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## Appeal Decision

Inquiry held on 23 - 25 April 2014, and 24 September 2014

Site visit made on 25 April 2014

**by Anthony Lyman BSc(Hons) DipTP MRTPI**

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

**Decision date: 4 November 2014**

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**Appeal Ref: APP/R3325/A/13/2210545**

**Land at Gold Well Farm, Yeovil Road, Crewkerne, Somerset.**

- 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 Gleeson Developments Ltd against South Somerset District Council.
  - The application Ref 13/02941/OUT is dated 17 July 2013.
  - The development proposed is residential development of up to 110 dwellings, plus associated open space (including allotments and areas of habitat enhancement), foul and surface water infrastructure, internal footpaths, cycle routes and estate roads and an access on to the A30.
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### Decision

1. The appeal is dismissed.

### Application for Costs

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

### Preliminary Matters

3. The application is made in outline with all matters except means of access reserved for future determination. I have determined the application on that basis, although I have had regard to the illustrative Development Concept Plan which indicates how the development would be carried out.
4. I undertook an accompanied site visit on 25 April and other unaccompanied site visits to the area both during and after the close of the Inquiry. On the evening of 24 April 2014, I viewed the site from parts of the Monarch's Way footpath and the public right of way to the north of the site.
5. The appeal was made against the Council's failure to determine the application. Subsequently the Council's Area West Committee resolved to defend the appeal on a number of grounds, one of which relating to archaeology was resolved before the Inquiry. The two remaining areas of concern to the Council related to the impact on landscape character and the accessibility of the site.

6. At the time the Inquiry opened, it was agreed between the parties in the Statement of Common Ground (SoCG) that the Council could not demonstrate a five year housing land supply (HLS). It was further agreed that paragraph 49 of the National Planning Policy Framework (the Framework) was engaged and that development plan policies relevant to the supply of housing were, therefore, not up-to-date. After the Inquiry closed, the Council wrote to the Planning Inspectorate on 11 June 2014, advising that a five year HLS could now be demonstrated and that this would be considered further at the resumed Local Plan Examination that month.
7. In view of this fundamental change in the Council's position, the Inquiry re-opened on 24 September 2014 to hear evidence from both parties on the revised five year HLS.

### **Main Issues**

8. The main issues are, i) the effect of the proposed development on the character and appearance of the surrounding countryside and the A30 corridor, ii) the sustainability of the site with regard to accessibility to local services, iii) the effects of other material considerations including potential public benefits and housing land supply on the planning balance.

### **Reasons**

#### *Background*

9. The appeal site comprises five fields in open countryside just outside the existing settlement boundary of the market town of Crewkerne. The proposal seeks outline permission for up to 110 dwellings, including 35% affordable homes, to be accessed from a new road and traffic light controlled junction on the A30.
10. On the opposite side of the A30, outline permission has been granted for a large residential development on the Crewkerne Keysite also known as the CLR site, allocated in the South Somerset Local Plan (the Local Plan) adopted in April 2006. The first phase of over 200 dwellings has full planning permission and preparatory work for the new access road to serve that development from the southern side of the A30 had started before the opening of the Inquiry. This new road will eventually form the Crewkerne link road between the A30 and the A356 and is intended, amongst other things, to take some through traffic out of the narrow streets in the historic town centre and to provide improved access to an industrial area.
11. The appeal site forms part of a more extensive area known as the Longstrings site which was put forward alongside the CLR site in the deposit draft Local Plan, to accommodate future growth in Crewkerne. Subsequently, it was considered that the town did not need two large strategic sites and, prior to the Local Plan Inquiry, the Council proposed the deletion of the Longstrings site. However, the Local Plan Inspector in 2003 recommended that the CLR site should be deleted from the plan and the Longstrings site reinstated mostly on environmental and landscape grounds which the Inspector considered preferable. In making that recommendation, the Inspector opined that the site would not have an unacceptable damaging impact on the setting of the town, provided the higher most prominent parts of the area were kept free of development and the existing hedgerows,

green lanes and field patterns were retained. The higher, more prominent parts of the proposed Longstrings allocation, include areas of the appeal site.

