision notice that the Council issued following its determination of the duplicate application considered the proposal to be contrary to five LP Policies. LP Policy TA4¹ concerns the preparation of travel plans and it is agreed that its requirements are now met.
24. At paragraph 215 the Framework says that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. LP Policy SD1, Sustainable Development, is closely aligned with paragraph 14 of the Framework, seeking to approve planning applications that accord with the policies of the LP. Where the relevant policies are out of date, then planning permission will be granted unless material considerations indicate otherwise and taking account of the sustainability balance set out in the Framework. I consider this Framework compliant policy to be up-to-date and that it should be given full weight.
25. LP Policy SS1 sets out the Settlement Strategy. There are four levels of settlement in a hierarchy and a rural area. Yeovil is a Strategically Significant Town and the prime focus for development. Provision for housing, employment, shopping and other services is also to be made in seven Market

¹ Wrongly referred to as TP4 in the duplicate decision notice.

Towns to increase their self-containment and enhance their role as service centres. Two tiers of Market Towns were established, based on their level of services, facilities and economic activity. Along with two other towns, A/CC is a second tier 'Local' Market Town. Below the designated Market Towns are other market towns termed Rural Centres where provision for development that meets local housing need, will be made.

26. It is reasonable to assume that additional population, residing in new development within a market town, is likely to increase the usage of its shops and other businesses and support the establishment of new ones, thereby contributing to an increase in its role as a service centre. New housing development without commensurate increases in employment is unlikely to increase its self-containment. The absence of additional jobs would inevitably lead to an increase in out commuting. Other than temporary employment, associated with the development itself, there are no job creating proposals allied to this housing appeal. In such circumstances the proposal could lead to a decrease in self-containment and would be contrary to this aspect of LP Policy SS1. I return to this consideration later.
27. LP Policy SS5 Delivering New Housing Growth makes provision for at least 15,950 dwellings in the plan period (2006-2028). At least 374 are required at A/CC of which 218 remained to be committed in 2012. The policy also says that prior to the adoption of the Site Allocations Plan Document, a permissive approach will be taken when considering housing proposals in the directions of growth at the market towns.
28. LP Policy LMT1 establishes the direction of growth at A/CC. The appeal site is within this direction of growth, which is identified on the Policies Map. The proposal is in accordance with this policy. However, LP Policy SS5 qualifies the permissive approach by pointing out that the overall scale of growth and the wider policy Framework will be key considerations in taking this approach, with the emphasis upon maintaining the established settlement hierarchy and ensuring sustainable levels of growth for all settlements.
29. Even if both appeals were to be allowed and when these and all of the other housing commitments in A/CC were completed (605 additional dwellings), the settlement would still be smaller than Somerton, one of the other two Local Market Towns. It would also be about 600 dwellings smaller and only 76% of the size of Ilminster, the smallest of the four Primary Market Towns. The overall level of growth would not disrupt the established settlement hierarchy.
30. Whether it would ensure sustainable levels of growth, using the narrow definition of sustainable accessibility, is doubtful and to this extent the proposal is contrary to LP Policy SS5. In combination with Appeal B, it would be likely to result in a reduction in A/CC's self-containment and be contrary to this aspect of LP Policy SS1. Although nearly three times the additional housing proposed by the LP, at A/CC to 2028, the overall additional growth at A/CC would represent less than 1.5% of South Somerset's housing requirement for the plan period and only about 3% of the housing requirement at Yeovil, where there has been a serious under provision due to site deliverability problems. The appeal proposal, in combination with the other proposals within A/CC's direction of growth, would not materially distort the proposed overall scale of growth and the wider policy framework and is therefore not contrary to LP Policy SS5 in this respect.

31. In the absence of a five year supply of housing land, LP Policies SS1, SS5 and LMT1, in as much as they refer to the provision of housing, must be considered to be out of date and given reduced weight. As the appeal site is located within the Direction of Growth and LP Policy LMT1 and its supporting text do not specifically impose a limit on the amount of development within that area, this is of no real consequence. The appeal proposal does not offend LP Policy LMT1.
32. LP Policy EQ2 General Development seeks to ensure that development is designed to achieve a high quality, promoting local distinctiveness and preserving or enhancing the character and appearance of the district. Development is to be considered against twelve criteria, most of which can only be judged at the reserved matters stage. These are consistent with similar policies in the Framework that seek to achieve good development and are consequently up-to-date.
33. The Council argued that in the absence of a mechanism to ensure the phased development of the site with other sites to the south, the landscape character of the area would be harmed and the accessibility of the site would be unacceptable and contrary to LP Policy EQ2. In response the Appellant suggested that in these circumstances LP Policy EQ2 must be a policy for the supply of housing. I am not convinced that the Council's argument is valid. Nowhere in LP Policy EQ2 or its supporting text is there any reference to the need for the phasing of development.
34. LP Policy EQ2 is primarily concerned with promoting high quality design in development that is acceptable in principle. Its reference to conserving and enhancing the landscape character of the area and to accessibility should primarily be considered in that context. The Council does not dispute that development is acceptable in principle on this site.
35. Nevertheless, the supporting text does refer to one of its aims as being to protect the natural environment and to conserve the open spaces that are important to everyone. Unfortunately the LP does not identify important open spaces, nor are significant elements in the natural environment defined in this direction of growth (assuming that there are some) either. In consequence, to this limited extent and in the context of the recent Suffolk Coastal and Richborough Estates² decision, LP Policy EQ2 should be considered as a policy for the supply of housing in circumstances where its criteria affect the principle of development.
36. LP Policies SS1, SS5 and EQ2 are therefore policies for the supply of housing and Paragraph 14 of the Framework is consequently engaged in the context of this appeal. Nevertheless the decision in the Renew Land Developments Ltd³ case suggests that whilst the effect of paragraph 14 of the Framework is to weight or tilt the balance in favour of the proposal, the presumption can still yield in the face of significant and demonstrable adverse impacts. Although reduced, the technically out-of-date policies, particularly SS1 and SS5 are still capable of carrying weight.
37. I was referred to the Castle Cary and Ansford draft Neighbourhood Plan, which is about to be the subject of a consultation. Both proposals would be contrary to that plan's proposals for the area. I recognise that members of the local

² Court of Appeal Case No. C1/2015/0583 and C1/2015/0894

³ High Court Case No. CO/5040/2015

community have devoted a great deal of their time and effort to enable this plan to be prepared. The Neighbourhood Plan has however not made sufficient progress on its road to adoption to be given any weight in the determination of this appeal.

Housing land supply

38. The Council and Appellants differ as to what was the actual five year land supply at the base date (March 2016). The Council consider it to be 4.2 years; Appellant A considers it to be 3.6 years and Appellant B 3.9 years. The differences arise because Appellant A considers the Council's windfall allowance in years one and two to be too high and that a 10% non-implementation rate should be incorporated into the assessment of the land supply. Both Appellants consider the Council's assumed delivery rates on a number of large sites to be too high, in particular Primrose Lane, Upper Mudford, Yeovil; Keyford, Dorchester Road, Yeovil; Tatworth Road, Chard; and on two small sites The Red House, Ansford and Hillcrest School Castle Cary. Appellant A also considers that the site at Victoria Road Yeovil should be discounted and Appellant B the site at Coldharbour Farm, Ilminster.
39. Given its rural nature, the preponderance of barn conversions in South Somerset is likely to be higher than in most Local Planning Areas and I accept that due to Class Q permitted development rights, a number will be built out rapidly. However, barn conversions often require specialist building advice and work and their progress can be slow. In the absence of any available figures and whilst accepting that a limited number could be converted and occupied within a year, I consider the Council's forecasts in years one and two to be over-optimistic by about a factor of two and would expect the majority of the 20 units to be delivered in year two.
40. I agree with the approach taken by the Inspector examining the LP and take the view that a non-implementation rate is not appropriate. The approach adopted by the Council seems to me to be rigorous enough to meet the requirements of Footnote 11 in the Framework. Technical constraints form a part of the Council's assessment and once sites have planning permission and are capable of delivery, if market conditions allow, it is not appropriate to discount sites because some hypothetical builders may wish to reduce build rates below that which the market could sustain. Unlike the Tetbury case referred to, there is no specific evidence as to the rate that planning permissions lapse on small sites or the extent that these sites were not available, suitable or achievable at the time they were given planning permission, if indeed they were not. The Council's explanation that the changes at the sites at Brimsmore Key and Lufton, where the totals were reduced between 2015 and 2016, were because the sites delivered completed dwellings in 2015/16 seems perfectly plausible to me.
41. The email from the developer at Primrose Lane, although suggesting a different completion rate to that put forward by the Council, results in the same overall delivery within the five year period. Work appears to have commenced on-site at Hillcrest School, The Red House and Victoria Road. These are all relatively small brownfield sites that appear capable of delivery in a buoyant housing market. In another context, both Appellants stressed the different nature of the two sites in A/CC, which in their opinion catered for different niche housing markets to those supplied by the volume house builders and at which the

Direction of Growth was being targeted. They were confident that development at Station Road would not prevent these sites from being developed at the same time.

42. Keyford, Tatworth Road and Coldharbour Farm are all large sites awaiting planning permission. Given the sites' complexities, the slow progress in actually preparing a planning application at Coldharbour Farm, determining one at Keyford and signing a Section 106 Agreement at Tatworth Road and the other supporting information submitted by the Appellants, I do not share the Council's optimism. I consider the trajectories submitted by Appellant B to be more realistic. These amendments would reduce the Council's overall five year supply by about 220 dwellings to 4.1 years. The shortfall is significant.

Sustainable development

43. At paragraph 14 the Framework says that at its heart there is a presumption in favour of sustainable development. At paragraph 6 it points out that the policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development means for the planning system. It further points out at paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental. The three roles are mutually dependent and should not be taken in isolation (paragraph 8). The considerations that can contribute to sustainable development, within the meaning of the Framework, go far beyond the narrow meanings of *environmental and locational sustainability*. As portrayed, sustainable development is thus a multi-faceted, broad based concept. The factors involved are not always positive and it is often necessary to weigh relevant attributes against one another in order to arrive at a balanced position. The situation at the appeal site in this respect is no exception.

Economic role

44. Economic growth contributes to the building of a strong and competitive economy, which leads to prosperity. Even if only temporary, development creates local jobs in the construction industry, as well as business for and jobs in the building supply industry. These help to support sustainable economic development to deliver the homes, business and infrastructure that the country needs. This is emphasised in paragraphs 17 and 18 of the Framework.
45. The appeal site is available, although there is no indication of a building company wishing to purchase the site to begin house construction in the short term. A condition could ensure that reserved matters are expedited without undue delay and to encourage development to commence at an early date, thereby making a positive contribution to boosting the supply of housing now. However, conditions requiring the early discharge of reserved and other matters cannot guarantee an early start to development.

Contribution to housing supply

46. If only this appeal were to be allowed, there would be provision for about 530 dwellings to be constructed in A/CC during the plan period, when the LP sets a target of 374. Housing provision would be about 42% higher than the target. By comparison only 68 dwellings were completed in the first ten years of the plan period⁴. However, 374 is a minimum dwelling requirement. It does not

⁴ March 2006-March2016

appear to have been arrived at following a technical analysis to assess the housing needs of A/CC or its capacity to accommodate additional residential growth, without undermining its self-containment. It is an arithmetic apportionment, based on a simple division of the overall allocation proposed at the three local market towns and a minimum requirement. Furthermore, it appears to have fluctuated somewhat during the course of the LPs preparation (being at least 500 at one point). Consequently, only minimal weight can be given to it. Nevertheless if both appeals were allowed, there would be provision at A/CC for about 600 dwellings, which is about 62% above the minimal provision. At first sight these increases seem excessive.

