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# Appeal Decision

Inquiry held on 3, 4, 5 and 6 July 2012

Site visit made on 5 July 2012

**by J M Trask BSc(Hons) CEng MICE**

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

**Decision date: 29 August 2012**

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**Appeal Ref: APP/R3325/A/12/2170082**

**Land to the rear of Wincanton Community Hospital, Dancing Lane,  
Wincanton BA9 9DQ**

- 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 Hopkins Developments Ltd against the decision of South Somerset District Council.
  - The application Ref 11/02835/OUT, dated 8 July 2011, was refused by notice dated 12 October 2011.
  - The development proposed is the erection of residential dwellings, access works, relocation of NHS parking, provision of public open space and other ancillary works.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The application was for outline planning permission with matters of principle and details of access and layout to be determined as part of the application and details of scale, appearance and landscaping reserved for future determination.
3. Following the refusal by the Council, the appellant has amended the proposal. Layout has been reserved for future consideration and there is an amended Design and Access Statement. Also drawings 17083.9900 RevC and IMA-11-002-010 now accompany the application, although, except insofar as they cover matters of principle and access, I regard the details shown as being for illustrative purposes only in my assessment of the scheme.
4. All consultees and parties that showed an interest at the application stage were advised of these changes and I do not consider any party would be disadvantaged by these modifications. I shall therefore consider the appeal on the basis of the modified proposal.

## Main Issues

5. The Council's decision notice contained six reasons for refusal. As a result of the withdrawal of the layout aspect of the application from consideration at this time, the Council no longer has objections in terms of reasons two and three. The Council has also confirmed reason for refusal four no longer applies as the revised masterplan has shown that the pumping station could have an exclusion zone of at least 15m. I have no reason to disagree with the Council on these matters. The Council also considers the Unilateral Undertaking

submitted by the appellant takes account of the concerns in reason for refusal six.

6. Having regard to the remaining reasons for refusal, the evidence submitted and the representations made at the inquiry, I now consider the main issues in this appeal are:
  - i) housing supply;
  - ii) the effect of the proposal on the character and appearance of the area;
  - iii) whether the site is in a sustainable location; and
  - iv) the effect on highway safety and the safe running of the hospital.

### **Reasons**

7. The appeal site is at the end of Dancing Lane, to the rear of Wincanton Community Hospital. It is an agricultural field that is used as rough pasture together with a strip of land immediately to the side of the hospital which is currently used for access to the hospital. The hospital provides services normally expected from a community hospital, including day care services. The proposal includes the construction of approximately 55 dwellings on the field, and a road to provide access from Dancing Lane to the proposed housing development.

### ***Housing supply***

#### *Housing Need*

8. The starting point for consideration of whether there is a five year supply of deliverable housing sites is the target set in the development plan. The development plan comprises the saved policies of the Somerset and Exmoor National Park Joint Structure Plan review (April 2000) and the saved policies of the South Somerset District Local Plan (April 2006). The local plan is the most up-to-date of these and sets an initial target of 3425 dwellings for the five years up to 2011, but it is common ground between the parties that this target is now out-of-date for the purposes of assessing supply over the next five years.
9. A number of other target figures have been suggested and these include those from the draft revised Regional Spatial Strategy for the South West (RSS), which is the appellant's position, and those in the emerging Local Plan, which is the Council's position.
10. The draft RSS was subject to Examination in Public and the Secretary of State's (SoS) proposed changes have been incorporated in the most recent version which was published for public consultation in July 2008 (Doc 16). This document has been independently tested in public by the SoS and it therefore carries substantial weight. The RSS was not adopted initially due to the need for further sustainability appraisal work and subsequently as a result of the Government's intention to revoke RSS's. The draft RSS gives an initial requirement of 4925 dwellings over a five year period. The figures were based on evidence that included projections from 2003 and 2004, but they were intended to cover the period from 2006 to 2026. The anticipated growth rates were higher than has been achieved recently but, given the Government's aim to improve growth by promoting development, including housing, it is not clear whether this would result in an increase or decrease in the target figures. In

any event, the SoS considered the RSS would need to be refined to ensure the South West maximises its contribution to the national house building target.

