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## Appeal Decision

Site visit made on 19 April 2016

by **R J Marshall LLB DipTP MRTPI**

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

Decision date: 16 August 2016

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**Appeal Ref: APP/R3325/W/16/3143789**

**Land at OS 6375, Ringwell Hill, Bower Hinton, Somerset**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Richard Mead (Summerfield Developments (SW)) against the decision of South Somerset District Council.
  - The application Ref 14/04723/FUL, dated 17 October 2014, was refused by notice dated 3 December 2015.
  - The development proposed is residential development of 49 dwellings, public open space and associated infrastructure, including drainage attenuation pond.
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### Decision

1. The appeal is dismissed.

### Background

2. The appeal site is located at the southern extremity of Martock/Bower Hinton, 2 linear settlements linked by a continuous ribbon of development alongside the B3165. The settlements are located within attractive countryside and much of older built up area within them is designated as a Conservation Area.
3. The appeal site mostly lies to the south of the B3165. This area comprises land on which existing industrial buildings are located, an adjoining field and some open land. Part of this land is within the development area boundary for the settlement but most of it lies just outside this on an employment allocation. To the north of the site, and on the opposite side of the B3165, a small area of land has been incorporated into the application site to enable the provision of a drainage attenuation pond.

### Main Issues

4. The main issues in this appeal are: **first**, whether the proposed development would accord with the settlement strategy for South Somerset, and if not whether it would harmfully undermine it; **second**, whether it would result in the undesirable loss of existing and allocated employment land; **third**, its effect on the character and appearance of the surrounding area, including its impact on the village Conservation Area, and its effect on nearby off-site listed buildings; **fourth**, whether it would be in a sustainable location; **fifth**, other matters and the overall planning balance including implications arising from the absence of a 5 year housing land supply.

5. The first issue is not derived from a reason for refusal but from third party concerns and from the Council's submission of the recent appeal decision APP/R3325/W/15/3131336 on which the appellant's views have been obtained.

## **Reasons**

### ***Settlement Strategy***

6. Policy SS1 of the South Somerset Local Plan (LP) (2006-2028) sets out the overall settlement strategy for the District. It says that Yeovil is a Strategically Significant Town and is the prime focus for development in the District. Next in the hierarchy of settlements come Primary Market Towns and these are followed by Local Market Towns and towards the bottom of the hierarchy Rural Centres. Last in the hierarchy are rural settlements. Martock/Bower Hinton is listed as a Rural Centre. Explanatory text to Policy SS1 says that development in Rural Centres is likely to be less sustainable and so should be geared to meet local needs and address affordable housing issues.
7. LP Policy SS4 says that provision will be made for sufficient development to meet an overall district requirement of at least 15,950 dwellings in the period April 2006 – March 2028 inclusive. The apportionment of that development over the plan period is set out in explanatory text as: 47% in Yeovil, 32% in the Market Towns, 7% in Rural Centres and 14% in Rural Settlements.
8. LP Policy SS5 sets out the number of dwellings for which provision should be made in the District's settlements having regard to the overall District requirement and the percentage apportionment set out above. On this basis Yeovil will take at least 7,441 houses. These are to be located within the town's Urban Framework and via 2 Sustainable Urban Extensions (SUE's). Martock/Bower Hinton is to take a minimum of 230 houses over the plan period.
9. The figures given in the Council's Committee report are that as at March 2015, in the first 9 years of the plan, 77 dwellings had been completed and a further 196 dwellings were committed, that is under construction or with an extant permission. Thus in total 273 dwellings have either been built or have been committed in the first 9 years of the plan period. If this appeal for 49 dwellings was allowed that figure would increase to 322 and result in a 40% overprovision against the Local Plan figure of 230. The appellant adopts the same figures in his evidence.
10. The matter of the degree of overprovision of housing in Martock/Bower Hinton was also addressed in the recent dismissal on appeal APP/R3325/W/15/3131336 of a proposal for 91 dwellings just beyond the northern edge of the settlement. However, in this case a different figure for the total of houses constructed and committed was used. Here it was said that it was common ground that as at 31 March 2015 77 dwellings had been built and 177 permitted or were under construction. This gives a total of 254 dwellings either built or committed in the first 9 years of the plan period. On this basis if the appeal before me was allowed that figure would increase to 303 dwellings. This would be a 32% overprovision against the Local Plan figure.
11. I have no means of establishing the correct figure to adopt. However, it seems to me that even taking the lower figure of 32% there would be a substantial