47. As a result of the recession and the low level of housing completions, I accept that there is likely to be some latent demand for housing in the local area and given the under supply and recent under achievement in housing delivery within South Somerset District, within the wider area as well. However, the under supply appears to have resulted from a failure to deliver on proposed large sites, primarily at Yeovil, which is about 20 km from A/CC and also at Chard (a Primary Market Town, nearly 50 km away). There has also been some underperformance at Crewkerne (another Primary Market Town, over 30 km away).
48. Although the Council maintains that South Somerset District is one single housing market centred upon Yeovil, given its size and configuration, I have my doubts about its ability to operate in a universally consistent and homogeneous way. In particular, I find it difficult to accept that persons unable to find accommodation in Chard, would as a matter of course choose to relocate to a settlement that is about 50km away. Chard is closer to both Taunton and Exeter than to A/CC, both large towns with a much larger supply of housing than A/CC.
49. The Council's housing trajectory suggests that housing will now be delivered at Crewkerne and Somerton, to a greater extent than planned for and these settlements are closer to Yeovil than is A/CC. However, commuting to Yeovil clearly already occurs from A/CC and in the absence of new dwellings there, I agree that a potential home in A/CC is a better option than no home at all. Notwithstanding this I nevertheless consider that the above argument, re the transferring of unmet needs in one part of South Somerset to another, applies to Yeovil but to a lesser extent than at Chard in the context of A/CC.
50. Allowing for lead-in times, the construction of over 500 additional dwellings, within the five year period, would require annual completions approaching 150 per annum towards the end of the period, when only an average of 7 per annum have been achieved in the last 10 years. However, until three recent permissions were given, on other land within the direction of growth, the committed housing supply in A/CC was about 60. Much of this related to brownfield sites with development issues such as access. Consequently, the historic completion rate cannot be considered to be an indication of potential demand for new housing at A/CC.
51. That the granting of planning permissions for residential development on greenfield land, within the direction of growth, would lead to a boost in the supply of housing, as required by the Framework, is not in doubt. Nevertheless, in the circumstances of these appeals and in the absence of any evidence to the contrary, I have to doubt the proposition that by simply

- granting more and more planning permissions, more and more houses will be built in the short term.
52. The more likely scenarios are that the sites take a long time to build out, leaving future residents living on a building site for longer than they would care to or that there is insufficient interest from the building industry to progress the development of five adjacent sites at the same time so that they do not all progress, at least in the short term. The granting of planning permissions for these two schemes in addition to those recently granted by the Council are, in my view, unlikely to add significantly to the rate of housing delivery at A/CC in the next five years, if indeed any more are delivered. They would be unlikely to boost the supply of housing in South Somerset now, although they could contribute significantly in the years thereafter.
53. There is already planning permission for over 300 dwellings in A/CC, on sites that have yet to commence. The Council's housing trajectory suggests that about 80 dwellings per annum would be completed in 2018-19 and 2019-20, with numbers falling off thereafter, in line with the completion of some of the committed sites. Given the local circumstances and the distances to the settlements with the most profound deficits, my experience suggests that the market would be unlikely to sustain annual completions in excess of this, particularly in view of the concentration of available sites at Station Road and the consequent lack of locational choice. Nevertheless, rolled forward over the five years from 2017, the Council's completions assumptions would produce over 350 dwelling sales by 2022. This suggests that granting planning permission for these sites now would not significantly boost the five year supply of housing and that there is consequently not support from paragraph 47 of the Framework for these schemes.
54. Ignoring the not unsubstantial backlog now built up at Yeovil, the LP was meant to provide for the construction of at least 340 dwellings per annum, within and around that settlement. Even assuming that all of the disputed sites perform as well as the Council anticipates and I agree with both Appellants that some sites are unlikely to, the trajectory suggests that Yeovil will not begin to meet its annual minimum requirement, let alone begin to reduce its backlog, before 2026. By then the district backlog, which was about 1,000 dwellings in 2016, is likely to be even higher. At 80 per annum, from 2018 onwards, 640 dwellings could be marketed by then at A/CC. This is no more than a continuation of the Council's assumed maximum annual output from this settlement during the current five year period but more than the total number of dwellings that would be committed if both appeals were allowed.
55. Allowing these appeals would not resolve the housing land shortage in South Somerset. That is only likely to be achieved through a comprehensive allocation of additional sites, which following the abandonment of the Site Allocations Plan, now appears to be some years off. Their development would nevertheless make a useful contribution to supply in the medium term, when the trajectory suggests difficulties are still likely to be experienced. Despite my reservations, in the full circumstances of this appeal, I consider that minimal weight should be given to the contribution to housing land supply that this development could make in the medium term (after 2021).

Self-containment

56. A/CC's self-containment is far from clear. The CS (para 7.105) says that the urban area's jobs in 2010 were estimated at about 1,200 and that this number largely matched the town's economically active population, which is supposedly half that of the town's total population. That was estimated to be 3,421 in 2010. This analysis is arithmetically incorrect as half of the town's population would have been 1,710 and not about 1,200.
57. The CS goes on to say that travel to work data shows that 54% of the population (presumably working population) 'out commutes'. The 2001 Census travel to work data suggests that 1461 persons were in employment and verifies that 54% of this working population travelled more than 5km to work. This is the source of the 46% self-containment figure for A/CC found in the South Somerset Settlement Role and Function Study (SSSRFS), which was produced in 2009 to assist the definition of the market towns and used to inform the Local Plan's adopted Settlement Hierarchy.
58. The job growth information discussed below suggests that self-containment has improved since 2001. Unfortunately no one was able to provide travel to work data from the 2011 census that related to A/CC, to confirm this. The occupational data from the Censuses says that 1397 persons were in work in 2001, rising to 1490 in 2011. If the 46% self-containment figure is still correct, then the information suggests that about 800 persons out-commuted in 2011 (more than 5km) and that there was then an inflow of about 400 persons. This appears to have grown significantly since 2001 when analysis of the census suggests that in-commuting was only 1.8% (about 25 persons).
59. However, I was told at the Inquiry that there had been significant job growth at the Torbay Road industrial estate and elsewhere during that period, including the relocation of The Royal Canin pet food factory from Yeovil to A/CC. Either there is now a significant level of in-commuting to A/CC or its self-containment must have significantly improved from the 46% found in 2001.
60. The LP encourages the provision of 273 additional jobs (2006-2028) at A/CC, partly through the development of 18.97 hectares (ha) of industrial land, of which 8.9 hectares needed to be provided at the time of its adoption. The Royal Canin pet food factory used 9 ha of land when relocating in 2008, when it was reported to be employing 167 persons. I was told that this has increased to about 250 today. The Local Plan suggests that this could grow further and that a neighbour, Centaur Services, also has expansion plans. Nothing was said at the Inquiry to contradict the LP's expectations in this context.
61. An analysis of planning permissions, undertaken by the Council, suggests that about 250 jobs would be created if all of the current employment commitments and proposals, within 10 km of A/CC, were implemented. A significant proportion of these appear to be within 5km of Castle Cary Town Centre. Further jobs would also be provided if the remaining 8.9 hectares of additional employment land, identified as a requirement in the local plan, were to come to fruition. 2.0 hectares of employment land have recently been granted planning permission, along with 165 dwellings on land off Torbay Road.
62. However, it is unlikely that all of the jobs identified, from the analysis of commitments and proposals, will become a reality. Nevertheless, the

establishment of even a proportion should increase the settlement and its immediate hinterland's self-containment.

63. In addition, in 2001 14% of the residents of A/CC worked between 5km and 10km of their home. As a consequence, only 40% of the working population travelled more than 10km to work. In a rural area such as South Somerset, a travel to work journey of up to 10km is not a particularly unusual or undesirable distance. Overall, the statistical evidence suggests that A/CC and its immediate hinterland is already self-contained to a greater extent than the LP suggests and that there is likely to be an increase in the number of jobs in the coming years that would support a higher population, without undermining this.
64. Although lower, given the rural location, the statistic that 60% of the employed population work within 10km of their home, compares favourably with the South Somerset figure of 67%, which is heavily influenced by the dominance of Yeovil and also compares very favourably with the English average (60%). According to the SSSRFS, A/CC's self-containment, then assumed to be still at 46% within a 5km radius, was noticeably higher than that at the other Local Market Towns and similar to that at Crewkerne and Illminster, which were designated as Primary Market Towns and given higher minimum dwelling targets. The evidence suggests that A/CC's self-containment has improved since then.
65. The above suggests to me that self-containment at Ansford/Castle Cary in comparison to Yeovil and Chard is weak but that as a result of job growth the settlement could accommodate further housing growth to a greater extent than at the other market towns, whilst at the same time maintaining an acceptable level of self-containment. This would be particularly so if the Torbay Road industrial estate was encouraged to expand further, along the lines advocated in the LP.
66. Having said that, if all the committed dwellings were completed and occupied, there would most likely be more new residents in work, than additional jobs created, in the local area. Consequently there would have to be additional commuting beyond 5 km, leading to a reduction in the town's self-containment.
67. However, additional residential development has already been allowed at other market towns, both on appeal and by the Council, without resulting in the provision of a five year supply. Commitments and completions at Illminster, Langport and Somerton are already 151%, 125% and 130% of the requirements. The Inspector determining the Langport appeals⁵ did not find material conflict with the settlement strategy of the LP when considering a proposal that would have taken the committed supply of housing at that settlement to 145%. Out-commuting from the other Local Market Towns in 2001 was 59% at Langport and 62% at Somerton, compared to 54% at A/CC. Even Illminster, which is a Primary Market Town and consequently has a higher housing requirement, only had out-commuting of 52%.
68. In addition I was told that the pet food factory chose to relocate to A/CC, rather than to a location further away from Yeovil, in order to retain as much of its existing workforce as possible. Whilst A/CC is close enough for that element of the original workforce who live in and around Yeovil to commute, the

⁵ Appeals ref: APP/R3325/W/15/3136302 & 3136307, Land north of Kelways, Wearne Lane, Langport, Somerset

likelihood is that with the passage of time and a change in the composition of the workforce, a greater proportion would choose to live in or closer to A/CC if there was additional accommodation of the right kind.

69. The number of cars parked at the railway station suggests that a significant number of persons use it for park and ride but the 2011 Census says that only 1.3% (about 20 persons) of the working population at A/CC used the train as a means to travel to work. This suggests that many people travel to the station by car from further afield. Were appropriate housing to be provided close to the station then there is every likelihood that some of these would move to A/CC in order to reduce their commuting times and car parking expenses. The appeal site is less than a km (about a 10 minute walk) from the railway station.
70. Bringing all this together suggests to me that the economic circumstances of A/CC would allow it to significantly expand its housing and population beyond that already committed but without seriously undermining its level of self-containment, as assumed in the LP. Nevertheless, a 62% increase above the minimal dwelling figure would undoubtedly reduce its current level of self-containment. This needs to be balanced against the significant shortfall in housing land supply going forward into the medium term, the Council's failure to regularly meet its annual housing target and the likelihood that without additional planning permissions at market towns this situation is likely to continue beyond five years.

Other economic considerations

71. The site is close to Castle Cary Town Centre, which has a wide variety of small shops and other businesses. Additional population, residing in the appeal development, would undoubtedly generate more expenditure to support these businesses. In contributing to economic vitality, the proposal is supported by paragraph 55 of the Framework, which encourages housing development in rural areas where it will enhance the vitality of rural communities.
72. There would be short term benefits to the local economy through increased expenditure in the form of wages and material purchases during the construction period. New jobs would be created for the duration of the development but not all of these would be based or recruited locally. Nevertheless, these economic benefits of the development, as discussed above, in a minor way weigh in favour of the proposal in the sustainability balance.
73. The site is grade 3b agricultural land. Whilst the Framework says that local planning authorities should take account of agricultural land quality in their decisions, this site is not the best and most versatile agricultural land. The Framework promotes the use of poorer quality land, in preference to that of a higher quality, when significant development of agricultural land is involved. The land within the direction of growth ranges from grade 1 to grade 3. The appeal site is of the lowest grade and it is agreed that in order to meet its housing requirements there is a need to develop on greenfield land within South Somerset. This consideration weighs in favour of the appeal proposal in a minor way.
74. Together the above economic considerations attract minor weight in favour of the appeal proposal in the overall sustainability balance.

Social role

Affordable housing

75. The proposal would contribute to the supply of both market and affordable housing. South Somerset has a need for affordable housing. In accordance with LP Policy HG3, the Section 106 Agreement says that 35% of the dwellings to be built within the development would provide this type of accommodation. Up to 44 units would be supplied at a time when the Council is failing abysmally to meet the established need. The 2009 Strategic Housing Market Assessment established a net annual affordable housing need in South Somerset for 659 dwellings. Only 299 have been provided in the last five years and none of these were in A/CC. I should therefore give significant weight to the contribution made to the provision of affordable housing by the appeal proposal.

Infrastructure improvements

76. The Section 106 monies would provide funding to extend the capacity at the local primary school, either at its existing site or on a new site close to the appeal site, as well as funding other community and recreational infrastructure projects in the local area. Whilst these aspects of the proposal would primarily meet need generated by the new residents and are necessary to enable the development to be acceptable in planning terms, the improvements to primary school provision and other local recreational infrastructure would also improve facilities for the benefit of existing residents and in the circumstances they do attract some minor weight in the sustainability balance.
77. The provision of well laid-out areas of public open space with play facilities and within the development, as suggested on the notional layout plan considered by the Council, would also enable the residents to walk to this facility. They would consequently only need to use those further away to access team sport facilities.