11. The Council has prepared the Proposed Submission South Somerset Local Plan 2006-2028 which includes the Council's current view of the housing requirement. An independent firm of consultants was employed and, based on 2008 Office of National Statistics (ONS) projections, consideration of demographic projection, economic factors and a delivery based approach, a figure of 16,000 dwellings for the period 2006-2026 has been proposed. This is to be compared with the figure of 19,700 in the draft RSS. The figure was subsequently revised to take account of ONS and Business Register and Employment Survey (BRES) projections for 2010 and the Council's recommended figure in the emerging local plan is 15,590. This equates to 3625 over a five year period. Nevertheless, the emerging plan is the subject of pre-submission consultation, which is a very early stage of preparation, and so it carries little weight.
12. In a recent appeal decision<sup>1</sup> my colleague considered the most reliable indication of the future housing requirement was to be found in the emerging core strategy for that area, rather than the draft RSS described above. Some aspects are similar to this case, including that the growth rate on which the draft RSS forecasts relied "now appears to be so aspirational as to be unrealistic" and that the local household projections were considerably lower than the projections on which the draft RSS figures were based. However, in that case, the emerging core strategy appears to have been further advanced than the emerging local plan in this case. In any event, housing requirement figures should be taken from the most up to date and tested plan.
13. I have had regard to the provisions of the National Planning Policy Framework (the Framework) in terms of encouraging neighbourhood planning and reducing reliance on centrally imposed top down targets. I acknowledge that the emerging plan includes the most recent assessment by the Council and that the figures were prepared in association with a firm of independent consultants and thus have an element of objective assessment. Also, that the draft RSS figure is expected to be revised, although, despite recent lower assessments, it is not clear whether this would be higher or lower. Nevertheless, the emerging plan has not yet completed the pre-submission consultation or been subject to testing in public and the housing figures cannot be considered to be as robust as those in the draft RSS. The detailed assessment of the housing requirement for the area will be undertaken at the forthcoming examination. However, for the purposes of this appeal, I consider the draft RSS target is the one most suitable to use, as it is the most up-to-date, tested in public and objectively assessed figure.
14. My attention has been drawn to the recent appeal decision concerning a site at Riviera Way, Torquay<sup>2</sup> where the Inspector included an allowance for vacancies and occupation as second homes. However, this was to translate the number of projected households into the number of dwellings and so a similar allowance is not appropriate in this case.

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<sup>1</sup> Ref APP/Y3940/A/11/2159115

<sup>2</sup> Ref APP/X1165/A/11/2165846

15. In addition to the RSS target the Framework sets out the requirement for an additional buffer to ensure choice and competition in the market for land, of 5% or 20% depending on past performance. 3435 dwellings were completed between 2006 and 2011. Although completions were less than target in three of the five years, this is slightly more than the adopted plan five year target, which was the target in place at the time of delivery. I acknowledge the number of completions is less than the recently emerging plan target, less than the draft core strategy target and considerably less than the draft RSS target. Nevertheless, for the purposes of assessing the shortfall, it seems to me the most up-to-date adopted development plan target in place at the time of delivery is the most appropriate target, and this was reached. Therefore, based on the evidence before me, I do not consider there has been a shortfall for the purposes of determining the buffer. Accordingly, it cannot be the case that there has been a persistent under delivery of housing and so the 5% buffer is appropriate in this case.
16. I conclude the housing requirement for the area is 4925 plus 5% which is 5171. At the beginning of the inquiry, the Council's assessment of housing land supply was that there is sufficient for 4796 dwellings but this was reduced during the course of the inquiry to 4634 to take account of an overestimate of production at Crewkerne. The appellant considers the supply is considerably less.

#### *Housing delivery*

##### Larger Sites

17. The differences between the parties in terms of housing supply relate primarily to the length of time required to deliver housing. The appellant's assessment of the time usually taken for the preparation, submission and approval of outline planning permission, reserved matters and applications to discharge conditions, the site establishment, infrastructure, construction of show house complex, marketing and house construction seem to me to be reasonable. However, I would expect some overlap of activities, including the execution of any planning obligation. Thus I would expect the appellant's suggested period of 40 to 54 months for the entire process, or 28 to 38 months from grant of full planning permission or approval of reserved matters to meaningful delivery of homes, to be somewhat longer than would normally be achieved.
18. The Council regularly consults developers to determine progress on sites. Nevertheless, I concur with the Inspector who stated that the number of developers on larger sites affected completion rates and that caution should be exercised where the delivery rates suggested by developers are out of step with the figures in the trading statements of those developers<sup>3</sup>. The appellant has produced evidence to show that developers' trading statements indicate a build rate of 30 to 35 homes per annum per developer per site. The appellant has confirmed that in the last five years they have completed 35 dwellings with 40 in the preceding two years<sup>4</sup>. While this may have been due to increased involvement with commercial developments, it is an indication that the appellant's suggested build rates are not unreasonable.