overprovision of housing, especially at a point only around half way through the Local Plan period.

12. I appreciate that the overall District requirement for housing in the plan period is set as a minimum figure. I accept also that it is logical to interpret the requirement for Bower Hinton/Martock in the same way. This allows for some degree of flexibility and, as referred to by the Inspector in appeal APP/R3325/W/3131336, helps avoid spurious precision. However, this clearly, cannot allow for unlimited development. Thus it should be construed that the figure of 230 dwellings for Bower Hinton/Martock in the plan period is an indication as to the broad level of housing to be provided. Such a reading is entirely in accordance with the Policy approach in LP Policies SS4 and SS5. They place an emphasis on maintaining the established settlement hierarchy, whilst maintaining sustainable levels of growth for all settlements, and seek to do so by requiring that the distribution of development across the settlement hierarchy will be in line with the total housing requirements for the settlements.
13. The necessity to control development in the Rural Centres, such as Bower Hinton/Martock, has a strong rationale. For, as referred to in explanatory text to Policy SS1, such settlements although sizeable are likely to be less sustainable than settlements further up the hierarchy. A central purpose of the plan led system and national policy is to deliver sustainable development in the right places at the right time. Development that would conflict with this would be harmful, unless justified by other matters.
14. Given the above I conclude that the overprovision of housing that would occur, whether at 40% or 32%, would go well beyond the broad level of housing envisaged for Bower Hinton/Martock. As such it would constitute a substantial failure to accord with the settlement strategy for South Somerset set out in LP Policies SS1, SS4 and SS5 and would harmfully undermine that strategy.
15. The fact that the site has been identified in the Council's Strategic Housing Land Availability Assessment (SHLAA) as a site which could accommodate up to 40 dwellings does not alter my conclusion above. This is because the inclusion of land in such assessments is not in itself an indication that the site should necessarily be developed for housing.
16. I shall consider in my overall balancing the degree to which my conclusion above should stand against the proposal having regard, amongst other matters, to the absence of a 5 year housing land supply.

### ***Loss of employment land/employment allocation***

17. The existing industrial buildings are known as Old Sparrow Works. They contain a variety of predominantly old stone and brick buildings divided up into 16 workshops. At the time they were inspected for the appellant's "Commercial Assessment and Viability Report" most of the buildings were vacant. It appeared to be much the same at the time of my visit.
18. The adjoining employment allocation was made in the South Somerset Local Plan 1991-2011 (2006). It has been carried forward into the South Somerset Local Plan (LP) (2006-2028) which was adopted in 2015 and is now the development plan. Permissions have been granted for the development of this area, most recently in 2005. However, none of them have been taken up.