Connectivity

78. There are over 30 service bus departures on weekdays destined for Yeovil, Wincanton, Street and Shepton Mallet from A/CC. However, a high proportion of these do not use Station Road, where there are hail and ride bus stopping facilities. There are also train services, to Yeovil, Bristol, Weymouth, Taunton and Reading from Castle Cary station, which is only a short walk from the northern edge of the site and along pedestrian routes that would be improved. However, given the distances and frequencies, particularly bus services that stop outside of the site, I am not persuaded that they would be a preferred movement option for a majority of persons residing at the appeal development.
79. Nevertheless, when compared with many rural locations, the bus services are adequate and the number of cars parked at the station on a daily basis suggests that although comparatively infrequent, the rail services are nevertheless well used. The successful implementation of the Travel Plan could improve the usage of public transport from this site. Furthermore, this proposal would improve the bus stopping facilities on Station Road and promote the diversion of some services through Churchfields to Station Road, thereby improving the site's accessibility to bus transport, as well as that of the Churchfields estate.

80. The centre of the village, where many facilities are concentrated, including the nearest convenience shop, is about 1km from the site entrance. The secondary school is a similar distance to the east. With the proposed diversion of bus services it would be feasible to travel to this school by public transport on inclement days as well as to walk and cycle. Although, given the distances, some residents would undoubtedly drive to local facilities, I would nevertheless expect a not insignificant proportion of residents of the appeal site to walk to these local facilities, particularly once the proposed improvements to the pavements along Station Road have been implemented.
81. At the Inquiry the Council was concerned about the site's accessibility to other development sites and facilities elsewhere in A/CC. Whilst in an ideal world there would have been an overall master plan for the direction of growth that identified the areas that were to be developed and for which purposes, and setting out an overall movement and landscape strategy, A/CC does not have that luxury. The LP did not require the development industry to prepare one and the Council although not preparing one itself, did not require the promoters of the three schemes that it has already approved, to prepare one either.
82. The creation of a landscaped footpath/cycleway link from the core of this site to Station Road, close to its junction with Victoria Park, would do much to improve the site's linkages with the town centre and other facilities and encourage residents to walk or cycle there. However its implementation is now largely the responsibility of the Council, through its consideration of reserved matters applications at this site (if approved), the Torbay Road site, the Station Road West site and at the land to the south of this appeal site (assuming that proposals for its development eventually materialise). All that this appellant can do, is provide a network within the appeal site to appropriate points along the southern boundary. It would then be the Council's responsibility to ensure that there is eventually an attractive means for sustainable movement across the other land, within the direction of growth, to the south.

Pedestrian accessibility

83. Whilst there is a footpath along the eastern side of Station Road, parts of it are significantly overgrown with grass and by the adjacent hedgerow, such that the walkable space narrows to less than a metre at a number of points and the surface has deteriorated. Such a situation is far from ideal for persons with prams and pushchairs or for disabled persons. I agree that without the proposed footpath improvements, there could be a severe highway safety issue were this appeal proposal to be implemented.
84. The Appellant proposes to improve the footpath along the eastern side of Station Road between its junction with Torbay Road and Castle Cary Station and along the northern side of Ansford Hill between its junctions with Station Road and Lower Ansford. Improvements to the Street Lighting along Station Road would also be carried out if planning permission was given and the development implemented. Conditions could ensure their implementation. The Highway Authority considers the proposed improvements to the footpaths to be an acceptable solution to the problem. In addition the proposed new footpaths would also improve highway safety for existing pedestrian users along both Station Road and Ansford Hill.

Social cohesion

85. A/CC appears to be a socially cohesive settlement. As well as the facilities referred to above, there appears to be a thriving local community with numerous activities taking place, throughout the week, in a variety of locations. I understand the local concerns about the rate of development. The Council has recently approved three developments off Station Road. In combination with other local commitments and both appeal proposals, over 500 dwellings could be built in that area within a relatively short period of time. This could lead to an undesirable bulge in children seeking school places and undue pressure on other facilities. However, the responsible authorities have all accepted that there would be no harm if improvements that could be implemented by the Section 106 monies, provided by the development, were carried out.
86. Nevertheless, a large number of new residents, however well motivated and when moving into the town in a short period of time, would be more difficult to absorb than a low number or even a high number over a longer period. There would undoubtedly be some harm to social cohesion but in the context of the overall size of the town (about 3,420 persons), the appeal proposal would not be a major component. There is no evidence that A/CC suffers from crime and disorder or that there is a fear of crime among the local population. I can therefore give the overall consideration of social cohesion no more than minor weight against the proposal in the sustainability balance.
87. Overall I conclude that in the context of social sustainability the appeal proposal should attract moderate weight.

Environmental role

Countryside landscape

88. The Framework at paragraph 49 seeks to ensure that the need for housing does not take second place to other policy considerations and the courts have ruled that where paragraph 49 applies a tilted balance in favour of proposals should apply⁶. Nevertheless, that does not mean that those other considerations, including the protection of the countryside, should be disregarded altogether.
89. The importance of recognising the countryside's intrinsic character and beauty is one of the Framework's core principles, as set out at paragraph 17, and paragraph 109 seeks to ensure that valued landscapes are protected and enhanced. The protection of the environment, in its widest sense, is one of the three 'dimensions' of sustainability, as set out in paragraph 7.
90. The appeal site does not lie within any designated area of special landscape value. Nevertheless, that does not mean that the local countryside landscape has no value or that it is not valued by local people. Nothing in the Framework suggests that non designated countryside may not be valued or protected. Indeed many everyday landscapes are treasured by people and are as much a part of the identity of communities as are outstanding landscapes. Having said that, all landscapes are likely to be valued by someone and there is no dispute that some areas of countryside will have to be built upon if South Somerset's development needs are to be met.

⁶ High Court Case No. CO/5040/2015

91. More fundamentally, the definition of A/CC's direction of growth in the LP implies that some development could occur at the appeal site at some point in time. The results of the Peripheral Landscape Study informed the LP and it must be assumed that the landscape implications of development at this site and at other sites, within the direction of growth, were fully appraised and objectively assessed in arriving at the proposal illustrated on the Policies Map.
92. Notwithstanding that, the effect of the proposal on the character and appearance of the countryside and the setting of the town was a central part of the Council's case at the Inquiry. The Council thought that the development of the appeal site, at this point in time, would be detrimental in terms of its extension of the built environment and in terms of the setting of the town, particularly when viewed from Lodge Hill to the south-east.
93. However, the acceptance of a fundamental change in the environmental character of this area was established when the Council defined the extent of the direction of growth in the LP. Whilst I can understand its desire to prevent isolated development, detached from the edge of built development, from occurring, no evidence was offered to support the contention that this was now likely to happen. The recent approvals, on the part of the Council, provide for continuous urban development along Station Road from Torbay Road to the south-eastern boundary of the appeal site.
94. Looking at the area from Lodge Hill, the development will be seen along with the rest of the settlement's built development and including that recently approved but not yet built. The panorama from Lodge Hill is extensive, extending across the Somerset Levels to the north-west, with landmarks such as Glastonbury Tor clearly visible and acting as a focus for the viewer's experience. The appeal site would be seen as a modern housing development but in the context of development within the whole direction of growth to the west of Station Road, including existing dwellings, immediately to the east of this site and not as a residential outlier.
95. The outer limits of A/CC would clearly have moved to the north-west once the development was completed but this must have been perceived when the direction of growth was defined. Following the implementation of the landscaped belt along the site's north-western boundary and adjacent to the railway line, the site would be well contained by vegetation, within its extensive wider landscape setting. The site was hardly discernable from the viewpoints that I was taken to, north of the appeal site. Consequently, although I agree that the landscape will change, in the context of this appeal, the change can only attract minimal weight against the proposal.
96. With careful attention to the site's layout and landscaping at the reserved matters stage, housing development at the appeal site could create a form of built development that was not at odds with the settlement's character or be seriously harmful to its setting and the character and appearance of the local countryside. The development would impact upon an element of the view from Lodge Hill but this could be mitigated by the landscaping suggested adjacent to the railway line. Although there would clearly be a reduction in openness, for the reasons discussed above, the harm to LP Policy EQ2 need not be other than very minor. In such circumstances and having regard to the LP policy for the direction of growth, overall I can only give very minor weight to the harm to

the character and appearance of the countryside that would result from the implementation of the appeal proposal.

Traffic

97. There is local concern about congestion in the centre of Castle Cary and its impact upon the vitality of local shops and businesses. However the Highway Authority is satisfied that the additional traffic generated by all of the approved and proposed developments, close to Station Road, would not give rise to highway safety implications or disrupt the free flow of traffic to an extent that justifies objection to the proposal. The Framework says at paragraph 32 that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe. There is no evidence to suggest that that would be the case at A/CC, if the appeal proposals were allowed. Whilst there would be increased vehicle numbers travelling through the centre, these would be most pronounced at peak periods and at times when most shops and businesses located there are not open to the public.
98. I note the concerns about the nature, condition and use of the B5153 at Clanville and am aware that two Inspectors have dismissed appeals for development in that area⁷. However, the concerns were about a noticeable increase in heavy goods vehicles using a narrow stretch of road, whilst visiting a proposed concrete batching plant that would be accessed via that road. The proposed Waste Transfer Station, which is also of local concern, would likewise attract similar vehicles on a regular basis.
99. However, other than during the construction phase, the appeal development would not generate other than minimal amounts of heavy goods traffic. I accept that the vehicular traffic generated by a succession of new developments off Station Road would not be insignificant. However, there is no empirical evidence to suggest that heavy goods vehicles visiting the appeal site or other vehicles, originating there, would travel via the B5153 through Clanville rather than by other routes into and out of A/CC.
100. Furthermore there is no evidence to suggest that the appeal proposal itself or in combination with other proposals would result in severe congestion or highway safety concerns. Additionally the Highway Authority, who attended the Inquiry to answer questions, does not object to the proposals. I consider the highway implications of this proposal to be neutral in the sustainability balance.

Accessibility

101. Employment and facilities at A/CC are not sufficient to sustain the local population. Consequently a proportion of the economically active residents of the appeal site, like from the rest of the town, would travel elsewhere for work, as well as for comparison shopping and they would also be likely to visit the larger supermarkets in Wincanton and Shepton Mallet for many of their convenience purchases.
102. A development of 125 new homes, in addition to about 350 others (275 if Appeal B is not allowed), would generate significant movement. However, there are regular bus services to the higher order centres around A/CC, which are likely to be the principal destinations. The information before the Inquiry

⁷ Appeals ref: APP/R3325/A/13/2210452 & W/15/3024073, land at Camp Road, Dimmer, Castle Cary, Somerset

suggests that there are eight buses on each weekday to Yeovil and Shepton Mallet, seven to Wincanton and six to Street. There are also nine trains each weekday to and from Yeovil.

103. Wincanton, to where many bulk convenience shopping trips would be made, is only about five miles away. In the context of rural Somerset this is not an excessive distance and A/CC is an accessible settlement, with better opportunities for encouraging residents to use public transport for some of their journeys than is the case at many other places in the area. Within the context of A/CC, once the pedestrian improvements, referred to above, have been implemented, this could be a relatively accessible site, being within walking and cycling distance of village facilities and close to bus stops as well as a main line railway station. Some of the new properties could well be occupied by the numerous persons who appear to drive to Castle Cary station, from further afield, on a daily basis.
104. I accept that residents of the appeal site would make many journeys by the private car and paragraph 34 of the Framework says that decisions should ensure that developments that generate significant movement are located where the need to travel can be minimised and the use of sustainable transport modes can be maximised. In paragraphs 93 and 110 it encourages radical reductions in greenhouse gas emissions but at paragraph 29 it also recognises that opportunities to maximise the use of sustainable transport in rural areas will be different to those in urban areas.
105. LP Policy TA1 encourages low carbon travel; the appeal proposal would provide and distribute travel packs to future residents. The implementation of the travel plan presents an opportunity to encourage new residents to take a sustainable approach to their movement. The proposal would also fund measures to facilitate the diversion of Service 1 through the Churchfields and Victoria Park areas, as well as to Station Road and past the appeal site. This would be of benefit to existing residents, as well as to new ones.
106. Overall, in the context of rural South Somerset and the CS's desire to concentrate a significant amount of development in its market towns, I find that the site has locational advantages in the sustainability balance and that this environmental consideration attracts minor weight in favour of the appeal proposal in that context.