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<sup>3</sup> Ref APP/X3025/A/10/2140962

<sup>4</sup> Inquiry Document 18

19. The Council have presented figures that show that on some local sites delivery has been at a higher rate<sup>5</sup>. However, this is a small sample when compared to developers' trading statements and includes the spike in deliveries that is likely to have been a result of the final availability of affordable housing grant monies. Therefore these figures are of limited weight. I conclude that the historical delivery rates given in developers' trading statements provide a fair benchmark which takes account of all relevant factors, including commercial considerations.
20. Having regard to the delivery times described above I shall consider the main sites included in the housing supply figures. An application for outline planning permission for 525 dwellings has been made for the Crewkerne Key Site and the Council has indicated that this is likely to be granted. This proposal requires significant infrastructure improvements but the link road is not required until a substantial proportion of houses have been completed. Even so, and even if planning permission were granted soon, it is unlikely that meaningful delivery of housing would commence before 2014-2015. It is not yet clear how many developers would be involved in the development but at the inquiry the Council accepted that their delivery rates were probably optimistic and reduced their assessment by 162 dwellings. In my view, the later commencement of delivery indicates that the total would be considerably less than even this figure.
21. The Lufton Key Site, Yeovil benefits from outline planning permission and reserved matters permission. However, a number of pre-commencement conditions are outstanding and a significant amount of infrastructure is required before the delivery of housing can commence. It is likely that four developers will be involved in developing the site. Thus, although the build rates seem reasonable, given the likely programme outlined above, the Council's expectation of delivery commencing in 2013-2014 is optimistic.
22. The site at Brimsmore, Yeovil has outline planning permission for 820 dwellings and a reserved matters application for 298 dwellings was permitted earlier this year. A limited number of conditions are outstanding but there is some infrastructure to be constructed and, allowing for the construction of show homes and marketing, it is likely that delivery will commence considerably later than in 2012-2013 as suggested by the Council. This would reduce the number of homes delivered over the five year period. Only one developer is involved at this time but it is likely that others will be active by the end of the five year period and delivery could be at the rate suggested by the Council by that time.
23. The site at Yeovil Cattle Market does not have the benefit of planning permission. The owner of the site went into administration in 2010 and there are no outstanding applications for planning permission. Therefore it does not seem to me that there is a realistic prospect that housing will be delivered on the site within five years and it has not been shown that the development is viable. Thus it cannot be included in the housing supply figures.
24. The original planning permission for the site at the BMI Factory, Castle Cary has lapsed, there has been no further application and it has not been demonstrated that there is a firm intention to develop the site. Therefore the site cannot be considered to be available now and viable and cannot be taken as deliverable.

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<sup>5</sup> Inquiry Document 4

25. Construction is underway by one developer at the site at New Barns Farm, Wincanton. There is no indication that another developer will be involved so I consider the build rates anticipated by the Council are high.
26. Drawing these matters together, I conclude that the housing supply from the larger sites would be about two thirds of that anticipated by the Council.

#### Other sites with planning permission

27. The appellant contends that a 10% reduction should be made to take account of the non-implementation of planning permissions. The research undertaken by the Department of Communities and Local Government (DCLG) indicates that in South Somerset the percentage delivery in 09/10 and 10/11 was 71% and in the recent appeal decision at Riviera Way, Torquay<sup>6</sup>, the parties agreed that a 30% discount should be applied, which my colleague accepted.
28. While the Framework requires at least a 5% buffer, this is to ensure choice and competition in the market for land and not to take account of under supply or unimplemented permissions.
29. Historically, a widely practised approach has been to apply a 10% discount to take account of unimplemented permissions. This was the approach followed by the Inspector in the Moat House Farm appeal decision<sup>7</sup>. Since then the Framework has been published and this advises that sites with planning permission should be considered deliverable unless there is clear evidence that schemes will not be implemented within five years. Despite the general statistics, I have seen no site specific clear evidence that the schemes will not be implemented within five years and so it seems to me that no discount is required.

#### Sites without planning permission

30. The Framework advises that to be considered deliverable, sites should be available now. Accordingly, sites without planning permission should not be included in the supply, except as described below.

#### Windfalls

31. The Framework specifically states that an allowance may be made for windfall sites. The Council has calculated the historic numbers of windfall sites per annum by subtracting the key sites and those on residential garden plots from the number of completions. An allowance for windfalls has then been made taking account of the existing windfall supply which is already included as sites with planning permission. This results in a total number of 717 windfalls which represents about 15% of the Council's total supply and so does not seem to me to be an excessive contribution. However, with no significant changes in circumstances, the number of opportunities for windfall developments coming forward, by definition, decreases in time. While I conclude the historic trend provides compelling evidence that there would be a reliable source of supply in the future, in my opinion a moderate reduction should be made to ensure the allowance is realistic.

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<sup>6</sup> Ref APP/X1165/A/11/2165846

<sup>7</sup> Ref APP/Q4625/A/11/2157515

Sites under 10 dwellings in size

32. The Council includes 294 dwellings on smaller sites in their calculation for housing supply. Suitable reductions have been made in the calculations for windfalls to take account of sites already coming forward so I do not consider this to be double counting.