19. There is other employment land in Barrow Hinton/Martock. Just to the north of the appeal site is the Sparrow Works. This site contains generally larger, and it would appear more modern, industrial buildings than the appeal site. There is a permission to re-develop a large building on the Sparrow Works for industrial purposes and feasibility studies are underway for the construction of smaller units. Much further to the north of the site, in Martock, there is a fairly large industrial estate containing buildings of varied size and in which a wide range of businesses are undertaken.
20. LP Policy EP3 says that employment land and premises will be safeguarded. Planning permission will not be granted for alternative uses unless it can be shown that the loss of such land would not demonstrably harm the settlement's supply of employment land/premises and/or job opportunities. The Council requires the submission of a marketing statement and amongst other things requires that: the proposal would result in significant environmental improvements or enhancements to the character of the area and that the site is not in an unsustainable location for the land use proposed. This Policy would seem to relate to sites in existing employment use. However, it seems to me that broadly similar considerations should apply to retaining employment allocations.
21. The appellant's "Commercial Assessment and Viability Report" makes a case for the proposed development in part based on demand and market conditions. It refers to the property market being badly affected post 2008 and to a wide availability of employment sites in the wider area with commercial floorspace. The report suggests that the employment allocation on the appeal site is unnecessary and would not be able to compete with better sites elsewhere. This part of the report relates solely to the land allocation. However, if its findings were accepted they would be equally valid in assessing whether the existing buildings should be retained in employment use.
22. However, whilst I note the comments above, account must be had to the fact that the employment allocation has been carried over into the recently adopted LP. The Council has provided no substantial background evidence on the allocation. However, it is highly unlikely that it was not supported by a substantial evidence base on the need for employment land in the settlement. This is borne out by some of the representations of third parties. Moreover, it is generally prudent to look at land allocations in the long term over the full plan period and beyond potential short term market fluctuations.
23. That said, the appellant is on stronger ground when it comes to potential problems with developing the allocated site for commercial use or letting out or redeveloping the existing buildings. I turn first to the land allocation. This was carried through from a plan adopted around 10 years ago. And in addition since 1994 there have been various permissions and renewals for light industrial development on the site. However, none of these permissions has been implemented. The latest permission dates back to 2005. Given the site's location close to housing, restrictive conditions were imposed on this permission covering working hours, delivery times and noise. An application to develop the site in the absence of these conditions was refused in 2007. The fact that the site has remained undeveloped for so many years following the first permissions for industrial development raises substantial concerns about the likelihood of such development occurring. The restrictions imposed on the

latest permission, which would have the potential to limit interest in the site for businesses, add further weight to this concern.

24. Turning to the existing industrial buildings on the site I place limited weight on the substantial level of vacancy alone, as that can arise from many factors. However, the appellant's Commercial Assessment and Viability Report says that the buildings on the site have reached the end of their useful life. And that their age imposes substantial maintenance and running costs. All that I saw confirmed this and no substantial evidence has been provided to the contrary. Marketing of the premises has occurred over a reasonably lengthy period but interest has been minimal. This adds further weight to the findings of the report. The report also looked at the potential for the redevelopment of The Old Sparrow Works. It expressed serious reservations on the viability of this, given demolition, infrastructure and utility costs and the cost of building new units. It was concluded that these costs would exceed the gross development value. Whilst I note the Council's concern that a redevelopment of the site has not been tested through marketing it has provided no professional valuation evidence or opinion to contest the conclusions of the appellant's Commercial Assessment and Viability Report.
25. I consider that the viability evidence provided by the appellant on re-use of the existing buildings is, contrary to the view of the Council, sufficiently site specific. And although they may not have been marketed fully in accordance with the Council's guidance the Council's concern now on this point sits uneasily with its officers' previous acceptance of the marketing that had been undertaken. The Council's economic development manager has recently received a number of enquiries relating to employment site requirements close to the A303, and the appeal site is not far from this road. However, the fact that such enquiries have been made provides no substantial evidence of the likely take up of the appeal site, given the site specific issues raised by the appellant. I note suggestions that a mixed employment/housing use of the site should have been considered to prevent the total loss of employment land. However, no substantial evidence has been provided on the practicality of this.
26. In light of the above it is concluded that the proposed development would not result in the undesirable loss of existing and allocated employment land and thus there would be no conflict with LP Policy EP3.