12. The Council did not accept the Inspector's recommendation and the Longstrings allocation was not included in the adopted Local Plan. The Council considered that the benefits that would arise from the development of the CLR site, including the link road giving better access to employment areas and removing some through traffic from the town centre would be greater than would be generated by the Longstrings site, and that these CLR benefits would outweigh any visual impact on the landscape.

*Character and appearance – surrounding countryside*

13. Crewkerne nestles in a hollow surrounded by rising ground on several sides. As the settlement has grown, development has largely spread up the hillsides from the town centre with some of the most recent development having taken place on the hilltop plateau to the north. Little development has taken place on the outward facing slopes of the hills. Consequently, on the approach to Crewkerne from Yeovil along the A30, most of the town on the inward facing slopes is concealed from view by the wooded hills, apart from a relatively modern residential development along Ashlands Road and Middle Hill.
14. The Ashlands Road development together with the cluster of buildings associated with Higher Easthams Hill Farm lie to the south-west of the site with high hedgerows alongside a public right of way predominantly buffering views of the dwellings. The A30, in a deep tree lined cutting, forms the south-eastern boundary. The other two sides of the roughly rectangular site abut Gold Well Farm buildings and the surrounding open countryside. The undulating site slopes generally downhill to the east and to the north. There is a small coombe valley along the northern edge.
15. The appeal site and the surrounding countryside have no established landscape designation. Nevertheless, that does not mean that the area is not a valued landscape which the Framework advocates should be protected and enhanced. It is a highly attractive undulating landscape in which the relatively small fields, said by the Council to be pre-C17<sup>th</sup> ancient enclosures, are largely defined by well established hedgerows and intermittent mature trees. The site acts as an intimate scale buffer between the town's built edge and the larger agricultural rolling fields of the surrounding landscape. The area has intrinsic character and beauty, which the Framework, in one of its core planning principles, advocates should be recognised.
16. A Peripheral Landscape Study (PLS) for Crewkerne dated March 2008, was prepared as part of the evidence base to inform the allocation of new development sites in the emerging South Somerset Local Plan (formerly the draft Core Strategy). The appeal site is within an area defined as the "Northern Hillsides" local character area. The study identifies that the hillside slopes with their faces away from the town, their clear rural expression, and with hedgerows offering a buffering function to the development on the plateau, are of high landscape sensitivity, with which I agree. Nevertheless, there are some parts of the appeal site which have more moderate landscape sensitivity.

17. The illustrative Development Concept Plan shows the retention of most of the important hedgerows with housing largely compartmentalised within existing field boundaries to help minimise visual impact and to retain the historic field pattern of the area. The internal estate roads would largely make use of existing gaps in the hedges, retaining as much of the vegetation as possible. Field No. 4 which is particularly prominent in short and long distant views is shown as 'open space parkland' and would remain undeveloped with further tree planting.
18. The site is visible from a number of public vantage points. From the Monarch's Way long distance footpath, close to Rushy Wood Farm, the site can be clearly seen mainly against a backdrop of trees along the A30 and on the ridge. Although from this viewpoint dwellings in Ashlands Road can be seen, generally that development is screened by vegetation. The CLR site is also visible from this viewpoint, but it is not as prominent as the appeal site as it is slightly more distant and partly obscured by the A30 tree belt.
19. In views from the Monarch's Way and the A30 on the approach to the town, the proposal would appear to fill in the rural green buffer between the CLR site and the Ashlands Road/Middle Hill development. This would substantially erode the local landscape character, cumulatively extending the visual massing of urban development into the landscape of high sensitivity. The appellants have suggested that one and a half storey housing on some of the sloping land would reduce visual impact. However, I am not convinced that this design feature would significantly reduce the massing impact of the tiered built development.
20. There are much closer views of the site from the nearby public right of way which runs roughly parallel with the site, eastwards from Middle Hill. Once walkers along this footpath have left the Middle Hill development, they are very quickly within an area of tranquil and deeply rural character with mature hedgerows, wildlife and attractive views over the surrounding undulating countryside, as I experienced on my evening walk along this path. From various viewpoints substantial parts of the appeal fields can be seen relatively nearby against the backdrop of trees. The proposed development on the elevated land to the south of the path would be highly prominent, visually intrusive and would significantly harm the quality of the tranquil countryside environment enjoyed by the users of the path.
21. The CLR site is largely obscured from these views due to the topography and the tree belt. Consequently, from this footpath the proposed development would be seen as an isolated, incongruous projection of urban development into this highly nuanced and intimate landscape. The urbanising impact of over 100 dwellings in these fields would be further exaggerated by the lights from numerous cars, windows, external house lighting and potentially street lighting. I do not consider that the proposed dwellings, particularly on the more elevated parts of the site would be adequately screened to mitigate their adverse urbanising impact, even allowing for the eventual growth over time of the proposed tree belts.
22. The PLS noted that in previous landscape studies the CLR site was also considered to be highly visible, poorly related to the town and lay over the outward falling slopes of this character area. Nevertheless, the Council considered that the multiple benefits of that scheme, over and above any