Mineral deposit

107. Part of the site is within a Mineral Safeguarding Area, as defined by Policy SMP9 of the Somerset Minerals Plan because the British Geological Map of the area suggests that the land is underlain by River Terrace Deposits. During the adjournment, the Appellant submitted the results of a geotechnical investigation that had been undertaken on its behalf. This suggests that there are no economically workable sand and gravel deposits beneath the site. Following further consultation with the Mineral Planning Authority, it concluded that the site was consequently covered by the exemption list set out in Table 6 of the adopted Somerset Minerals Plan and that the proposal consequently did not offend Policy SMP 9 of that plan.

Other environmental considerations

108. On balance there would be net gains to ecology, on a site that currently has little in the way of flora and fauna at the present time. The hedges around and within the site are to be protected and retained wherever possible. Bat boxes could assist in the protection and growth of the local bat population. Artificial nest boxes would also help to maintain and improve the local population of other birds. Other improvements in ecology could be achieved by facilitating the use of some of the amenity open space by wildlife and the planting of trees in parts of these areas and within the areas to be developed, followed by their effective management. These improvements, which are supported by LP Policy EQ4, could be ensured through conditions and would weigh in favour of the proposal in a minor way.
109. LP Policy EQ2 seeks to create high quality development, promoting local distinctiveness and preserving or enhancing the character and appearance of the district. It sets out ten criteria against which development proposals will be considered. This is an outline application with the details of its layout and design reserved for subsequent approval by the Council. The information contained in the Design and Access Statement, the illustrative Master plan and the supporting documentation suggests that subject to the appropriate discharge of the reserved matters and other conditions, a high quality development could be achieved at the appeal site that satisfied these aspects of LP Policy EQ2. With careful attention being given to the detail, I can see no reason why this development should not reflect the better examples of layout and vernacular architecture to be found in the area, thereby respecting its character and appearance.
110. It is agreed that through the discharge of appropriate conditions, the development could be of a design, layout, scale and mass compatible with the locality and that it could respect and enhance the local environment. If the detailed design and layout were pursued, in accordance with these objectives, the result would be a development that was of a high quality, safe, sustainable and inclusive, in accordance with the requirements of the relevant DP policies. There is no evidence to suggest that the development would not be designed to a high quality using the sustainable design principles outlined in LP Policy EQ1.
111. Overall I conclude that there would be some very minor harm to the character and appearance of the local countryside, as a result of the appeal proposal. The comparative locational advantages of the site weigh, to a small extent, in favour of the proposal in the environmental balance, as do the highway safety and ecological improvements. Consequently there would be long term environmental benefits and this consideration attracts minor weight in favour of the proposal in the overall sustainability balance.

Sustainability conclusion

112. The Framework is clear, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is rare for any development to have no adverse impacts and on balance many often fail one or more of the roles because the individual disbenefits outweigh the benefits. Although there are some disbenefits to this proposal, none are so substantial as to outweigh the respective benefits in each of the three strands of sustainability.

113. I find that the proposal would overall positively benefit each of the threads of economic, social and environmental sustainability. The adverse impacts of granting planning permission do not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. It is therefore my judgement that the appeal proposal would, on balance, deliver sustainable development within the meaning of paragraphs 18-219 of the Framework. The provisions of Para 14 apply and the proposal is in accordance with LP Policy SD1.

Planning balance and overall Conclusion

114. The proposal is outside of the defined Development Area of A/CC but within a Direction of Growth. The amount of housing development that would be committed in A/CC and the resultant scale of growth, if the appeal were to be allowed, would be such that the settlement would be unlikely to maintain its existing level of self-containment. This would be contrary to LP Policies SS1 and SS5 and the proposal would consequently distort the wider policy framework. However, in taking a permissive approach to development in this area of growth, while ever there is not an adopted Site Allocations Development Plan Document, LP Policy SS5 gives some support to the proposal. I have nevertheless also found that the proposal would be contrary to LP Policy EQ2 in some respects.

115. However, in the absence of a five year supply of housing land, the above policies are out of date and therefore in the context of this appeal, attract minor weight. In addition I have found that on balance the proposal is sustainable development within the overall meaning of paragraphs 18 to 219 of the Framework and that the proposal therefore complies with LP Policy SD1. Nevertheless, on balance, I consider it not to be in accordance with the Development Plan as a whole.

116. Whilst accepting that the implementation of this development could lead to increased commuting from A/CC and reduce its self-containment, thereby causing some harm to the DP strategy, in a situation where the DP housing policies are not up to date, and South Somerset appears to be in a position where it is likely not to have a five year supply of housing land for some years, I consider the harm to the DP to be outweighed.

117. The other material considerations, to which I have been referred, including the representations from local people and the extensive array of other appeal and court decisions that I have not specifically quoted in this decision, do not indicate that planning permission should be refused. For the reasons discussed above I therefore find that the appeal should be allowed.

Conditions

118. The Council's seventeen suggested conditions were considered and expanded in the context of the discussion at the Inquiry, the Framework and the advice in the NPPG. Not all of the conditions were agreed in principle by the parties.

119. They now include reduced time limits for commencement, as well as specification of approved plans and approval of reserved matters that are routinely applied to outline planning permissions. To enable the developments to meet Development Plan policies that seek to achieve sustainable

development, conditions concerning the site's access, drainage (including surface water management), ecological and environmental protection and enhancements, on-site roads and footpaths and contamination were suggested, as well as the phasing of the development. The Council also requested a phasing condition, to enable the development at this site to be synchronised with that at other sites off Station road. A condition to secure the implementation of off-site footpath and lighting improvements was also put forward and agreed.

120. I have considered the need for these conditions in the context of the six tests contained in paragraph 206 of the Framework and the advice contained in the NPPG. Although discussed at the Hearing, as the site's alleged ability to significantly contribute to housing provision, within the short term, is not a justification for allowing this appeal, it is not appropriate to reduce the time limits for the submission of details and the commencement of development from the norm.
121. The means of access to the site is clearly shown on drawing ref: 30875/5501/003A. The highway Authority has its own powers to control the construction details of works within the public highway and also within development sites through adoption procedures. It is not therefore appropriate for the Appellant to be required to submit details of the proposed construction of roads and footpaths to the Local Planning Authority. Similarly, the Water Authority has its own powers to control the construction and connection of foul sewers to its network. It is not necessary for the Local Planning Authority to approve their design or to supervise their implementation.
122. Bats are a protected species and in the absence of verified evidence to the contrary, I consider it appropriate for the site to be surveyed for their presence at the appropriate times. This would enable the detailed design of the development to mitigate against any potential harm that could be caused to their presence.
123. It is also not appropriate to link the progress of development at this site to that at other sites within the Direction of Growth. The framework requires the supply of housing to be boosted now. Such a restrictive condition would be contrary to this objective.
124. The remainder of the conditions are necessary in order to ensure that the development is of a high standard, creates acceptable living conditions for existing and future residents within the development and area as a whole, is safe and sustainable, minimises the impact on the environment and complies with the relevant DP Policies.

M Middleton

INSPECTOR

Schedule of Conditions

1. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
2. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
3. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") of the development shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
4. The development hereby permitted relates to the site shown on Location Plan, drawing number 140804 L 01 01 (18 December 2014).
5. The development hereby approved shall not be commenced until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. Such a scheme shall include:
 - Measures to prevent the run-off of surface water from private plots onto the highways.
 - Measures to limit the surface water run-off generated by the 1 in 100 year (+ 30% for climate change) critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 - Provision of compensatory flood storage on the site to a 1 in 100 year (+ 30% for climate change).
 - Measures to address all rainfall events up to and including the 1 in 100 year (+30% for climate change).
 - Details of the timetable for implementation
 - An arrangement for the future responsibility and maintenance of the implemented surface water drainage system

The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied

6. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (i) and (ii) below shall have effect until the expiration of 1 year from the date of the occupation of the last dwelling.
 - i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5837 2012 (Tree Work).
 - ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
 - iii) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with plans and particulars to be

approved by the local planning authority before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.

7. Bat surveys shall be undertaken in accordance with industry best practice and shall include bat activity surveys during the period April to October as well as surveys of potential tree roosts. The results shall be submitted to the local planning authority, along with any appropriate mitigation proposals, as part of any reserved matters application.
8. Prior to the commencement of the development hereby approved details of measures for the enhancement of biodiversity, which shall include the provision of bat, swallow and swift boxes and a time scale for delivery of all such measures, shall be submitted to and approved in writing by the local planning authority. The biodiversity enhancement measures shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.
9. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling, before it is occupied, shall be served by a properly consolidated and surfaced footpath and carriageway, to at least base course level, between the dwelling and existing highway.
10. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.).
11. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - iv) the parking of vehicles of site operatives and visitors
 - v) loading and unloading of plant and materials
 - vi) storage of plant and materials used in constructing the development
 - vii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - viii) wheel washing facilities
 - ix) measures to control the emission of dust and dirt during construction
 - x) a scheme for recycling/disposing of waste resulting from demolition and construction works

12. The reserved matters application(s) shall include provision for footpath, cycle-path and vehicular links to the boundaries with the adjoining land in the direction of growth as identified by policy LMT1 of the South Somerset local Plan 2006-2028. Unless agreed otherwise in writing, such links shall be fully provided to the boundary prior to the occupation of the 75th dwelling on the site.
13. The access to the site shall be formed generally in accordance with the details shown on drawing 30875/5501/003A. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level within the visibility splays shown on the approved plan. Such visibility splays shall be provided prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.
14. The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:
 - i) A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175 : 2011 Investigation of Potentially Contaminated Sites – Code of Practice.
 - ii) A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.
 - iii) A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any ongoing monitoring should also be outlined.
 - iv) If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.
 - v) A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted to the local planning authority. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included in the report, together with the necessary documentation detailing what waste materials have been removed from the site."
15. No development shall take place until a detailed scheme of footway width maintenance and street lighting improvements has been submitted to and approved by the local planning authority to the eastern footway of

Station Road southbound from the site access to the junction with Torbay Road and northbound from the site access to the entrance of the railway station car park and to the northern footway of Ansford Hill from its junction with Station Road to the railway station footpath, all works to be within the limits of the adopted highway and as shown on drawing number 30875-5501-007. The approved scheme shall be implemented prior to the occupation of the first dwelling.

16. The proposed off-site pedestrian and bus facility improvements shown on drawing number 30875-5501-004 shall be implemented prior to the occupation of the 75th dwelling on the site.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Richard Banwell	Instructed by Ian Clarke of South Somerset District Council
He called	
Robert Archer Dip LA, CMLI	Landscape Architect
Keith Lane BA, MTP, MRTPI	Policy Planner
Adrian Noon BA, Dip UP	Town Planner
Lynda Pincombe BA	Community Health and Leisure Manager
Stephen Fox BSc	Horticultural Officer
Ceri Owen BA	Horticultural Technician
Colin McDonald MA FCIH	Housing Manager
Charlie Field	Property Estates Manager

FOR THE APPELLANT: (APPEAL A)

Michael Bedford	Instructed by Mark Scoot of Amethyst Planning
He called	
Neil Thorne BSc, MSc, MILT, MIHT, MTPS	Peter Brett Associates Transport Engineer
Chris Britton BSc, MLA, CMLI	Chris Britton Landscape Associates Landscape Architect
Mark Scoot BSc, Dip TP, Dip Surv, MBA, MRTPI, MRICS	Amethyst Planning Town Planner

FOR THE APPELLANT: (APPEAL B)

Giles Cannock	Instructed by Desmond Dunlop of D2 Planning Ltd
He called	
Chris Miles BSc, CMILT, MCIHT, AMICE	WYG Environment Planning Transport Ltd Traffic and Transportation Engineer
Clare Brockhurst BSc Dip LA, FLI	Tyler Grange Landscape Architect
Desmond Dunlop BA, MRTPI	D2 Planning Ltd Town Planner

SOMERSET COUNTY COUNCIL

Helen Vittery Dip CSM	Highways Development Manager
Jon Fellingham BA	Planning Liaison Officer
Albert Ward	Travel Plan Officer

INTERESTED PERSONS:

Henry Hobhouse	District Councillor
Chris Edwards	Ansford Parish Council
Pek Peppin	Castle Cary Town Council
David Holt	Castle Cary Town Council and Ansford Parish Council Neighbourhood Plan Group
Barry Lane	Castle Cary Town Council and Ansford Parish Council Neighbourhood Plan Group
Vicki Nobles	Care4Cary
Helen Cleaveland	Care4Cary
Colin Kay	Local resident