### ***Character and appearance***

27. The larger of the 2 settlements, Martock, is on relatively low lying land. Moving south towards Bower Hinton the land rises upwards notably. To the south of Bower Hinton and the appeal site lies an east/west running shoulder of hills, Cripple Hill, Hallet's Hill and Ringwell Hill. These hills and much of the other land around Bower Hinton, including land to the south and east of the appeal site, have been identified in the Council's landscape survey as an area of high visual sensitivity. As the appeal site is a local plan allocation it is given no landscape definition in the survey. The village Conservation Area lies directly to the north of the appeal site. Two cottages to the north of the site are Grade 2 listed.
28. I turn first to the impact of the proposed development on the wider landscape of the surrounding area. From some locations in Martock, such as the village playing fields and Foldhill Lane, views are obtained towards the 3 hills to the south of the appeal site. It may be possible from viewpoints such as these to

just see the proposed development. However, given the substantial distance of the site from these areas, and the fact that the houses would be seen in the context of foreground development and against a backdrop of rising land, the visual impact would be negligible. For some of the lengths of a public footpath running eastwards from the site the proposed development would just be seen. However, it would be in the context of nearby development. And, moreover, over time new planting on a proposed play area has the potential to provide an extensive screen from this viewpoint. From the public highway to the south of the site the lie of the land would prevent views of the proposed development. The proposed development would be rather more visible from the proposed access. However, such views would be limited by the lie of the land and the screening that could be provided on the play area.

29. A public footpath runs along the southern boundary of the appeal site. From this footpath, views are obtained over a field towards the countryside surrounding and beyond Martock. However, attractive although these views are, they are partly restricted by a hedgerow and have in part the foreground of unattractive buildings on the appeal site. The loss of these views could be compensated for in reasonable part by planting on the southern boundary of the appeal site. From Ringwell Hill to the east of the site development on the appeal site would most likely be seen. However, largely enclosed by existing planting or development on 3 sides it would not appear unacceptably intrusive in the countryside.
30. In view of some third party observations I have also looked at the impact of the proposed development from Hamdon Hill. This lies to the south of the A303 and is far more removed from the appeal site than the viewpoints referred to above. From this hill a vast sweep of most attractive countryside is visible. However, given the distance of the appeal site from this viewpoint, and the undulating nature of the countryside, the proposed development would have a negligible impact on views over this area.
31. I turn now to more localized views of the appeal site and the effect of the proposed development on listed buildings. The northern part of the appeal site abuts the Conservation Area. In this part of the Conservation Area attractive stone cottages front onto the highway. Part of the proposed development involves the demolition of a frontage building and its replacement with an attractive terrace of cottages. These would fit in slightly better with the character and appearance of the area than the building to be demolished. As such they would, to a modest degree, enhance the character and appearance of the Conservation Area. A combination of the new cottages, buildings to be retained on site, and the lie of the land, mean that much of the remainder of the proposed new housing, of a typical estate layout, would have minimal effect on the Conservation Area. In addition the design and orientation of the nearest of the houses to the listed cottage No. 100 Higher Street would be such as to preserve its setting. The Council has not suggested otherwise.
32. It is concluded the proposed development would cause no substantial harm to the character and appearance of the wider setting of the appeal site. There would be a marginal enhancement to the character and appearance of the village Conservation Area and the setting of the off-site listed building would be preserved. There would be no conflict with LP Policy EQ2 which seeks to preserve or enhance the character and appearance of the area and nor with the Statutory duty on the protection of Conservation Areas and Listed Buildings.