that might arise from the Longstrings site, outweighed the potential landscape harm.

23. In conclusion, I am not persuaded by the appellant's contention that *the design of the proposed residential scheme fully respects the form, character and setting of the locality*. The development would have a significant and adverse impact on the character and quality of the local landscape particularly when viewed from nearby publicly accessible vantage points, contrary to the objectives of saved Local Plan Policies ST5 and EC3.

#### *Character and appearance – A30 corridor*

24. The A30 provides a delightful, distinctive approach to Crewkerne in a deeply incised man-made cutting, the steep sides and shoulders of which are heavily wooded. The access to the site would involve substantial engineering works including, excavating into the deep northern side of the cutting and into the bank beyond to form a wide bell mouth on to the A30 and the inclined sinuous access road into the development. Steep earthwork banks and extensive retaining walls would also be created. These works would necessitate the felling of a substantial area of trees and shrubs which line the cutting. The appellants argued that the existing roadside vegetation on the embankment comprises mainly self seeded trees and shrubs of low quality. Irrespective of the individual quality of plants, cumulatively they create a distinctive and attractive landscape feature of the area.
25. Replanting with native trees and shrubs would be included in the scheme. Nevertheless, the distinctive character of the A30 approach to Crewkerne would be significantly eroded by the substantial highway works and the loss of trees and shrubs to create the access. The works on the south side of the A30 to provide the CLR link road will lead to some erosion of the distinctive character of the former turnpike road. However, with the consented access in place, the A30 would still retain its containing wooded embankment opposite thereby largely preserving the incised tree lined appearance. The cumulative effect of the proposed access would be to create an extensive open highway junction, of a scale which would harm the distinctive character and appearance of the approach to Crewkerne. The extensive lengths of retaining walls, (albeit using local materials), and the potential introduction of highway lighting would be further urbanising features which would appear incongruous at the entrance to a small historic market town. I conclude that the proposed access arrangements would be contrary to the environmental objectives of saved Local Plan Policies ST5 and EC3.

#### *Sustainability and accessibility*

26. Crewkerne is a market town with a wide range of services and facilities and is recognised as a sustainable location for further residential development. The emerging South Somerset Local Plan identifies Crewkerne as one of the 'Primary Market Towns' wherein *provision will be made for housing, employment, shopping and other services that increase their self containment and enhance their role as service centres*. At the time this Inquiry opened, the examination of the emerging plan had been suspended by the examining Inspector. However, the main areas of concern to the Local Plan Inspector (LPI) did not relate to Crewkerne's proposed designation as a sustainable location for development. Following the resumed local plan examination in June 2014, the Inspector asked the Council to consult on a

small number of further modifications including a suggested amendment to Policy SS5 to allow a permissive approach to housing proposals adjacent to development areas of towns and rural centres, including Crewkerne, until such time as a Sites Allocation Development Plan Document is adopted. That consultation exercise had not been completed at the time that this Inquiry re-opened.