DOCUMENTS SUBMITTED TO THE INQUIRY

- 1 Correction to Section 8 of Mark Scoot's Proof of Evidence
- 2 Supplementary Evidence from Neil Thorne addressing third party concerns and comments on the capacity and suitability of the local highway network to accommodate all of the additional traffic generated by the committed and appealed proposals off Station Road
- 3 Rebuttal evidence to the Proof of DS Dunlop, submitted by the Council
- 4 Statement submitted by Chris Edwards on behalf of Ansford Parish Council
- 5 Statement submitted by Pek Peppin on behalf of Castle Cary Town Council
- 6 Statement with Appendices submitted by David Holt on behalf of Castle Cary and Ansford Neighbourhood Plan Group
- 7 Statement with Appendices submitted by Vicki Noble on behalf of Care4Cary
- 8 Statement with annotated map submitted by Helen Cleaveland on behalf of Care4Cary
- 9 Statement submitted by Barry Lane
- 10 Castle Cary and Ansford draft Neighbourhood Plan
- 11 Ansford/Castle Cary, Housing affordability ratios, submitted by the Council
- 12 Email exchange between Keith Lane and Nigel Timmis concerning dwelling delivery timescales at Upper Mudford, Primrose Lane, Yeovil
- 13 Email exchange between Keith Lane and John Bishop concerning dwelling delivery timescales at Ketford, Yeovil
- 14 Email exchange between Keith Lane and Stuart Carvel concerning dwelling delivery timescales at land north of Tatworth Road, Chard
- 15 Ansford/Castle Cary, South Somerset, South West and England, Employment by occupation 2001, 2011 and changes 2001-11, provided by the Council
- 16 South Somerset, South West and Great Britain, Employment by occupation 2015, provided by the Council
- 17 Ansford/Castle Cary, South Somerset and England, Employment by industry 2011, provided by the Council
- 18 Ansford/Castle Cary, Mode of travel to work 2001 by age group, provided by the Council

- 19 Ansford/Castle Cary, South Somerset and England, Travel to work by distance bands 2001, provided by Appellant A
- 20 Details of employment commitments at Torbay Road industrial estate, provided by the Council
- 21 South Somerset, Method of Travel to Work by Settlement 2011, provided by Appellant A
- 22 South Somerset, Self-Containment by Settlement 2001, provided by Appellant A
- 23 Employment commitments within 10km of Ansford/Castle Cary, October 2016, provided by the Council
- 24 Undecided planning proposals with employment within 10km of Ansford/Castle Cary, October 2016, provided by the Council
- 25 Approved employment proposals at Torbay Road Industrial Estate, provided by the Council
- 26 Daily telegraph article of 08/10/16 about the future of GKN, Yeovil, submitted by Barry Lane
- 27 Email from Peter Lennard to South Somerset Planning, providing comments from the Governors of Castle Cary Community Primary School on the options of expanding the existing Primary School or moving to a new school at Torbay Road, submitted by Vicki Nobles
- 28 Ansford/Castle Cary, Agricultural land classification 1992, provided by the Council
- 29 Country Life article of 08/06/2016 about residential development in the countryside, submitted by Barry Lane
- 30 Report to South Somerset Waste Board meeting of 21/10/16, concerning proposed New Waste Transfer facilities at Dimmer and Walpole, provided by the Council on behalf of Vicki Nobles
- 31 Notes of a pre-application meeting between Silverwood Holdings, Castle Cary Town Council and South Somerset Planning Department, concerning proposals to develop land to the south of Station Road (Station Road West site), submitted by Silverwood Holdings
- 32 Newspaper notification that Appeal B affected the setting of a Listed Building and inviting comments to be made to the Planning Inspectorate, provided by the Council
- 33 Listed Building Entry, Church of St Andrews , Tuckers Lane, Ansford, Somerset
- 34 Accompanied site visit programme, with map of route to be taken, provided by the Council
- 35 Additional route to drive on site visit to Sparkford via North Barrow and South Barrow, submitted by Mr Lane on behalf of Vicki Nobles
- 36 Map of viewpoints to be visited and from which the appeal sites can be seen, provided by Appellant A
- 37 Appeal decision Ref:- APP/F0114/A/14/2217216 land at Cappards Road, Bishop Sutton, submitted by the Council on behalf of Vicki Nobles
- 38 Suggested conditions, Appeal A
- 39 Suggested conditions, Appeal B
- 40 Residential Travel Plan, Appeal A
- 41 Section 106 Agreement, Appeal A
- 42 Unilateral Undertaking, Appeal B
- 43 Statement of CIL Compliance by Somerset County Council, acting as the Local Education Authority
- 44 Statement of CIL Compliance by South Somerset District Council, acting as the provider of Sport and Recreation Facilities

- 45 South Somerset District Council, Community, Health and Leisure Services Planning Obligations
- 46 Advertisement inviting comments on the effect of the Appeal B proposal on the setting of St Andrew's Church, which is a listed Building
- 47 Observation from Historic England on the setting of the Listed Building
- 48 Heritage Impact Assessment submitted by the Appellant
- 49 Conservation Consultation Response (South Somerset District Council) on the setting of the Listed Building
- 50 Consultation letter to Somerset County Council inviting comments on the implications of the Appeal A proposal for the Mineral Safeguarding Area
- 51 Consultation response from Somerset County Council
- 52 Letter from Geo Consulting on behalf of Appellant A to Somerset County Council, discussing an attached Geotechnical Investigation
- 53 Letter from Somerset County Council, agreeing that there is no economically viable sand and gravel mineral reserve beneath the site and confirming that the proposal does not offend Policy SMP 9 of the Somerset Minerals Plan

PLANS SUBMITTED TO THE INQUIRY

- A Layout of Appeal A proposal showing locations of possible pedestrian links into the sites to its south
- B Illustrative Master plan, Land at Torbay Road
- C Planning Layout, land West of Station Road
- D Planning Layout, Wells Farm

PHOTOGRAPHS SUBMITTED TO THE INQUIRY

- 1 View over Castle Cary and Ansford from Lodge Hill with Appeal A site and approved development sites at Station Road indicated, provided by the Council
- 2 HGV turning the corner onto Castle Cary Station bridge, whilst travelling in a southerly direction, provided by Vicki Nobles
- 3 HGV turning the corner onto Castle Cary Station bridge, whilst travelling in a southerly direction, provided by Vicki Nobles

Appeal Decision

Hearing held on 6 September 2016

Site visit made on 6 September 2016

by David Walker MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 October 2016

Appeal Ref: APP/R3325/W/16/3147858

Lavender Keepers, Great Pit Lane, Sandford Orcas, Sherborne, Somerset DT9 4FG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Carolyn Tuff against the decision of South Somerset District Council.
 - The application Ref 15/05159/FUL, dated 6 November 2015, was refused by notice dated 19 January 2016.
 - The development proposed is erection of temporary dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the site inspection the appellant indicated that she did not wish to allow all parties present at the Hearing access to her property. To avoid giving rise to prejudice to the interests of parties the Hearing was duly closed and I carried out the site inspection on an unaccompanied basis.

Main Issues

3. The main issues in the appeal are:
 - i) whether the proposal would be an isolated new home in the countryside and, if so, whether there is an essential need for a dwelling to accommodate a rural worker, and
 - ii) the effect of the proposal on the character and appearance of the area.

Reasons

Background

4. Lavender Keepers is a recent enterprise associated with 5.3 ha of land and a large farm building erected under agricultural permitted development rights¹. It was stated at the hearing that the pig rearing business was commenced in July 2015 and currently extends to 40 pigs including 2 sows and 14 piglets, 9 gilts and the remainder of the stock made up of weaners brought in for fattening. The address of the appeal site relates to a separate lavender

¹ Planning application Ref 15/02666/AGN

growing business but as this does not form part of the case for the need for the dwelling I have not considered it further.

5. A business plan provided with the planning application sets out a three-year growth plan involving an increase in the stock to around 100 pigs at any one time. It is a model premised on meat production with provenance and of the highest quality. Organic certified rare breed Tamworth pigs would be outdoor reared and rotated regularly around the land to allow them to dig and root in fresh earth.
6. Correspondence from local businesses provided with the appellant's supporting statement gives an indication of a good demand for such produce. The financial forecast accompanying the business plan shows the enterprise returning a profit by year 2, which is not disputed. I have no reason therefore to doubt that it is planned on a sound financial footing and will endure.
7. The proposed accommodation would be provided in the form of a static caravan situated to the side of the farm building within an excavated bank in the slope of the field. It would benefit from mains water and electricity and utilise a private drainage system. Access would be gained via an existing track leading from an altered entrance off Great Pit Lane.

Essential need

8. The appeal site is located in an open countryside position a short distance outside of Sandford Orcas over intervening agricultural land. At such a position policies of restraint apply, with Policy SS1 of the South Somerset Local Plan 2015 (the Local Plan) focusing development in identified town and rural centres, and Policy SS2 of the Local Plan only supporting new housing in other rural settlements that have access to two or more identifiable key services. In the circumstances the parties agree that paragraph 55 of the National Planning Policy Framework (the Framework) is engaged, which advises local planning authorities to avoid isolated new homes in the countryside unless there are special circumstances.
9. An 'essential' need for a rural worker to live permanently at or near their place of work in the countryside is one of the special circumstances identified under the Framework. At the local level Policy HG9 of the Local Plan sets out detailed criteria to be complied with for new occupational dwellings. Of these criteria, the Statement of Common Ground agreed between the parties identifies only two that are in dispute: firstly, whether there is an established existing functional need and, secondly, whether provision on-site is necessary for the operation of the business.
10. In relation to functional need there are variations in the predicted labour requirement of the enterprise. A calculation² obtained by the Council indicates that when fully operational with 12 sows the enterprise would only require the equivalent of 0.5 of a fulltime worker. However, the baseline data used draws from much larger scale pig farming units that are likely to have a higher reliance on mechanised systems and a corresponding reduction in manual labour demands.

² Statement of Reading Agricultural Consultants Ltd, June 2016

11. Conversely, a report³ obtained by the appellant shows there to be much higher labour demand on units involving herd sizes of 25 sows, or less. At these scales of enterprise a labour requirement per sow some 3.8 times that of standard man hour calculations is demonstrated, resulting in a labour requirement of 1.75 fulltime workers. The reliability of the underlying data provided by the University of Nottingham was uncontested at the Hearing.
12. While there can be no wholly accurate method of predicting the labour requirements of a new enterprise, I am satisfied that the manual tasks described within the appellant's submissions amount to a labour intensive process that is not comparable with an intensive indoor pig farm. Although previous appeal decisions⁴ have indicated a need for a fulltime worker on enterprises with around 30 sows, on the evidence before me I am satisfied that the need for a fulltime worker is demonstrated.
13. The appellant submits that the accommodation on-site is essential on animal welfare grounds. Each sow is anticipated to farrow twice yearly with a litter of nine piglets. Understandably, there are risks involved. Examples provided to me include poor or no milk supply, difficulties with breathing, and a piglet becoming trapped under the sow. Such incidents would require immediate attention and it was apparent at the Hearing that the parties are in agreement that an experienced worker needs to be on site to attend to the sow at any time during the day and night. The veterinary evidence⁵ provided also supports the need for a worker to be on site to properly monitor the sows prior to and during farrowing, with early days monitoring of the litter being especially important.
14. However, it is not disputed that a new born piglet would be robust after 3 days. Therefore, assuming all 12 sows produced two litters annually and were farrowing at different times, it could be necessary to be available during this risky period for some 72, or so, days per year. With the 7 days per farrowing recommended by the vet amounting to a worst case scenario this would increase to 168 days. Such increased levels of on-site supervision are disputed by the Council but, whether or not required, I do not find the number of days requiring round the clock attention would lead to an essential need to live on-site at all times.
15. My attention has also been brought to the risks to the animals during periods of adverse weather. It was explained at the Hearing that a pig shelter (arc) could be overturned in extreme gusts of winds, leaving the sow and progeny exposed to the elements. Under these circumstances rapid attention to remedy the problem would be required. However, I have nothing before me to explain the frequency of such events. Given the size and shape of the arcs that I saw at my site inspection such events, as would have to be extreme, would likely be infrequent and could be attended to on an ad hoc basis.
16. The planned rotation system would also involve an above ground and moveable water supply pipe which would be at risk of freezing during winter months. From the weather data presented to me such events could occur on 53 days per year. However, while the work involved in defrosting the pipe and/or providing bucket supplied water to the pigs would be time consuming and

³ Agricultural Report on Essential Need prepared by Andersons, March 2016

⁴ Appeals Ref APP/A3655/C/07/2035943 and APP/G1630/A/13/2195695

⁵ Undated letter from Laura Pattinson of Bredy Veterinary Centre

inconvenient it would amount to a standard farming activity that could be undertaken during daytime hours. I do not find such activities would contribute towards the need to be available on site at all times of the day and night.