### ***Sustainability of location***

33. The combined settlement of Bower Hinton/Martock is notably long and elongated. The proposed development would be at the far southern end of the settlement. There are a few limited facilities within reasonable proximity of the appeal site. However, they are wholly insufficient in themselves to serve day to day needs. There is a reasonably well sized village centre in Martock providing a good range of shops and other services. However, it is approximately 2,000m from the appeal site. This equates poorly with guidance in the *Institution of Highways and Transportation document: Providing for Journeys on Foot (IHT)*. This refers to the preferred maximum walking distance to a town centre as being 800m. Moreover, the nature of the walk from the appeal site to the village centre would be a further impediment to the likelihood of people walking between the two. For with the appeal site at Bower Hinton being at a notably higher level than Martock walking back from the town centre would be up quite a steep hill along at times a narrow footpath and with the occasional need to cross the road. There is a bus stop reasonably close to the site serving weekly and weekend bus services that enable travel between Bower Hinton and Martock. However, given the limited frequency and gaps between return times it is unlikely that many would see it as preferable to travel to the village centre by bus rather than car. I am of this view even with the existence of a so called flexible demand responsive bus service in the area given the limited evidence on the frequency of service that this could provide.
34. Another key facility, the village primary school at Martock, is 2,600m away from the appeal site. This compares poorly with the *IHT* guideline of a preferred commuting or walking distance to a school being 2,000m. And as with the village centre a further impediment to pupils walking to the school, whether accompanied by parents or not, would be the hill on the return journey and the poor footpath provision. Indeed with the distances involved I consider it highly unlikely that children would be accompanied by parents on foot. More likely they would be taken by car, especially given the perceived danger of walking on the narrow footpath adjoining the B3165 through Bower Hinton at times when it could be busy with commuter traffic seeking to access the A303.
35. It is conceivable that some people might cycle to the village centre. However, given the hill to cycle back, and the likelihood at times of the road being busy, I doubt that it would be a likely choice for most. Nor, given the characteristics of the road I have referred to, is it likely that many parents would let their children cycle to school. The appellant says that the need for parents to accompany their children to school is not a problem as generally primary schools require pupils to be accompanied by adults. However, no supporting evidence is given for this assertion. And locating housing so that most children are likely to have to be driven to school runs counter to the idea of promoting healthy communities as sought in the National Planning Policy Framework (the Framework).
36. The application plans show 2 proposals, in the alternative, which seek to ensure that a safe footpath link is provided from the site to the nearest length of footpath alongside the B3165. There is also a proposal to extend the 30mph limit in the vicinity of the site. However, whilst this would have some benefit in terms of pedestrian safety it does not allay any of the key concerns above. It

- would be unlikely to increase the possibility of pedestrian movement to and from the site to any meaningful degree.
37. The Parish Council is seeking to improve pedestrian links between Bower Hinton and Martock by, amongst other things, creating new tracks. However, this is subject to grant approval so cannot be guaranteed. And on the limited evidence provided the extent to which this would provide improved pedestrian access from the appeal site cannot be ascertained.
38. The appellant seeks to overcome accessibility concerns by the submission of a Travel Plan. The Unilateral Undertaking provides for the submission of such a plan and its approval by the County Council. It is intended that there would be a range of measures including: a resident's welcome pack; a travel information board; green travel vouchers; walking/cycling/public transport action plans; and details of car sharing. Reference is also made to the fact that the proposed garages could accommodate bicycles. Subject to conditions and the submission of a Travel Plan the County Highway Authority has no objection to the proposed development. The measures proposed are better than nothing. However, I am not convinced that they would significantly increase pedestrian and cycle movements from the site to the village centre for the reasons given by the Council. For example, although the Green Travel Vouchers may assist in the purchase of a bicycle or bus passes that would not make the road a more attractive one to cycle along nor would they be likely to greatly, if at all, improve bus services. The Unilateral Undertaking does have a facility for "safeguarding measures" to be required by the County Council in the event of Modal Share Targets (MSTs) not being met. However, in the absence of details of the MSTs or what safeguarding measures could be imposed, I attach this little weight.
39. Thus in terms of its relationship to local services and facilities the proposed development is not well located. I appreciate that the Inspector in appeal APP/R325/W/15/3131336, concluded otherwise in relation to the site before him. However, that site is located notably closer to the centre of the settlement and with the facility of a level walk to it. And residents of that site would have had the benefit of being able to avoid walking or cycling along the B3165 with its acknowledged disadvantages for the young and elderly.
40. Turning to wider matters on the location of the site on sustainability grounds it adjoins a sizeable village, has easy access onto the A303, and is not too far from Yeovil. That said, even with the bus services that are available I consider that for many on the appeal site, or indeed from anywhere in Bower Hinton/Martock, access to jobs and shopping beyond day to day needs is likely, as it would probably be in most of the Rural Centres, to be by car. The undesirability of this is price that has to be paid for allowing some development in those settlements with the advantages that this can bring. However, it does point to the necessity of restricting development in them in accordance broadly with the numbers set out in Policy SS5 and encouraging greater development in the higher order settlements where in locational terms it is likely to be more sustainable. For this reason I place greater weight on the accessibility of Bower Hinton/Martock than was placed on this in appeal APP/R325/W/15/3131336.
41. It is concluded that the proposed development would not be in a sustainable location. There would be conflict with one of the stated aims of the LP