27. There was no dispute between the parties that the development would generate substantial economic benefits for Crewkerne through the increased support for local businesses by future occupants and the significant investment in the local economy during the construction phase. The proposal would also generate significant social gains through the provision of market and affordable houses. Nevertheless, most of the residents of the proposed development would be highly dependent on the private car as the proposed development would not be sustainably located in relation to the facilities of Crewkerne, having regard to the distances involved, highway infrastructure and local topography.
28. The centre of the proposed residential area on the appeal site would be, with a few exceptions, within about 1.25 to 2.5km of most of the town's shops, first and middle schools, health and employment facilities. The most direct route from the site to the majority of the facilities would be along the A30 which mostly slopes downhill to the town centre. The pavements alongside the road are, in places, relatively narrow and inclined and the heavy traffic in peak periods detracts from the enjoyment of the walk. I am not convinced that the nature of the largely historic highway infrastructure in Crewkerne and the gradient, particularly along Mount Pleasant, are conducive to encouraging increased walking or cycling, particularly for the elderly, disabled or parents with children. Interested parties at the Inquiry stated that cycle usage in the town was very low, due the narrowness of the roads and the traffic, and this appears to be confirmed in the appellants' traffic surveys and my own observations during my visits to the town.
29. With reference to documents such as Manual for Streets, the appellants considered that 800m is a 'comfortable' distance to walk and that 2km is a 'reasonable' walking distance, although not a maximum. I agree with these generalised statements. However, the Maiden Beech Middle School, which caters for children aged 9 to 13, is on the southern side of Crewkerne approximately 2.5 km from the site. Despite the differing advice on acceptable walking distances in various documents referred to by the appellants, in reality, given the nature of the route to that school along the busy A30 and through the town centre, I can well understand reservations that parents might have about allowing their children as young as 9, to walk to the school unsupervised. The alternative for parents would be to spend hours each day walking the round trip of 5km twice or to take the car which the appellants accepted may not be a real alternative for some of the occupants of the affordable houses in the scheme.
30. The public transport services in the town would not assist with this situation. At the time the Inquiry opened, there were regular bus services passing relatively close to the appeal site. Nevertheless, it was stated at the Inquiry that financial support for rural buses was being reduced and that funding for the No. 47 bus route along the A30 would be likely to cease in June 2014. Although I have been given no further evidence on this matter,

the appeal site would be left with only a limited bus service to the town centre along Ashlands Road, (other than college buses). The level of service would not be conducive to encouraging residents of the proposed development to reduce the use of their cars.

31. The Framework confirms the need for people to be given a real choice about how they travel and advocates, amongst other things, that developments should be located to give priority to pedestrian and cycle movements, have access to high quality public transport facilities, and should consider the needs of people with disabilities by all modes of transport. Nevertheless, the Framework also recognises that in different communities, different sustainable transport solutions will be required and will vary from urban to rural areas.
32. The Framework confirms that travel plans are a key tool to promote the sustainable development credentials of a site. The appellants' travel plan sets out a range of measures to facilitate and encourage sustainable modes including, amongst other things, the appointment of a travel plan coordinator; residential travel information packs; green travel vouchers for every household; information relating to the provision of home broadband, cycle routes, bus and rail timetables; measures to encourage walking and cycling and the setting up of a cycle users' group. The travel plan also includes improvements to the existing transport network, such as the provision of town centre cycle parking, bus shelters, the introduction of dropped kerbs and tactile pavements. School travel contributions are also suggested.
33. The highway authority accepted the travel plan and confirmed that the peak hour traffic generation would have no detrimental impact on the local highway network. The Council's transport consultant on the travel plan stated - *Without the benefit of detailed local knowledge, my view is that these measures (in the travel plan) are about as good as can reasonably be achieved. My view is that what will be achieved by these initiatives, or similar, is necessary for the development to be suitably sustainable.* This does not appear to me to be a resounding endorsement of the travel plan and does not confirm that the measures would actually be achieved. Ward councillors and Crewkerne Town Council gave evidence at the Inquiry and considered that, from their detailed local knowledge, the proposed measures in the travel plan would not achieve the shift in modal choices, even to the extent of the small percentage sought.
34. Many of the measures included in the travel plan would be implementable. However, on the evidence before me, I am not convinced that future residents of the new development would have a real choice about how they travel as advocated by the Framework. The travel plan has a built-in monitoring and review mechanism to get the objectives 'back on track' if the anticipated modal shift is not being achieved. However, given the specific circumstances relating to Crewkerne and the appeal site, it is not clear on the evidence before me, how the travel plan could be altered or what new incentives could be introduced to make the required percentage change more achievable. I conclude that, in reality, future residents of this site would be likely to be reliant on the use of private cars and that therefore, the development would fail to satisfy the sustainable transport objectives of the Framework and Policy ST5 of the Local Plan.