17. In reaching my findings I am mindful of the significant support for the proposal offered by interested parties, including the Rimpleton Parish Council, and the desire to see suitable rural enterprises prosper in the area, including as expressed within the non-statutory Rimpleton Parish Plan. However, I am required to take an evidenced based approach to the extent to which the proposal accords with the requirements of development plan and national planning policies. Therefore, while I am satisfied that a full time need exists for an experienced worker at the new enterprise it has not been demonstrated that an essential need exists for a new dwelling.
18. As a result, the proposal would not accord with the third bullet point of Policy HG9 of the Local Plan, and paragraph 55 of the Framework. In the absence of a demonstrable essential need the proposal would therefore result in a new dwelling at an isolated location that would conflict with Policies SS1 and SS2 of the Local Plan. This would also bring the proposal into conflict with general Policy SD1 of the Local Plan that seeks accordance with the Local Plan and Framework.

Character and appearance

19. Only the design of the proposed access has given rise to the second reason for refusal. It has already been installed at a location where, from the photographs provided at the Hearing, there was previously a modest field entrance. This has been altered to a wide agricultural access with splays, double gates and a consolidated gravel surface. I also noted at my site inspection that new hedges and other landscape planting had been introduced.
20. The design of the proposed access has been informed by advice provided within a design guide prepared by the Local Highway Authority⁶ with regard to the need for the safe movement of large agricultural vehicles. I have no alternative configuration before me to indicate that a different design would be satisfactory to serve the needs of the enterprise and accord with the requirements of Policy TA5 of the Local Plan to secure safe and convenient access, amongst other things.
21. While the access is appreciably large by traditional rural standards, from the other examples cited in the appellant's submissions, it is not exceptional. Moreover, the efforts to re-establish the hedgerow lost in its formation would, over time and with suitable management, help to assimilate the larger opening into its natural setting.
22. With suitable control over the specification of surface materials, gates and landscaping, as could be secured by condition, I am satisfied that this element of the proposal would accord with the design criteria of Policy EQ2 of the Local Plan to promote South Somerset's local distinctiveness and preserve the character and appearance of the district. My findings under this issue do not however outweigh the harm I have identified in relation to essential need.

⁶ Standing Advice on Highways Development Control, Somerset County Council 2015

Conclusion

23. Overall, I conclude that as it has not been demonstrated that provision for a worker to live on-site is necessary for the operation of the business, an essential need cannot therefore be said to exist.

24. For the reasons given above I conclude that the appeal should be dismissed.

David Walker

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Miss Carolyn Tuff	Appellant
Mr James Hull	Appellant's Partner
Mr George Cook	Andersons

FOR THE LOCAL PLANNING AUTHORITY

Mr Dominic Heath-Coleman BSc MA	Planning Officer, South Somerset DC
Mr Peter Williams BSc MBIAC	Reading Agricultural Consultants

INTERESTED PARTIES

Mr John Tricker	Chairman, Rimpton Parish Council
Mr Andrew Neill	Rimpton Parish Council

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Copy of notification letter dated 20 May 2016 informing of submission of the appeal
- 2 Proposed access plans: Entrance to Field ref. Plan 1; Car Parking Area ref. Plan 2; and, Dimensioned Access Drawing ref. Lavender Keepers
- 3 Photographs of existing field access, extracts from Google Earth dated 2016

Appeal Decision

Site visit made on 13 December 2016

by Olivia Spencer BA BSc DipArch RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 January 2017

Appeal Ref: APP/R3325/W/16/3158619

Land between Highfields Farm and Hollyhock Cottage, Barton Road, Barton St David

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr G Attwell against the decision of South Somerset District Council.
 - The application Ref 16/01818/OUT, dated 25 April 2016, was refused by notice dated 26 May 2016.
 - The development proposed is the erection of 2no. semi-detached dwellings.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. The application that led to this appeal was made in outline with access to be considered at this stage and all other matters reserved for later consideration.

Main Issue

3. The main issue is whether the proposed development would occupy an accessible location.

Reasons

4. The appeal site is former garden land between existing dwellings that lies outside the main cluster of houses in Barton St David between this village and the larger community of Keinton Mandeville. Neither village is identified in Policy SS1 of the South Somerset Local Plan (LP) 2015 as a rural centre and they are thus considered to be within the open countryside for the purposes of Local Plan Policy.
5. Barton St David has a public house, church, pre-school, sports and recreation ground and a village hall. Keinton Mandeville has other facilities including a shop and hairdresser. Both villages thus have two or more of the key services listed at paragraph 5.39 of the supporting text to LP Policy SS2: Development in Rural Settlements. However, the appeal site is located at a point on Barton Road where there is no footway or street lighting. Whilst the Highway Authority did not raise any objection to the proposal on highway safety or capacity grounds, the lack of a footway and lighting which continues for some distance towards Keinton Mandeville would make it a very unattractive route

for pedestrians. To access the facilities in Barton St David, future occupiers of the development would similarly need to walk along an unlit road for approximately 100 metres before they reached a paved footway. The public footpath which runs from close to the site towards the church is not surfaced and on the day of my visit was muddy. Neither would provide a suitable route for someone pushing a buggy, or for those walking in low light conditions or inclement weather.

6. A public bus service passes the site and would provide access to both the villages and to the towns of Wincanton and Street. However, it is not frequent and there is no evening or weekend service. As a result, and in view of the poor walking access to facilities in either village, I consider future occupiers of the development would be largely reliant on the use of private vehicles to meet their day to day needs and to access health, employment and social facilities.
7. I am not aware of the particular planning or policy circumstances of the permission granted for housing in Laurels Drive and can draw no direct comparison therefore with the proposal before me which I have considered on its own merits.
8. I conclude the proposed development would not occupy an accessible location within a rural settlement. It would not therefore accord with the requirements of LP Policy SS2 which seeks to strictly control develop in rural settlements, providing for development in villages only where it increases the sustainability of the settlement.

Planning Balance and conclusion

9. The Council acknowledges that it is unable to demonstrate a 5 year supply of deliverable housing sites. LP Policies SS1 and SS2 direct housing to larger settlements and restrict development in rural areas. I consider they are therefore policies for the supply of housing. In these circumstances paragraph 49 of the National Planning Policy Framework (the Framework) advises that the policies should not be considered up to date.
10. The development would make a contribution towards meeting the housing shortfall in the District and widening the choice of homes. This is a positive benefit of the scheme. However, it would provide just 2 dwellings, and although they would be relatively small and thus more affordable than other larger houses, the weight I give to this benefit is therefore only moderate.
11. I note that the proposal received no objections from the Highway Authority, or from Landscape and Ecology consultees and that it would not result in any significant additional burden on local services. A lack of harm in these respects does not however amount a positive benefit in favour of the proposal. And whilst I note the intention of the appellant to construct the houses with a level of thermal insulation and performance in excess of Building Regulation requirements, I have no evidence of how this will be achieved.
12. Some economic benefit would arise from employment during construction and from occupiers' use of local shops and facilities. However, given the small size of the development, I give only little weight to this benefit.
13. The Framework sets out three dimensions to sustainable development that are mutually dependant: economic, social and environmental. The environmental role includes mitigating and adapting to climate change including moving to a

low carbon economy. One of the core principals of the Framework is to support the transition to a low carbon future, and the Framework promotes the use of sustainable transport. For the reasons given I consider the proposed development which would occupy a location where occupiers would be largely dependent on private vehicles would run counter to these objectives.

14. I conclude that the adverse impacts of the proposed development would therefore significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Having regard to paragraph 14 of the Framework and LP Policy SD1 which reflects it, I conclude overall therefore that the appeal should be dismissed.

Olivia Spencer

INSPECTOR

Agenda Item 15

Schedule of Planning Applications to be Determined by Committee

Strategic Director: Rina Singh, Place and Performance
Assistant Director: Martin Woods, economy
Service Manager: David Norris, Development Manager
Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

Purpose of the Report

The schedule of planning applications sets out the applications to be determined by Area East Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 10.45am.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 10.30am

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
16	CARY	16/02621/OUT	Outline application for 6 no. open market dwellings with land for up to 2 no. affordable dwellings and construction of new access and footway	Land OS 8565 West of Pilgrims way, Lovington, Castle Cary	Mr J Farthing

Further information about planning applications is shown on the following page and at the beginning of the main agenda document.

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda has been prepared.

Referral to the Regulation Committee

The inclusion of two stars (**) as part of the Development Manager's recommendation indicates that the application will need to be referred to the District Council's Regulation Committee if the Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer, at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to District Council's Regulation Committee even if it has not been two starred on the Agenda.

Human Rights Act Statement

The Human Rights Act 1998 makes it unlawful, subject to certain expectations, for a public authority to act in a way which is incompatible with a Convention Right. However when a planning decision is to be made there is further provision that a public authority must take into account the public interest. Existing planning law has for many years demanded a balancing exercise between private rights and public interest and this authority's decision making takes into account this balance. If there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues then these will be referred to in the relevant report.

Agenda Item 16

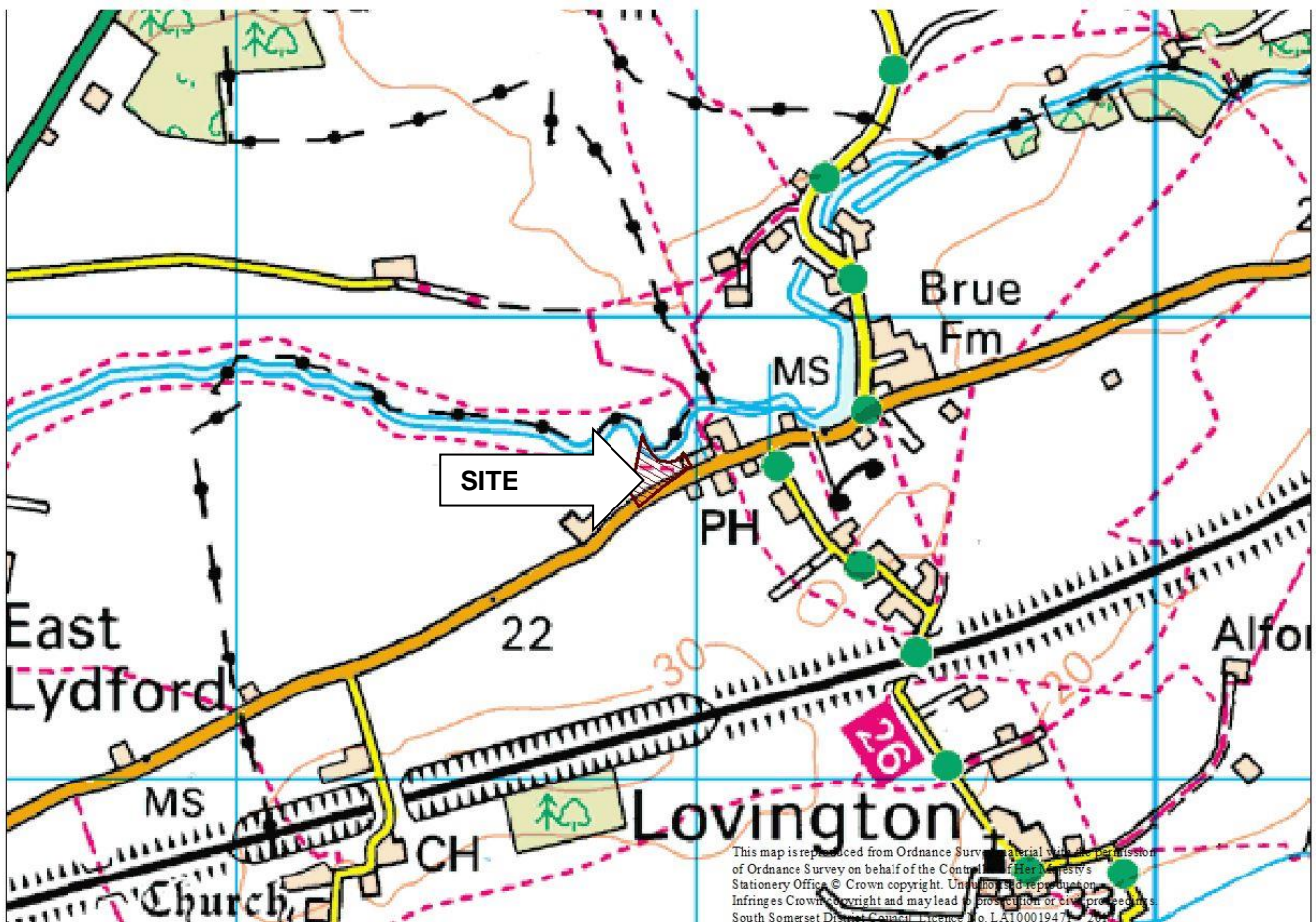
Officer Report On Planning Application: 16/02621/OUT