Settlement Strategy which is to manage and reduce commuting patterns to deliver balanced growth that strives for more self containment. And through providing poor accessibility the proposal would be contrary to LP Policy EQ2 on General Development. In arriving at this conclusion I have noted the appellant's observation that the employment use of the site, in accordance with the LP allocation, would have generated commuting traffic. However, no substantial evidence has been provided on the difference in car journeys between the uses and it seems to me that the industrial allocation offered a potential benefit in sustainability terms in ensuring a more self contained settlement with the potential benefit of limiting journeys by car.

### ***Other matters and planning balance***

#### *Other matters raised against proposal*

42. The appeal site was developed as an industrial site, incorporating workshops and a foundry. There is only one listed building on the site, an outbuilding at the rear of No. 98. I note third party concerns on the impact of the proposal on this building. However, it would be retained and I am satisfied that its setting would be preserved by the retention of the more important industrial buildings on the site.
43. An attempt to have all the buildings on the appeal site listed failed. This was due to the conclusion of English Heritage that many of the original 19<sup>th</sup> century buildings, including the foundry, have been lost, and that the surviving buildings demonstrate no technical innovation or architectural merit. However, account should still be given of their merit or otherwise, as non-designated Heritage Assets and I note the observations of third parties on this. A detailed heritage assessment of these buildings was undertaken on behalf of the appellant. This concluded that none of the buildings had inherent structural features indicative of their industrial past. Some of the buildings are redolent of their past use, and they would be retained and put to a new use in the proposed development. The Council has no objection on heritage grounds. From all that I have read and seen I consider that, with the retention of the only buildings of any significance, there would be no harm to non-designated Heritage Assets.
44. Other third party concerns also go beyond those raised by the Council. On them I am satisfied from the detailed reports provided by the appellant, on which no contrary technical evidence has been provided, that no harm would arise in relation to highway safety, flooding or protected species or other wildlife. There is no substantial evidence to support the view that facilities such as services and the school would be unable to cope with the additional demand, especially as the appellant has submitted a legal agreement to make a financial contribution to improve services where that would be required.

#### *Other matters submitted for the proposal*

45. The proposed development would provide 49 houses in a District where there is a lack of a 5 year housing land supply. There has been over the years a persistent under-delivery of houses in the past. On the most up to date figures I have been given, from a Council housing land supply paper of September 2015, the Council has a 4.3 year housing land supply. Of the proposed dwellings 17 would be affordable. Thus the proposal would meet the requirement in LP Policy HG3 for there to be 35% on site affordable housing