35. The appellants argued that many of these accessibility issues were no different on the CLR site for which permission had already been granted. However, that site was allocated in the adopted local plan and the Council resolved to grant permission, subject to completion of s106 Agreements, before the publication of the Framework with its sustainable development provisions. I must determine this appeal on the specific circumstances before me.

*Other matters – Housing land supply*

36. At the outset of the Inquiry, both parties accepted that the Council could not demonstrate a five year HLS and that, therefore, in accordance with paragraph 49 of the Framework, relevant policies for the supply of housing were not up-to-date. For that reason the Council confirmed at that time, that Policy ST3 (Development Areas) of the adopted Local Plan was no longer applicable to constrain housing to within development limits and that development on sites outside the adopted boundaries was acceptable in principle.
37. Subsequently, after the close of the Inquiry, the Council advised that it had reviewed the housing situation in preparation for the resumption of the Local Plan Examination in June 2014. The outcome of that review was that the Council maintained at the Examination, that a robust five year HLS could be demonstrated based on data to 31 March 2014. By the time that this appeal Inquiry re-opened in September, the Council had updated the figures further to 31 July 2014, and claimed a supply of 5 years and 5 months.
38. The appellants disputed that a 5 year HLS existed, claiming that both the housing requirement calculation and the housing land supply figures were flawed. In their rebuttal proof to the re-opened Inquiry, the appellants also argued that little weight should be given to the Council's updated evidence and that the Inquiry should focus on the full 31 March 2014 assessment, which was the document on which the decision to re-open the Inquiry was taken. I am not persuaded by this latter argument as I must have regard to the evidence put to the Inquiry.
39. Planning Practice Guidance (PPG) advises that up-to-date housing requirements and the deliverability of sites to meet a five year supply will have been thoroughly considered and examined prior to adoption, in a way that cannot be replicated in the course of determining individual applications or appeals. The Court of Appeal Judgement relating to Hunston Properties Limited<sup>1</sup> similarly found that, *"It is not for an Inspector on a Section 78 appeal to seek to carry out some sort of local plan process as part of determining an appeal, so as to arrive at a constrained housing requirement figure. An Inspector in that situation is not in a position to carry out such an exercise in a proper fashion, since it is impossible for any rounded assessment similar to the local plan process to be done. That process is an elaborate one involving many parties who are not present at or involved in the Section 78 appeal."*
40. The emerging South Somerset Local Plan (2006-2028) has not yet been adopted. Nevertheless, it is at an advanced stage having been through two

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<sup>1</sup> St Albans City and District Council v Hunston Properties Ltd and Secretary of State for Communities and Local Government, [2013] EWCA Civ 1610.



rounds of examination in May/June 2013 and June 2014. Consultation on the LPI's main modifications has been undertaken and the Inspector's final report is anticipated in the not too distant future.

41. With regard to the PPG advice and the Hunston Judgement above, it is not for me to carry out a forensic analysis of the housing statistics. Nevertheless, I will address the broader issues advanced by the appellants in disputing the five year HLS, considering first the housing requirement.