*Conclusions on housing land supply*

33. I have found that the housing requirement for the area is 5171 over the next five years. The Council confirmed at the inquiry that, taking account of recent adjustments, their current revised assessment of housing land supply for the next five years is 4634. Having regard to my reservations above about delivery, I am not in a position to determine the position precisely but it is clear the supply is substantially less than this figure and is probably of the order of a three year supply.
34. I therefore conclude the Council cannot demonstrate a five year supply of deliverable housing sites and that the shortfall is substantial.
35. The Framework advises that housing applications should be considered in the context of the presumption in favour of sustainable development. I have found that the local planning authority cannot demonstrate a five year supply of deliverable housing sites and in this circumstance the Framework advises that relevant policies for the supply of housing should not be considered up-to-date. Saved Policy ST3 of the South Somerset District Local Plan aims to place strict controls on development of land outside settlement boundaries. In so doing it constrains the locations available for the development of housing and insofar as it is a relevant policy imposing restraint on housing supply, has to be considered out-of-date.
36. This approach is in accord with a recent appeal decision in the Blaby District Council area<sup>8</sup>, where the Inspector found that, although a policy had the objective of ensuring the separation of settlements, nevertheless, it acted as a policy of housing restraint. There was no five year supply of deliverable housing sites and my colleague found that housing applications fell to be considered in the context of the presumption in favour of sustainable development.
37. The Framework also advises that where relevant policies are out-of-date permission should be granted 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 the Framework indicate development should be restricted. I take this into account in my conclusions below.

***Character and appearance of the area***

38. The appeal site is adjacent to the settlement boundary on the northern side of the town. There is a housing estate of predominantly semi-detached and detached homes to the south, the community hospital lies to the west and there are trees along the northern and eastern boundaries with some large properties beyond. The site is an agricultural field that slopes downwards to the north and east. It provides a tranquil rural setting to the edge of the town, which is of particular significance for the hospital, but also the properties in Cale Way.

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<sup>8</sup> Ref APP/T2405/A/11/2164413

39. The introduction of a housing estate onto the site would result in the loss of an open field. The houses would be prominent when seen from the properties to the south and from the hospital grounds and would dominate the setting of those developments. The man made structures and activities associated with a housing estate would disrupt the tranquil and rural setting and would be detrimental to the rural character and appearance of this area.
40. There are two protected trees close to the edge of the proposed road near the junction with the existing road. These are substantial trees that have grown together and provide screening of the hospital service area. They make a significant contribution to the character and appearance of the area. Although this is an application for outline planning permission and provisions to protect trees can be controlled by the imposition of conditions, I need to be satisfied that any protection measures would be possible and not give rise to other unacceptable adverse impacts.
41. While the Council has accepted that provisions could be made to protect the trees, and a possible method of minimising any root damage has been shown in the Arboricultural Feasibility Assessment, no dimensions or levels are shown and this method would depend on a relatively high finished road level, which is likely to result in other adverse effects such as restricting access to Verrington Lane. However, other solutions are possible; including some suggested by the appellant, and the most appropriate solution could be determined following further investigation of existing below ground services. The final method chosen would need to take account of existing services as well as the tie-in with the Dancing Lane and Verrington Lane, including achieving suitable road levels. While potentially costly, I am content that this could be achieved. I conclude that this matter could be satisfactorily addressed and controlled by the imposition of suitable conditions.
42. No details of the location of lighting columns have been provided and the effect on trees and landscaping cannot be assessed. On this constrained site, this adds to my concerns. However, the removal of trees near the kitchen to provide a delivery bay and footpath would be unfortunate but not a matter of substantial weight as they do little to screen the hospital.
43. Although some concerns in respect of the protected trees, character and appearance of the area carry little weight or could be addressed by the imposition of suitable conditions, the introduction of a housing estate onto the site would unacceptably detract from the tranquil and rural character and appearance of the area and the setting of the hospital and settlement. I have found that saved local plan Policy ST3 is not up-to-date. However, the proposal would not contribute to protecting or enhancing the natural and built environment which would be contrary to the provisions of the Framework which considers this to be part of the environmental role of the planning system which is aimed at achieving sustainable development.

### **Location**

44. While not a specific reason for refusal by the Council, the Town Council and the County Council have raised concerns about the sustainability of the proposal in terms of the location and the need to travel by private car. Wincanton provides a range of services and facilities and is also a centre for the surrounding rural community. Although there are limited public transport links, the site was



previously considered developable and was included in the Strategic Housing Land Availability Assessment.