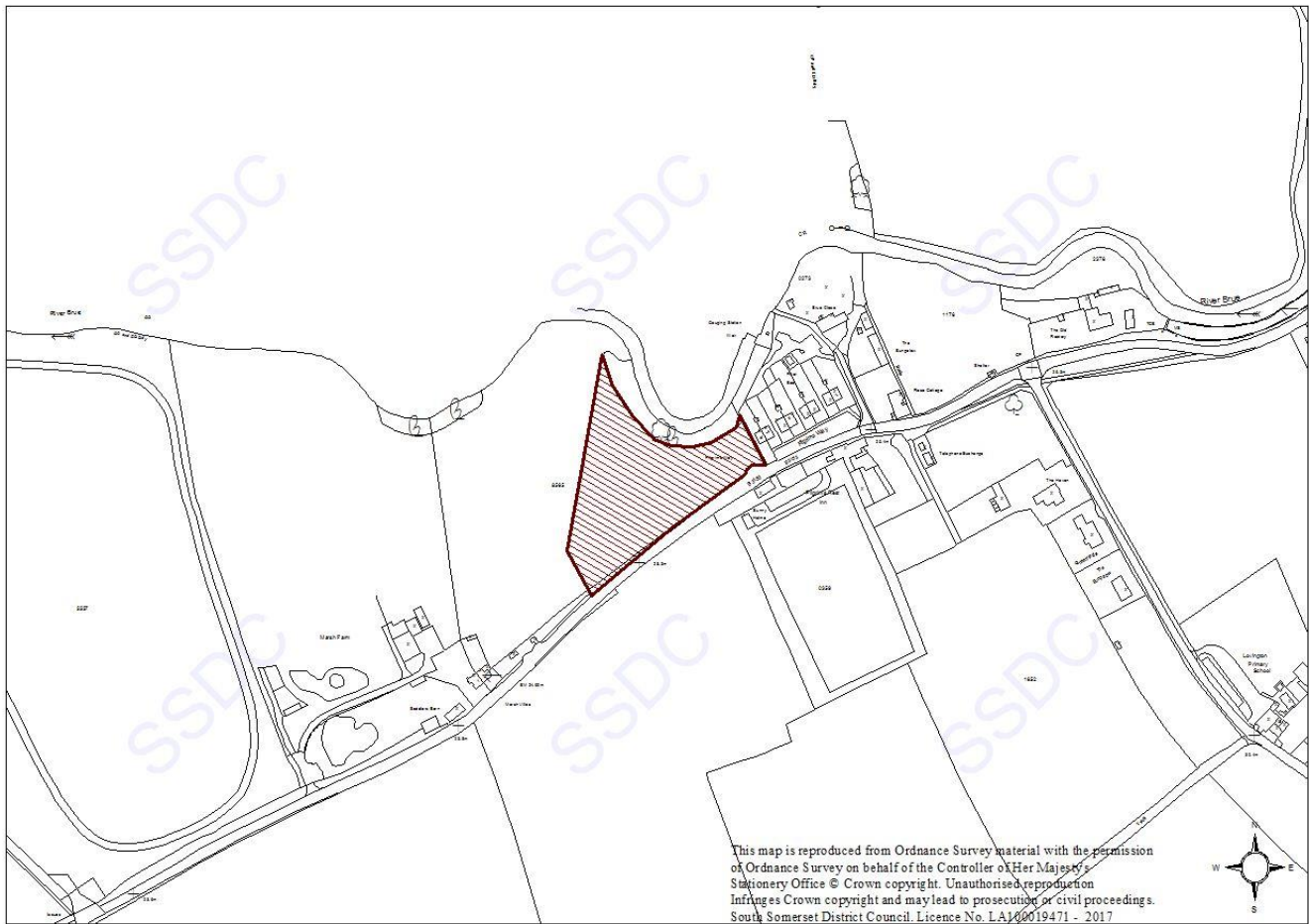
Proposal :	Outline application for six open market dwellings with land for up to two affordable dwellings and construction of new access and footway.
Site Address:	Land OS 8565 West Of Pilgrims Way Lovington
Parish:	Lovington
CARY Ward (SSDC Member)	Cllr Nick Weeks Cllr Henry Hobhouse
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	21st September 2016
Applicant :	Mr J Farthing
Agent: (no agent if blank)	Nigel Salmon 2 Priory Road Wells BA5 1SY United Kingdom
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

REASON FOR REFERRAL

The application has been referred to Area East Committee at the request of the Ward Members and with the agreement of the Vice Chair to enable the local concerns to be discussed further.

SITE DESCRIPTION AND PROPOSAL





This application is seeking outline approval and the agreement of detailed matters relating to access, layout and scale for the erection of up to six open market dwellings with land for up to two affordable dwellings as well as the construction of the associated new access and footway.

The application site forms the eastern side of a larger agricultural field which is situated at the north western periphery of Lovington village and abuts the northern side of the B3153. The site is immediately adjacent to the residential development of Pilgrims Way and is in part opposite the residential property known as Sunny Holme. The River Brue runs along the rear boundary of the site and a public right of way (footpath WN 15/13) passes diagonally through the site from southeast to northwest. The northern part of the site that follows the river is technically within flood zones 2 and 3.

HISTORY

None.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF states that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

SS2 - Rural Settlements

SS6 - Infrastructure Delivery

HG4 - Provision of Affordable Housing - Sites of 1-5 Dwellings

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HW1 - Provision open space, outdoor playing space, sports, cultural and community facilities in new development

EQ2 - General Development

EQ4 - Biodiversity

EQ5 - Green Infrastructure

EQ7 - Pollution Control

National Planning Policy Framework

Part 4 - Promoting sustainable transport

Part 6 - Delivering a wide choice of high quality homes

Part 7 - Requiring good design

Part 8 - Promoting healthy communities

Part 10 - Meeting the challenge of climate change, flooding and coastal change

Part 11 - Conserving and enhancing the natural environment

Technical Guidance to the National Planning Policy Framework

CONSULTATIONS

Cary Moor Parish Council: Recommend approval.

County Highways: No objection subject to a number of conditions to secure the following matters:

- Details of the highway infrastructure works to accord with drawing number 1622/P/11E;
- Parking and turning to be kept clear of obstruction;
- Details to secure provision for the disposal of surface water within the site to prevent its discharge on to the highway;
- Secure the visibility splays set out on drawing number 1622/P/11E.

SSDC Highway Consultant: Refer to SCC comments.

County Rights of Way: No objections, but requested improved surfacing of the public right of way through the development.

County Archaeology: No objections.

Environment Agency: No objection. We have recently received new detailed model for the River Brue and we can confirm that the proposed build development is located in flood zone 1. The only area that is near to the edge of the River Brue is the green / public open space to the north of the site, which wraps around the bend of the river. The applicant will need to take into account the 8 metre buffer from the river which would mean that a Flood Risk Activities Permit (FRAP) is likely to be required from the EA. Recommended a number of informatives.

Lead Local Flood Authority: No objection subject to a drainage condition.

Wessex Water: Raised no objections. Noted that a new water supply connection would be required.

Crime Prevention Design Advisor: No objection or comments.

Strategic Housing: We are happy with the proposal to gift land to Yarlington Housing Association; the Section 106 agreement should tie the land to affordable housing as per the application. We are also mindful of our duty to promote starter homes. Should the floor area of the six dwellings be over 1000sq metres then we would expect 35% of the proposed properties to be affordable.

Sports, Arts and Leisure: There are no local facilities for play, youth, pitches, changing rooms or village halls in Lovington and no identified need at present to provide these, we will not be seeking contributions from this development.

Planning Policy: The adopted local plan defines Lovington as a Rural Settlement, Policy SS2. At the time of writing these comments our monitoring data showed that over the plan period up until 31/03/2016 there had been a net gain of 3 dwellings (completions) in Lovington Parish with a further 2 commitments. I understand that here are a number of other applications ongoing elsewhere in the Parish seeking a combined total of 22 dwellings (including this site). Of these applications the current application meets the housing need identified through the Draft Housing Needs Report, i.e. 10 new units, and it is the only application including an element of affordable housing.

The proposal has undergone community engagement and consultation and appears to have the general support of the local community. I would however suggest that the mix of dwelling types proposed does not reflect the findings of the Draft Housing Needs Report which identifies a need for predominantly smaller properties. Taken in isolation this proposal generally accords with policy SS2.

In terms of the possible cumulative impact of approving all of the current proposals, the 2011 census shows that there are 71 dwellings in Lovington Parish. If all of the current applications were approved this could mean a 31% increase in the number of dwellings in the settlement. Overall policy SS5 sets out a requirement for 2,242 dwellings in Rural Settlements over the plan period, currently it appears that 1,301 dwellings have been built in such settlements. Given that Lovington has a range of services and a level of public transport commensurate with a Rural Settlement it is considered that 22 additional dwellings in the settlement would not threaten the overall local plan strategy set out in policy SS1.

In assessing each proposal the case officer will need to be satisfied that they accord with the policies of the local plan. The lack of a five year housing land supply is a significant material consideration.

Ecology: No objection subject to conditions.

I agree with the Preliminary Ecological Appraisal provided that the northern boundary alongside the river may provide a corridor used by legally protected species such as otters, bats and dormice. I note the proposed layout plan shows retention of this habitat, although the removal or works to semi-mature ash trees may be required to accommodate the development. Provided this habitat is retained and subject to conditions requiring further survey work relating to otters and badgers and a condition seeking biodiversity enhancement I have no objection.

Landscape Officer: Objects.

In terms of local character, Lovington is a dispersed village, with pockets of housing interspersed by paddocks and farmland, and no strong nucleus, other than the historic focus of the church. The farm and paddock spaces between the residential pockets of the village contribute to its dispersed character, and the wider context is emphatically rural. The application site is a corner of an agricultural field on the west side of the village, outside much of its residential form, that lays between the alignment of the B3153 Somerton - Castle Cary road, and the sinuous course of the River Brue to the immediate north. The Pilgrims Way development lays immediately to the east of the site,

otherwise its context is farmland.

I note that the application site lays at the east end of an arable field which further reduces east to a narrow space between the bend in the Brue's corridor and the B-road adjacent the existing housing edge. At this narrow 'pinch-point', the trees demarcating the Brue's course, and the roadside hedgerow, provide a credible degree of physical and visual containment of the existing Pilgrims Way development, such that it does not intrude into the wider farmed landscape, but is coherently clustered with adjacent housing within the same bend of the river, and the Pilgrims Inn opposite.

Conversely, this residential proposal lays outside this pinch-point (which I view as providing a credible physical edge to this area of the village's development) such that the proposal opens to the wider agricultural landscape; does not enjoy the same degree of visual and physical containment; nor the same clustered arrangement as characterised by the building group to the east. As such, the relationship with existing built form is tenuous, nor does the development footprint have any natural containment to its northwest and southwest, to thus be open to wider view. I consider the aggregation of these impacts to adversely impact upon local character and distinctiveness, and thus offer landscape grounds for refusal, LP policy EQ2.

REPRESENTATIONS

Written representations have been received from one local household expressing support for the proposal:

- A very sensible application which I think will bring new people into the village and because of its location will not upset local people.

Written representations have been received from six different local households raising the following concerns and objections:

- The B3153 is a highly dangerous road the proposed access for the houses would add greatly to the chaos and could well lead to fatalities.
- The main road is highly dangerous this is because of speeding lorries and tankers and because of the poor state of the road surface. The two junctions from the houses and industrial units proposed would greatly add to the chaos and could lead to fatalities.
- The access is on to a busy main road with heavy traffic and close to the brow of a hill.
- Pedestrians already feel vulnerable using the footway running alongside the Pilgrims Rest which can be subject to vehicles over running as it has a continuous kerb. There is also evidence on site of debris being dropped onto this footway from passing traffic. Hence any increased usage of this footway is of concern.
- Land required to widen the B3153 in front of 4-8 Pilgrims Way was acquired from SSDC, it is clear from this that SCC as the Highway Authority do not own and control the necessary land to enable the 2m wide footway shown on the proposed plans. Such a footway would require the hedge planted fronting no's 4-8 Pilgrims Way pursuant to the 1995 conveyance to be grubbed out. This would have a severely negative impact on the residential amenities of these properties.
- The only way for this to go ahead is to take part of our gardens (Pilgrims Way).
- There have been many strong objections in the village to any concept of housing estates and especially on greenfield sites where they would exterminate wildlife. Lovington is over 1500 years old, has a distinct historic and traditional quality and great harm would be done to the village if an inappropriate project went ahead.
- The cumulative impact of this as well as the other proposed developments in the village must be considered.
- Even if the Carymoor Housing Needs Survey data (which is considered to be skewed) is

accepted the number of houses suggested was 10. There are now approvals in place for 14 houses which exceeds the required quantity already and are on brownfield or infill sites. Local housing demand has therefore been more than satisfied.