#### *Housing requirement*

42. Policy SS5 of the emerging Local Plan sets out a housing requirement figure of 15,950 which equates to an annual requirement of 725 homes. In the summary proof of evidence to the re-opened Inquiry, the appellants stated that *it has been agreed with the Council that the emerging housing provision of 15,950 dwellings (725 per year) should be used for the purposes of the five year land supply calculation. Matters not in dispute are (amongst other things) – the annual provision of 725 dwellings.*
43. However, in the main proof of evidence the appellants argued that 15,950 does not represent the full objectively assessed housing needs and may therefore, be subject to legal challenge. According to the appellants this was because the full affordable housing need identified in the Strategic Housing Market Assessment 2009 (SHMA) of 659 affordable homes per year had not been included. Nevertheless, in the subsequent rebuttal proof of evidence, the appellants' witness stated – *Whilst I am not suggesting that the 659 affordable dwellings should be added to the 725, it is clear that the actual needs are higher than 725 units per year.* However, the appellants did not suggest what they considered the actual needs figure should be.
44. PPG advises that the amount of affordable housing to be included in objectively assessed need should realistically reflect the amount that can be delivered by market housing led developments. The Council's methodology and its requirement of 15,950 dwellings or 725 units per year has been scrutinised at the Local Plan examination, and has not been the subject of concern in the LPI's recent preliminary findings. There is no suggestion that the housing position adopted by the Council is unsound or is not properly evidence based. It is reasonable to assume, therefore, that the figures will be retained in the adopted plan as the most up-to-date objectively assessed need, which carry significant weight in this appeal
45. I note the appellants' arguments that these are constrained figures rather than full objectively assessed need and that a section 78 Inquiry can only look at supply against need. Nevertheless, the appellants have not provided convincing evidence as to why I should depart from these figures which, for the purposes of this Inquiry, were agreed in the SoCG.

#### *Housing land supply*

46. The appellants disputed the likely windfall projections in the Council's calculations and the rate of delivery from a number of the sites based on their experience and *particular insight into landownership, viability and planning process issues which stand between achieving an allocation and delivering a completed home.* The appellants claimed that from their experience some of the site projections are *'overly optimistic'* and opined

that 625 dwellings should be deleted from the five year HLS in relation to these sites and that a further 44 windfall dwellings should be removed from the calculations.

47. The windfall projections, the deliverability of the sites and their contribution to housing supply over the next five years of the plan period were the subject of discussions at the Local Plan Examination, which the Council described as 'thorough'. The LPI raised no concerns about these sites or their projected delivery in his preliminary findings, and they are not the subject of main modifications. Having regard to the advice in PPG, it is not appropriate for me to re-visit the in-depth Local Plan Examination, on the basis of the opinions of another developer. Furthermore, it is reasonable to assume that those individual developers/promoters working closely with the Council over a long period of time would have a better, in depth understanding of their own sites and their ability to finance and deliver houses than the appellants.
48. Whilst I do not doubt the expertise of the appellants' witness in these matters generally, I attach little weight to the appellants' criticism of the contents of some of the Statements of Common Ground between the Council and the promoter/developers of individual sites which were presented in evidence to the Local Plan Examination only a few months before this Inquiry re-opened. Following the round table discussion at the re-opened Inquiry, I have considered all of the appellants' concerns about the housing land supply. However, I conclude that the appellants' arguments based on 'experience' and 'opinion' fail to demonstrate convincing justification for dismissing the Council's detailed and considered housing land supply assessment to which I attribute significant weight in this appeal.
49. The appellants also challenged the Council's partial roll-forward of housing land supply information to 31 July 2014, arguing that all components of both requirement and supply should have been updated, in particular, completions and any lapsed permissions over the extended period. I agree that any update should be comprehensive. The Council subsequently confirmed that during the four month period, from 31 March to 31 July 2014 there had been no lapsed planning permissions. In their rebuttal proof of evidence, the Council, recognising the appellants' concerns, re-calculated the five year HLS to take account of the shortfall in completions throughout the four month period. This increased the backlog to 970 dwellings, resulting in a total five year requirement of 5,320 homes, made up as follows:  $(725 \times 5) \times 20\% + 970$ . Against a claimed land supply of 5,789 dwellings, this gives a supply comfortably in excess of five years as at 31 July 2014.
50. Housing land availability is a snapshot in time which constantly changes. I am satisfied that it was appropriate for the Council to provide the re-opened Inquiry with the most up-to-date information available, which in this case was to 31 July 2014.