45. The need to travel to work is a key consideration. Wincanton has had a high level of self containment and a high ratio of jobs to economically active persons in the past; this is shown in the results from the 2001 census. However, since then two major employers have either left the town or reduced the size of their operations. The cheese packing factory is currently operating but it was confirmed at the inquiry that, while the appellant had been informed there would be expansion; the Council understood operations will only continue until the end of this year. Despite the introduction of other businesses, including those on the business park such as Lidl Foods, the Business Register and Employment Survey show that there has been no net growth in jobs over the last seven years. Nevertheless, there has been a growth in population as a result of considerable housing development and the Council estimates that this has generated a need for more than 500 jobs. Although the Council's Proposed Submission South Somerset Local Plan 2006-2028 attracts little weight, it should be noted that this plan seeks to improve the population to jobs ratio by supporting the development of employment land, particularly at New Barns Farm, while supporting the addition of only 11 dwellings in Wincanton over the next five years.
46. I have taken account of the development of a Travelodge and Marston's Inn in the town, but while these will create jobs, I have seen no details and would not expect them to make a sufficiently large contribution to employment opportunities to meet the existing demand. While the construction of the proposed development would provide jobs in the short term, in the long term the proposal is likely to increase the demand for jobs and the appellant accepted that it is likely that about 86 jobs would be needed to meet the long term demand from the development itself. The Town Council has calculated<sup>9</sup> that the land necessary to provide employment for the additional workers would cost about £240,000, but there is no indication that sum would be forthcoming or, if it was, that the site would be developed. Thus, despite a limited growth in home working, it is likely most jobs would require some degree of travelling to and from work and the lack of jobs in the immediate area would result in the requirement to commute to other centres for work. In order to do this by public transport, future occupiers would need to travel to the town centre.
47. The site is reasonably close to the town centre with its shops, services and public transport links but there is little provision for public transport from the site to the town centre. During the inquiry I walked from the town centre to the site and back and found that the gradient of the footpaths and limited provision of road crossing points made it unlikely that the route would be attractive for use on a regular basis, either on foot or by bicycle, or for anyone who was less mobile or had a push chair, wheel chair or significant amounts of shopping to carry.
48. I conclude that, given the location and lack of realistic alternative modes of travel, future occupiers of the proposed development are likely to be unduly dependent on the private car for access to employment and for many of their daily needs. Apart from Policy ST3, which I have found to be not up-to-date, no reliance is placed on development plan policies in relation to this issue by the parties and nor do I. However, the proposal is contrary to the provisions of the Framework, which aims to minimise the need to travel. I conclude that the site is not in a particularly sustainable location.

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<sup>9</sup> Inquiry Document 27

### **Highway safety and the safe running of the hospital**

49. The proposed access road would pass between the hospital and its plant rooms and bin stores which are accessed frequently by hospital staff. Also, the hospital intends to use mobile screening vehicles in the future and these would be located in the northern car park on the opposite side of the proposed access road to the hospital. While the appellant has drawn my attention to other hospitals where there are much higher levels of traffic than expected in this case, these are large urban hospitals which generate a significant volume of traffic in themselves and do not have access to a residential estate that is not associated with the hospital passing between hospital facilities. Consequently, I shall consider this case in the light of the site specific concerns.
50. The proposed access to the site would be on land currently used for access to the hospital. A safety audit has been commissioned by the appellant and a safety audit<sup>10</sup> of the proposed access has been carried out by Somerset County Council, the Highway Authority. These reach different conclusions on various matters which I discuss below.
51. There would be a double change in direction of the estate access road close to the junction with the access to the hospital northern car park. The slight changes in direction are likely to lead to vehicles cutting across the carriageway and cars entering and exiting the proposed development meeting each other head on. This hazard would be compounded by varying carriageway widths and traffic entering and exiting the northern car park. I accept that the double bend feature can be used as a traffic calming measure but, without provisions to prevent traffic leaving its appointed lane; it seems to me that the proposed access would put highway users at an unnecessarily high level of risk.
52. Visibility splays would be required at the junction of the existing main hospital access and the proposed continuation of Dancing Lane. The design speed for an access road serving residential development would normally be 20mph, but the proposed access would not be within a residential development. Although, based on the appellant's surveys, visibility splays suitable for 25 mph may be appropriate in the current conditions, the proposed extension of Dancing Lane as a well defined public road, rather than part of the hospital, may well lead to increased speeds. The speed limit is 30mph and in these circumstances this seems to me to be the appropriate design speed.
53. Manual for Streets 2 (MfS2) indicates that where circumstances make it unlikely that vehicles will cross the centreline, visibility can be measured to the centreline. While MfS2 also advises that research has shown no evidence that reduced visibility increases the risk of injury collisions, it continues to recommend that visibility splays are provided. Although visibility to the west could be achieved to the centreline, there is no provision for ensuring vehicles do not stray over the centreline and in this case I have seen no other acceptable justification for reducing the visibility envelopes recommended in MfS2. The splay providing visibility to the kerb to the west, even if designed for a 25 mph speed, would pass across the frontage of No 62 and, while this is currently free of obstructions to visibility, I have seen no mechanism for maintaining this situation and I must reach the conclusion that this is not within the appellant's control and therefore visibility could not be maintained by the imposition of a suitable condition.