- provision on sites of 6 dwellings or more. There are in the District a substantial number of households in housing need and a current considerable shortfall of affordable housing which needs to be addressed along with future requirements.
46. As part of the site is an old industrial premises it comprises previously developed land (pdl) in part. LP Policy SS7 encourages the development of such brownfield land and sets a target that 40% of new development should be on pdl. Such an approach is supported by the Framework. Thus to the extent that the proposed development would be on pdl it would comply with the development plan and the framework. However, given that the bulk of the site is not pdl only limited weight should be attached to this.
  47. The proposed drainage strategy is to provide an attenuation pond to the north east of the site to accommodate runoff from the proposed development. This is seen as a considerable improvement over the existing situation where surface water from the site flows into highway drains along Ringwell Hill. In the Council's Committee Report this is described as a welcome benefit. However, in the absence of more substantial evidence on the existing situation this is a matter that should attract only limited weight.
  48. As well as providing car parking for the proposed houses 10 parking spaces within the site would be provided for Sparrow Cottages which face onto Ringwell Hill. Currently they have no off-road parking and it is said this leads to parking along Higher Street which can then make it difficult for cars to pass along this road. There would thus be a potential improvement to the free flow of traffic to which I attach moderate weight.
  49. A further alleged highway benefit would arise from the proposed footpaths on Ringwell Hill, either adjacent to Sparrow Cottages or on the opposite side of the road. Either arrangement would enable those walking from the site to the village to access other pavements without having to walk unduly on the road. This would also, it is said, be of some benefit to the existing residents of Sparrow Cottages. However, only a few existing residents would benefit from this and there is no statistical evidence that the existing situation is unacceptably dangerous. The Parish Council is seeking to improve pedestrian rights of way from Bower Hinton to Martock and it seems that the appellant is contributing money to that. However, from the evidence before me the extent to which this would assist existing residents is unclear, as is the degree to which the suggested improvements are likely to come about should the appeal be allowed. Little weight should therefore be attached to this contribution.
  50. The construction of the proposed houses would lead to some short term economic gain. And the increase in population would be likely to result in some extra expenditure in local services, such as shops, and offer some added support to local facilities. However, the scale of the proposed development is such as to render these benefits relatively small. They thus attract limited weight.
  51. It is said that were the appeal allowed, the owner of the appeal site intends to re-invest any money obtained from residential development on the appeal site to provide more modern units in the Sparrow Works industrial site to the north. However, little weight can be attached to this as there is no guarantee that this would occur.

52. The proposed development would result in a slightly more attractive entrance to the village from the south by the refurbishment of one of the existing buildings on site and the erection of a terrace of attractive cottages. A moderate degree of weight may be attached to this. I attach little weight though, to the appellant's suggestion that the proposed housing would be a more attractive use of the site than the site's allocated industrial use given the unlikelihood of that allocation being taken up.

### *Planning balance*

53. The absence of a 5 year housing land supply means that in these circumstances relevant policies for the supply of housing should not be considered up-to-date according to paragraph 49 of the Framework. Where policies are out of date paragraph 14 of the Framework says that 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. Given this, and the fact that the Framework requires Council's to boost significantly the supply of housing and meet the needs of different groups in the community, substantial weight should be placed on the provision of the proposed houses including the affordable element. And I place significant weight on the fact that this can be achieved without harm to the character and appearance of the area (and indeed with a marginal improvement to the character and appearance of the Conservation Area) and that it would not result in the undesirable loss of employment land. However, for the other benefits raised I have attached only moderate or limited weight for the reasons given.
54. To set against the benefits of the proposal I place substantial weight on the conflict with the Council's settlement strategy and the unsustainable location of the site. And it is this ultimately that I find decisive. Weighty though the benefit of new housing would be, and notwithstanding the lack of harm on 2 of the main issues, I find that taken overall, the harm I have identified is of a degree that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the Policies in the Framework taken as a whole.
55. The Framework says that housing applications should be considered in the context of the presumption in favour of sustainable development. It identifies 3 dimensions to such development, an economic role, a social role and an environmental role. From my findings above it is clear that in some respects these roles would be met by the proposed development and that in part there would be compliance with the development plan. However, the harm identified means that there would be conflict with the social and environmental roles to a degree which means that, seen in the round, the proposal would not be sustainable development and would conflict with the development plan.

### **Conclusions**

56. For the reason given above it is concluded that the appeal should be dismissed.

*R J Marshall*

INSPECTOR

Richborough Estates