- Over-development.
- An additional 19 dwellings cannot be allowed as they would be contrary to policy SS2.
- The status of Lovington under the local plan limits development here. There is no reasonable justification for these houses.
- The development will be located where there are inadequate services, employment or sufficient public transport, which would mean more traffic and increased in use of the sub-standard junction. The narrow country lanes off the main road are not fit for further increases in traffic.
- There is no public house (The Pilgrims is a restaurant), no shop, a very part time church, no good bus service (you can only get to Yeovil for a couple of hours, 1 day a week). Inadequate employment, no play area, no village hall.
- The six open market houses will be unlikely to be within the budget of local young people.
- The signing away of land through a S106 is a dubious method of getting an application accepted.
- Current approvals are already in place for 11 dwellings in Lovington, representing a 19% rate of growth. This is nearly double that required of the nearest local market town of Ansford / Castle Cary under the local plan. If all current applications were approved this would add up to an additional 40 dwellings in a village of 59, a 68% rate of growth.
- There is no benefit for the people of Lovington.
- The current applications in would be served by new estate roads, two sitting astride Pilgrims Rest, with footways and no doubt street lights, all being entirely alien features to the village and ones which would urbanise the feel of the village. Additionally there might be a need to install street lighting alongside this stretch of the B3153.
- The rural character of the village must be maintained.
- This would destroy the current nature and character of Lovington.
- The site is greenfield next to the river with a public footpath allowing access to this wildlife haven and is described by the council's landscape officer as contributing to the character of the village. Concerns are also raised by the environmental officer.
- The development is totally out of keeping with the character of our rural area.
- Potential harm to wildlife. This is an unnecessary development that will cause unnecessary harm to riverside wildlife.
- The loss of the trees must not be allowed.
- The bottom of the site is within a flood zone. Risks resulting in surface water flooding to surrounding houses.
- There are natural springs in the construction area.
- There has been no consultation, no archaeological survey and no contamination survey.

CPRE: Object for the following reasons:

- Impact on landscape - Lovington is a dispersed settlement with clusters of housing interspersed by paddocks and farmland with no clear village nucleus. This allows the village to sit comfortably within the surrounding landscape. We would like to support comments made by the Landscape Officer who argues that this proposal fails to respect local character and distinctiveness, contrary to policy SS2.
- Loss of agricultural land - The development would result in the loss of 0.85 hectares of good quality agricultural land. Paragraph 12 of the NPPF states that such land should be conserved for agriculture.
- Policy SS2 - This policy requires community support for the development following robust community engagement and consultation by the applicant. We do not feel that this has been

sufficiently demonstrated. A Court of Appeal ruling (Richborough judgement of last March) states that significant weight could still be given to such restrictive policies even if there is no 5 year housing land supply.

- Cumulative impact - If all the current planning applications are given the go ahead this will have a major impact on the character of this rural settlement and on the quality of life of the local community. Lovington is a scattered village with no historic nucleus. It has no village hall or community centre, no general store and public transport is minimal. To allow such a significant increase in housing numbers in such a short space of time cannot be described as sustainable.

CONSIDERATIONS

This application is seeking outline approval and the agreement of detailed matters relating to access, layout and scale for residential development. The scheme as originally submitted sought the erection of 6 open market dwellings and the provision of land for up to four affordable dwellings along with the construction of the associated new access and footway. The application has since been revised reducing the number of affordable dwellings to two.

Principle

Lovington is a small rural village which benefits from a range of local facilities including a public house, church, primary school, children's nurse as well as employment sites (most notably Brue Farm). On the basis of this range of facilities it is accepted that Lovington should be treated as a Rural Settlement within the local plan hierarchy and therefore falls under the considerations of local plan policy SS2.

The proposed mix of market and affordable housing is considered to be a positive that weighs in favour of the proposal with regard to the requirements of policy SS2, however, the mixed views of the local community and concerns in respect of its harmful impact upon the character of Lovington means that it does not strictly comply with this policy.

At present SSDC is unable to demonstrate a five-year housing land supply. In such circumstances paragraph 49 of the NPPF states that relevant development plan policies for the supply of housing should not be considered up-to-date. Subsequent case law, High Court decision (Woodcock Holdings Ltd), concludes that appropriate weight can be attached to 'out-of-date' housing supply policies when considered in the 'planning balance' of whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

In this instance Lovington is considered to be an acceptable location for some growth and it is acknowledged that the location of the application site is close to a number of the services that can be found within the settlement. The Policy Planner considers in some detail the level of development currently under consideration at this time for Lovington. They note that although there is the potential that this proposal along with others pending / approved for the village could result in a 31% increase in households in the settlement they do not consider the principle of this level of growth to be unacceptable, bearing in mind the LPA's current lack of a 5-year housing supply.

The contribution that this scheme will make to the district housing supply is modest, nonetheless, it should still be considered a benefit to which considerable weight should be attributed and overall the principle of the proposed development is considered to be acceptable.

Character and appearance (access, layout and scale)

Lovington has a very loose, dispersed grain of development that has resulted in several loose and sporadic building groups without any part forming a clear village nucleus. As a result of this pattern of development the village has a very undeveloped and rural character that has a sense of being directly connected to the surrounding countryside.

The application site lays at the east end of an arable field which reduces in depth at this end of the

field narrowing between the bend in the River Brue on the north side and the main road to the south. At this narrow pinch-point the trees growing along the River Brue and the roadside hedgerow provide a fairly robust level of visual and physical containment of the existing Pilgrims Way development to the east in a manner that does not intrude into the wider farmed landscape and instead is coherently clustered with adjacent housing within the same bend of the river and the Pilgrims Inn opposite.

The proposed development however lays outside this pinch-point and intrudes into a wider agricultural landscape that does not benefit from the same sense of physical and visual containment. Its relationship with existing built form is weak and due to the lack of any natural containment to the west is open to wider view. The resulting extension, projection and consolidation of built form is considered to have an urbanising effect of this part of the settlement that is at odds with the dispersed pattern of development and rural nature that characterises the settlement of Lovington. For these reasons the development is contrary to the aims and objectives of LP policy EQ2.

Highway safety

Following local comments the scheme has been revised to omit the footpath element through Pilgrims Way to the east.

The proposed access to the site includes a new vehicular access towards the western end of the site and pedestrian access at the eastern end leading on to a signal controlled stretch of the B3153. There are local concerns in respect of both of these accesses. In regard to the vehicle access concerns have been raised with regard to the position of the access in relation to the brow of the hill to the west which they believe will restrict visibility in this direction. These concerns have also been raised directly with the highway authority who to date has not responded to these queries. They did, however, provide a very detailed response prior to these objections being raised in which they indicate they have consulted their safety audit team and whilst they raised a number of points relating to the detail of the accesses and layout associated with the development (all of which would normally be dealt with either at reserved matters or conditions stage) they are clear that they do object to the proposal either for highway safety or traffic generation reasons.

A number of residents at Pilgrims Way have objected to the proposed footpath works alongside the B3153 which will intrude into the bank which they consider to be part of their gardens. One resident has gone further and stated that it is not possible as the highway authority does not own this land and provided details of the conveyance of the land in question. Having read through this conveyance and obtained a copy of register of title from the Land Registry it would appear that the land is indeed in the County Council's ownership and therefore in the control of the highway authority. It is noted that the conveyance specified a number of requirements pertaining to what should be installed in respect of the adjoining householder's roadside boundary treatment however it does not go as far as to require such measures be permanently maintained / retained in this fashion thereafter. On the basis of this information the neighbour's assertion does not appear to be founded, rather it is within the control of the highway authority, who has not objected, as to whether these arrangements are feasible or not.

Overall given the highway authority's considered response and the lack of any evidence to counter their views the proposal is not considered to give rise to any severe highway safety concerns.

Residential amenity

The application site is relatively spacious in terms of accommodating a development of this scale and given its distance and juxtaposition with surrounding development there is no reason why a scheme of this nature could not be designed so as to avoid any demonstrable harm to neighbouring properties.

Other matters

- **Drainage / flooding** - At the time that the application was submitted the northern part of the site alongside the River Brue was defined as being within flood zone 3 and so at high risk of flooding. The Environment Agency however has confirmed that following recent modelling work

for the River Brue they are satisfied that the area of built development is located in flood zone 1 and therefore at low risk of flooding. They have not raised any other drainage or contamination concerns.

- **Ecology** - Concerns have been raised in respect of the impact the development could have upon ecology / wildlife that utilise the riverbank. The Council's Ecologist has visited the site and satisfied himself that any concerns relating to ecology and specifically protected species can be adequately addressed by conditions. On this basis it would be unreasonable to object for this reason.
- **Archaeology** - Several residents have expressed concern with regard to the lack of consideration given to possible onsite archaeology. The County Archaeologist however has been consulted and raises no objection or comments in respect of the proposal.
- **Loss of best and most versatile agricultural land** - The CPRE has objected for this reason. Whilst there is a lack of assessment of the quality of this land, at the time of visiting wheat was growing on the land and so it might be reasonable to assume that it falls within the category of being the 'best and most versatile'. The total site area however is only 0.85 hectare and it is therefore accepted that the proposal does not represent a significant loss of such land (paragraph 112 of the NPPF).

Planning Obligations

In May a Court of Appeal ruling (SoS CLG vs West Berks / Reading) determined that local authorities should not be seeking contributions from schemes of 10 units or less and less than 1000 square metres in floor area, unless they can be justified as being necessary to make this development acceptable. On this occasion the Leisure Policy team were consulted and confirmed that they do not wish to seek any on-site or local facilities / contributions. In regard to affordable housing, the applicant is voluntarily offering to donate land for two affordable houses which is considered to be acceptable.

Planning Balance

The council's lack of a five year housing land supply is acknowledged and attracts great weight in the decision making process with policies for the supply of housing considered not to be up-to-date. The Local Plan reflects the presumption in favour of sustainable development set out in the Framework. The sustainability of development needs to be assessed against three elements: social; environmental; and economic.

It is acknowledged that the proposal would make a positive contribution towards meeting the housing shortfall in the District and widening the choice of homes. The scale of the scheme however is relatively modest and therefore the weight given to this benefit is only moderate. There will also be some economic benefit arising from employment during the construction phase of the development, however, as this will only last for a short period of time whilst the site is being developed only limited weight should be attributed to this benefit.

Conversely the impact of the development upon the character of the settlement and the local landscape are considered to be substantial. Lovington is a dispersed rural settlement that is characterised by small pockets of housing interspersed by paddocks and farmland with no strong nucleus. The resulting extension, projection and consolidation of built form at this northwestern edge of the village where there is no natural containment is considered to have an urbanising effect that is at odds with the prevailing dispersed pattern of development and rural nature that characterises Lovington. These are strong character and appearance concerns that have the support of policy EQ2 and attract great weight in the decision making process.

Bearing in mind the permanence and irreversibility of the proposed built development, these factors are considered to weigh heavily against supporting the proposed development. The presumption in favour of sustainable development, as set out in paragraphs 14 and 49 of the NPPF is acknowledged, however, in this instance the adverse impacts identified above are considered to be severe and to demonstrably outweigh any benefits. The proposed development therefore cannot be considered a

sustainable development and as such is recommended for refusal.

RECOMMENDATION

Refuse consent for the following reason:

The proposed development, by reason of its location and scale, will result in the extension, projection and consolidation of built form that is both intrusive within the local landscape and contrary to the dispersed pattern of development and rural nature that characterises the settlement of Lovington and which fails to reinforce local distinctiveness, respect local context or to conserve or enhance the landscape character of the area. Such harms are considered to be substantial and to outweigh the positive contribution the scheme would make towards meeting the district's five-year land supply and to therefore be contrary to the aims and objectives of policies SS2 and EQ2 of the South Somerset Local Plan as well as the provisions of the National Planning Policy Framework.

Informatives:

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
 - offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, the applicant/agent did not take the opportunity to enter into pre-application discussions and there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.