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<sup>10</sup> Inquiry Document 6

54. Other junction arrangements were referred to at the inquiry but these do not form part of the proposal before me and, without due consideration of potential adverse effects, I do not consider they could be required by condition.
55. Provisions for adequate visibility for vehicles exiting the northern car park may require restrictions on the delivery bay serving the plant rooms. Also, visibility when exiting the small north east car park would be limited when cars were parked in the southernmost spaces and the intricate manoeuvres required to park in the small car park may result in vehicles overrunning the footpath. These factors would represent a risk to highway users, particularly pedestrians using the footpath.
56. There is a section of Dancing Lane, known locally as Verrington Lane, which has been closed off to vehicles and is now used by pedestrians and cyclists. This narrow lane descends steeply. No proposed finished levels are given and the highway authority is concerned that once provisions to protect trees are made, it is likely that the finished level of the road would be much higher than the existing lane, resulting in difficulties in maintaining suitable access along Verrington Lane. However, I have found that it is likely that provision could be made to protect the trees without unduly raising the road level.
57. There are existing hospital buildings on the north side of the proposed estate access road and there would be no space for a footpath so pedestrians using Verrington Lane to access the hospital would need to cross the proposed access road. However, these pedestrians would be agile if they have used the lane and, given the reasonable visibility and limited amount of traffic using the road, while not ideal, this would not represent any unacceptable increased risk.
58. The proposed pedestrian crossing would be some distance from the most direct route to the bin store and the junction with Verrington Lane but would align with an existing pedestrian access in the hospital grounds. The crossing would be close to the access to the main north car park and the small parking area which would increase the complexity of movements in the area, adding to the risk to users of the crossing. The appellant's safety audit recommends the removal of the crossing, which the appellant has offered to do, but I agree with the highway authority that, given the high proportion of elderly or less mobile persons using the area, a formal crossing point would be an advantage. While not ideal, given the constraints of the site and the limited number of vehicles expected to use the estate access road, on balance I conclude the proposed pedestrian crossing would provide acceptable pedestrian access.
59. I have seen no proposed provisions for highway drainage, which is known to be a problem in the area, and, given the constraints of the site, particularly the limited space available, it is not clear that adequate provision can be made. Provisions for the turning of large vehicles are based on the use of car parking spaces and it is not clear how this could be controlled. Given the lack of clarity on measures to ensure adequate drainage and parking provision, it has not been demonstrated that these concerns could be overcome by the imposition of conditions.
60. However, I am satisfied that concerns regarding the provision of suitable road markings, suitable tactile landings at the entrance to the southern car park, traffic regulation orders, emergency access, level of the pedestrian crossing and other details could be overcome at detailed design stage and controlled by the imposition of suitable conditions.

61. There are service connections that link the plant rooms to the hospital and these would cross under the proposed estate access road. However, access to these and continuous supply could be ensured by suitable construction management procedures and I have no reason to believe a detailed technical solution that would meet the highway authority's requirements could not be found. Also, while the northern car park is currently used to rehearse car transfers, I have seen no reason why this could not be done in parking areas on the south side of the proposed access road.
62. The appellant has addressed some outstanding issues by showing some revised road layouts. These include the possibility of retaining the existing build out between Verrington Lane and the access road. However, there are insufficient details to provide sufficient comfort that the concerns identified above could be overcome or that necessary modifications would not give rise to other adverse effects. I acknowledge that in other cases conditions have been deemed a suitable way of addressing these types of matters but I have seen no evidence of that in a comparable situation where existing development and other factors provide such severe constraints to development as in this case. Therefore, apart from the exceptions I have identified, I am not content that for this proposal the matters of concern could be satisfactorily addressed by the imposition of conditions or as part of the agreement required to construct the access under section 278 and section 38 of the Highways Act.
63. The proposed scheme would improve access and highway safety in some ways, for example there would be separate footways, a pedestrian crossing and more formalised arrangements for deliveries. I also acknowledge the appellant's Stage 1 Safety Audit concluded that the proposed access arrangements represented a very low risk even though that was not the conclusion reached by the Highway Authority's audit. Nevertheless, these factors do not outweigh the significant harm I have identified and I conclude the proposal would prejudice highway and pedestrian safety and would not facilitate the safe running of the hospital. The proposal conflicts with saved Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy ST5 of the South Somerset Local Plan which require the provision of safe access. These policies are consistent with the policies in the Framework, particularly paragraphs 32 and 35 which say that safe and suitable access must be achieved for all people and that layouts should be safe and secure.