#### *Under-delivery and application of the buffer*

51. The Council does not dispute that there has been persistent under-delivery of housing in previous years of the plan period and that the backlog should be accounted for using the Sedgfield method. In the circumstances, the application of a 20% buffer, in accordance with paragraph 47 of the Framework, is agreed between the parties. I have no reason to disagree.

52. The dispute between the parties is whether the 20% buffer should be applied to the five year requirement or to the five year requirement plus the backlog. The appellants argued that the application of the buffer should include the backlog, thereby increasing the five year housing requirement, and reducing the HLS to less than five years based on 31 March 2014 assessment. The Framework makes clear that the buffer is to ensure choice and competition in the market for land, that it should be supply brought forward from future years of the plan period. I am persuaded by the Council's argument that applying the buffer to the sum of the five year requirement and the backlog would increase the total housing requirement over the lifetime of the plan, and that this approach would represent a penalty on the Council which is not intended by the Framework. I conclude that, having also had regard to various appeal decisions referred to me by both parties, the appellants' claim that the buffer should be applied to the backlog as well as 5 year requirement has not been justified.
53. Notwithstanding my conclusion, even if the 20% buffer was applied to the revised backlog of 970 dwellings set out in paragraph 49 above, the housing requirement would increase by 194 units. Given the housing figures at 31 July 2014 also set out in paragraph 49 above, this would still leave the Council with sufficient surplus to satisfy the five year housing requirement.

#### *Housing conclusion*

54. Having regard to the recent preliminary findings of the LPI following the resumed local plan examination in June this year, and on the evidence before me, I conclude that on the balance of probability, the Council has demonstrated a five year supply of deliverable housing land. Consequently, paragraph 49 of the Framework is not engaged and local plan policies relevant to the supply of housing are up-to-date, subject to their consistency with the Framework as set out in paragraph 215.

#### **Overall Planning Balance**

55. The Framework seeks to boost significantly the supply of housing. Given my conclusion on the Council's 5 year HLS however, the appeal site is not required to meet the area's identified housing need. Therefore, little weight can be attached to the release of this unallocated, greenfield site to meet housing need.
56. The settlement boundaries within which Policy ST3 seeks to contain development are not up-to-date with regard to paragraph 215 of the Framework. Nevertheless, the objectives of Policy ST3, to resist unsustainable development that does not enhance the environment and encourages growth in the need to travel, are still relevant and accord with the Framework which confirms a presumption in favour of sustainable development.
57. The proposal would generate substantial economic benefits during the construction phase and through the ongoing support for local businesses in Crewkerne by future occupants of the new dwellings. The scheme would also provide a mix of housing types and tenure, including affordable housing at the Council's preferred rate, thereby satisfying the social dimension of sustainable development. In terms of environmental gain, the proposal

would involve tree and hedge planting and would create an area of public open space where currently there is no public access.

58. On the other hand, there would be significant harm to the character and appearance of the countryside and the distinctive qualities of the A30 corridor, in conflict with the development plan policies referred to earlier and the policies of the Framework to conserve and enhance the natural environment. Furthermore, the lack of realistic sustainable transport options and the failure to demonstrate convincingly, that future occupants would have a real choice about how they travel, other than the predominant use of the private car, contrary to the objectives of Policy ST3 and ST5, carry significant weight against the proposal. Although Crewkerne is a sustainable location, having regard to the provisions of the Framework, the appeal proposal on this site would not represent sustainable development.
59. The main modification to Policy SS5 of the emerging South Somerset Local Plan would allow for a permissive approach to be taken when considering housing proposals adjacent to the development area at, amongst other places, Crewkerne. Given the advanced stage of the document, the amended draft Policy carries weight. However, the Policy does not imply that the permissive approach should over-ride all other harmful considerations.
60. Boosting significantly the supply of housing will inevitably require housing to be built on some greenfield sites which will result in changes to local environments. Nevertheless, the substantial and specific harm to the natural environment that would arise from this development, and the shortcomings of the location in terms of its accessibility and sustainability would significantly and demonstrably outweigh the acknowledged benefits of the proposal. Therefore, I conclude that the appeal must fail.

### **Planning Obligation**

61. A signed and dated s106 Obligation was submitted by the appellant. This would secure the affordable housing and commit the appellant to making financial contributions to a number of facilities and services to mitigate the impact of the development if permission were to be granted. The Council and the County Council submitted evidence to justify the contributions sought. However, given my conclusion on the appeal, there is no need for me to consider this matter further.

### **Conclusion**

62. For the reasons given above and having had regard to all other matters raised, including various appeal decisions and judgements of the courts<sup>2</sup> referred to by the parties, the appeal is dismissed.

*Anthony Lyman*

INSPECTOR

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<sup>2</sup> Including: - i) St Albans City and District Council v Hunston Properties Ltd and Secretary of State for Communities and Local Government, [2013] EWCA Civ 1610. ii) Gallagher Estates Limited & Lioncourt Homes Limited v Solihull Metropolitan Borough Council [2014] EWHC 1283 (Admin)

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

John Pugh-Smith & Victoria  
Hutton

Of Counsel

Called

Robert Archer

Landscape Architect – South Somerset District  
Council

Councillor Mike Best

Chairman of the Council and Local Member for  
Crewkerne Town Ward

Adrian Noon

Team Leader – Planning – South Somerset  
District Council

David Anthony Clews

Corporate Planning Officer – Somerset County  
Council

Lynda Pincombe

Community Health and Leisure Manager – South  
Somerset District Council

Paul Wheatley

Principal Spatial Planner – South Somerset  
District Council

### FOR THE APPELLANT:

Christopher Boyle

Queen's Counsel

He called

Graham Floyd

Floyd Matcham - Chartered Landscape Architects

James Bevis

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Robert Sellwood

Sellwood Planning

### INTERESTED PERSONS:

Councillor John Dyke  
Councillor Angie Singleton  
Mrs J Warner

Local Member for Crewkerne Town Ward  
Local Member for Crewkerne Town Ward  
Crewkerne Town Council

## **DOCUMENTS**

### **Submitted at the Inquiry by the Council**

- 1 Opening Statement on behalf of the Council
- 2 Supplementary Statement of Common Ground
- 3 Email from John O'Brien dated 17 April 2014
- 4 Decision Notice re 07/04736/Ful

- 5 Unilateral Undertaking re Maiden Beech, dated 13 August 2010
- 6 Report to Area West Committee re 05/00661/OUT
- 7 Minutes of the Area West Committee held on 14 December 2011
- 8 S106 Agreement between Taylor Wimpey and South Somerset District Council, dated 31 January 2013 re Crewkerne Key Site
- 9 S106 Agreement between Taylor Wimpey and Somerset County Council, dated 31 January 2013 re Crewkerne Key Site
- 10 SHLAA 2010 Extract
- 11 Community, Health and Leisure Service Planning Obligations re 2 bed dwelling
- 12 Community, Health and Leisure Service Planning Obligations re 1 bed dwelling
- 13 Two maps showing distribution of Octagon Theatre customers
- 14 Closing submissions on behalf of South Somerset District Council dated 25 April 2014
- 15 Copies of Local Plan Policies ST3, ST4, ST5

**Submitted at the Inquiry by the Appellant**

- 1 Supplementary Transport Evidence dated 17 April 2014
- 2 Summary Proof of Evidence re Graham Floyd
- 3 Summary Proof of Evidence re R M Sellwood
- 4 S106 Agreement dated 25 April 2014
- 5 Closing Submissions on behalf of Appellants dated 25 April 2014
- 6 Appellants' Suggested Modified Land Supply
- 7 Officer Report on Planning Application 14/01055/OUT
- 8 Letter from Jamie Lewis to David Norris dated 2 September 2014
- 9 Extract from Council's Housing Monitoring Report – January 2014
- 10 Timetable relating to two appeals in Chard
- 11 Council's Housing Land Supply Paper (June 2014)