#### **Other Matters**

64. A Unilateral Undertaking has been provided by the appellant and includes for the provision of affordable housing, landscaping and open space and contributions towards local facilities, strategic facilities and education provision. However, as the appeal falls to be dismissed on the substantive merits of the case, it is not necessary for me to consider the Unilateral Undertaking, given that the proposal is unacceptable for other reasons.
65. The appellant has a number of other sites in the area including two with planning permission for 27 dwellings and 8 flats where there has been a technical commencement but no further work. Another site, Bayford Hill, has planning permission for 15 dwellings and a further 45 are expected. While the appellant contends the types of dwellings to be built on these sites would be less attractive to the market than those proposed in this scheme, the existing development sites are in a more central location and would provide for a range of types of dwellings. Also, they do not require consideration of the access

difficulties associated with the appeal site. Potential conditions were agreed at the inquiry that would reduce the period for which the planning permission would be extant but that would not prevent commencement and then postponement of substantial construction. While I do not consider it has been demonstrated that the appellant would intentionally fail to progress with the scheme, given the past rate of delivery and the appellant's current involvement in commercial schemes, I consider that there must be some doubt about whether the appellant is likely to deliver the appeal scheme in Wincanton in the next five years. However, this has not been a significant factor in my decision.

66. The Strategic Housing Market Assessment<sup>11</sup> shows there is a net annual affordable housing need in South Somerset of 659 dwellings. The proposal would help to meet this need.
67. While the scheme includes suggested additional disabled parking spaces that would be more conveniently located than those currently on the north side of the road, these would be on hospital land and therefore not within the control of the appellant. Nevertheless the appellant has also proposed an additional 17 car parking spaces within the appeal site for use by the hospital and some of these could be allocated for disabled drivers.
68. I have taken account of all other matters raised including the better provision for mobility scooters but they are not sufficient to outweigh the considerations which have led me to my conclusion.

### **Overall Conclusions**

69. I am required to determine this appeal in accordance with the development plan unless material considerations indicate otherwise. I have found conflict with the development plan in respect of safe access. However, there is a substantial shortfall in the five-year housing land supply and I attach significant weight to this factor. The Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. As there is not a five-year supply of deliverable housing sites, relevant policies for the supply of housing should not be considered up-to-date. I shall therefore consider whether the proposal represents sustainable development and whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
70. I have considered the three dimensions of sustainable development, environmental, economic and social, as set out in the Framework. The proposal would help meet the shortfall in housing land supply, contributing to the quality and choice of housing and providing market and affordable housing. I have also found that there is a district wide need for housing land and the provision of housing would support the Government's agenda for growth.
71. However, there are substantial environmental and social disbenefits, such as the harm to the character and appearance of the area, the lack of opportunity to travel other than by use of the private car and the unacceptable effect on highway safety and the safe running of the hospital.

72. I have weighed the factors in opposition to the proposal against the

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<sup>11</sup> Core Document 18

contribution the proposal would make towards meeting the substantial shortfall in the five-year housing land supply and other benefits. I find that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole and that the appeal proposal would not represent sustainable development.

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

*J M Trask*

INSPECTOR

Richborough Estates

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Mr J Burns, of Counsel	Instructed by Ms A Cater, Solicitor to South Somerset District Council
He called	
Ms E Arnold BA PGDip	Strategic Monitoring and Appraisal Officer, South Somerset District Council
Mr C Brinkman I Eng FIHE	Principal Planning Liaison Officer, Somerset County Council
Mr A Collins BA(Hons) BTP MRTPI	Planning Officer, South Somerset District Council

Ms A Cater assisted in the discussion about the Unilateral Undertaking  
Mr A Noon assisted in the discussion about conditions

### FOR THE APPELLANT:

Mr J Cahill QC	Instructed by Mr M Kendrick, Barton Willmore
He called	
Mr M Kendrick BA(Hons) MSc MRTPI	Planning consultant, Barton Willmore
Mr P Greatwood BEng (Hons)	Traffic matters, IMA Transport Planning Ltd

### INTERESTED PERSONS:

Cllr Winder	Chairman Wincanton Town Council, Ward member South Somerset District Council
Mr Downton	Local resident

## DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Statement of Common Ground
- 2 Revised pages 68 to 100 of Ms Arnold's Appendices
- 3 Council's Housing Figures for draft South Somerset Local Plan 2006-2028
- 4 Council's calculation of delivery rates
- 5 Appeal decision Ref APP/R3325/A/09/2093947, Bayford Hill
- 6 Somerset County Council Audit Report, email dated 29 June 2012 and 2 emails dated 11 June 2012
- 7 Drgs IMA-11-002-018, 019, 020 and 021A
- 8 Email dated 10 April 2012

- 9 Extracts from Manual for Streets 2
- 10 Email dated 3 July 2012 containing e mail dated 29 March 2012
- 11 Email dated 3 July 2012 containing e mail dated 3 April 2012
- 12 The Draft Regional Spatial Strategy for the South West 2006 – 2026, 2 The context for the spatial strategy
- 13 The draft revised Regional Spatial Strategy for the South West incorporating the Secretary of State’s proposed changes – for public consultation July 2008. p 118
- 14 CLG household projections
- 15 Panel Report - South Somerset HMA Sub-Regional Strategy pp 179 to 183
- 16 The draft revised Regional Spatial Strategy for the South West incorporating the Secretary of State’s proposed changes – for public consultation July 2008. pp 125 to 131
- 17 Number of vacant dwellings based on council tax
- 18 Hopkins Developments Ltd output last five years and residential developments five to seven years ago
- 19 Location of Cale House and Bellfields sites in Wincanton
- 20 Pre-Application Surgery 27 April 2010, agenda and supporting documents
- 21 Application for planning permission dated 28 February 2005 (the Brimsmore development)
- 22 Planning Permission for application No 05/00753/OUT (the Brimsmore decision)
- 23 E mail dated 4 July 2012 re second homes
- 24 South Somerset Sustainable Community Strategy 2008-2026 Goal 9: Homes, vacancies
- 25 Empty Homes Strategy – South Somerset empty homes
- 26 Unilateral Undertaking
- 27 Calculation of cost of employment land - Cllr Winder
- 28 E mail dated 5 July 2012 re condition for highway adoption
- 29 Opening submissions - Council
- 30 Opening submissions - appellant
- 31 Closing submissions - Council
- 32 Closing submissions - appellant

## **CORE DOCUMENTS**

- 1 The planning application and certificates submitted
- 2 The Planning Application Drawings
- 3 The technical reports and statements submitted as part of the application
- 4 The County Highways Department’s consultation response
- 5 The Planning Officers report presented to the Area East Planning Committee on the 12th October 2011
- 6 The South Somerset Adopted Local Plan (2006)
- 7 Secretary of State’s Saving Direction dated 22nd April 2009
- 8 The Somerset and Exmoor National Park Joint Structure Plan Review (2000)
- 9 The South Somerset Draft Core Strategy (2010)
- 10 South Somerset Local Development Framework – Annual Monitoring Report (April 2009 – March 2010), 31st December 2010
- 11 SSDC Detailed Assessment of supply that supports the AMR Five Year Supply Assessment
- 12 The National Office for Statistics 2008 Based Household Projections
- 13 Conveyance dated the 4th November 1992 – See appendix A of Rebuttal Poof of Mr Matthew Kendrick



- 14 Council Relevant Appeal Decisions
- 15 DCLG - Land Supply Assessment Checks (May 2009)
- 16 South Somerset's settlement hierarchy workshop discussion paper (April 2011)
- 17 Baker Report 2011
- 18 South Somerset Strategic Housing Market Assessment
- 19 Letter from Steve Quartermain to LPA's dated 6th July 2010
- 20 DCLG - 5 Year Land Supply for Housing in England as at April 2009
- 21 Appeal decision in relation to Picket Piece, Andover, Test Valley District (PINS Ref: PP/X3025/A/10/2140962)
- 22 Appeal decision in relation to Todenham Road, Moreton in Marsh, Cotswold District (PINS Ref: APP/F1610/A/10/2130320).
- 23 Appeal decision in relation to Land at Moat House Farm, Elmdon Rd, Marstons Green (Ref: APP/Q4625/A/11/2157515)
- 24 DCLG - 'Strategic Housing Land Availability Assessments: Practice Guidance' (June 2007)
- 25 South Somerset 2010 SHLAA
- 26 SSDC Letter from Andrew Collins dated the 29th May 2012
- 27 Ministerial Statement 'Planning for Growth' dated 23rd March 2011
- 28 South Somerset's scale of growth workshop discussion paper 29 March 2011 - Consideration of the scale of growth for Wincanton
- 29 Removed
- 30 Housebuilder Trading Statements
- 31 Removed
- 32 South Somerset Local Development Framework Annual Monitoring Report April 2010 - March 2011 (31st December 2011)
- 33 Appeal in relation to land at Sellers Farm, Hardwicke, Gloucestershire (Ref: APP/C1625/A/11/2165865)
- 34 South Somerset Settlement Role and Function Study Final Report April 2009 (Baker Report 2009)
- 35 Estate Roads in Somerset Design Guidance Notes (June 1991)
- 36 South Somerset District Council - Proposed Submission. South Somerset Local Plan 2006 - 2028 (June 2012)
- 37 South Somerset Proposed Submission Local Plan 2006-2028 Consultation Statement (June 2012)
- 38 The National Planning Policy Framework (March 2012)
- 39 Appeal decision in relation to Land off Park Road, Malmesbury, Wiltshire (Ref: APP/Y3940/A/11/2159115)
- 40 Appeal decision in relation to Land at Willoughby Road, Countesthorpe, Leicestershire (Ref: APP/T2405/A/10/2135068)
- 41 Appeal decision in relation to Land West of Sapcote Road, Sapcote LE9 4DW. Blaby District Council (Ref: APP/T2405/A/11/2164413)
- 42 Appeal decision in relation to Land at Area 4 South, Riviera Way, Torquay, Devon (Ref: APP/X1165/A/11/2165846)
- 43 Feasibility Report in respect of Chard Eastern Development Area (February 2012)
- 44 Letter to Chief Planning Officers from Steve Quartermain dated 31 March 2011