



Appeal Decision

Hearing held on 5 November 2014

Site visit made on 6 November 2014

by **P W Clark MA MRTPI MCI**

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

Decision date: 27 November 2014

Appeal Ref: APP/P0119/A/14/2222175

Field known as Day House Leaze, Wotton Road, Charfield GL12 8TG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Simon Steele-Perkins of Waddeton Park Limited against the decision of South Gloucestershire Council.
 - The application Ref PT13/3541/O, dated 25 September 2013, was refused by notice dated 16 January 2014.
 - The development proposed is the erection of 31 residential units incorporating market housing, sheltered housing and affordable units, 60 bed dementia care home, public open space and allotments.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 31 residential units incorporating market housing, sheltered housing and affordable units, 60 bed dementia care home, public open space and allotments on the Field known as Day House Leaze, Wotton Road, Charfield GL12 8TG in accordance with the terms of the application, Ref PT13/3541/O, dated 25 September 2013, subject to the following conditions:
 - 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
 - 3) The development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved.
 - 4) The access to the development hereby permitted shall be carried out in accordance with the following approved plan: 27365/001/SK03 revision D.
 - 5) No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority.

- 6) No development above the surface of the ground shall begin until surface water and foul water drainage works have been carried out in accordance with details to be submitted to and approved in writing by the local planning authority.

Procedural matters

2. The application was made in outline form. Details of access are submitted for approval now. Matters of appearance, landscaping, layout and scale are reserved for later consideration.
3. With the appeal, a revised proposed site access drawing was submitted. I was asked to accept its substitution for the site access drawing originally submitted. The revised drawing had been the subject of publicity and the proposed substitution had been notified to third parties well in advance of the hearing. Indeed comments on the revised proposal had been made by the public in writing prior to the Hearing and were made in person at the Hearing. I am therefore satisfied that nobody would be prejudiced if I were to consider the appeal on the basis of the revised drawing and so, that is what I have done.

Main Issues

4. There are three main issues. These are; whether the development, in this location, would be a sustainable development. The second, its effect on local infrastructure, is an aspect of the first issue, as is the third, its effect on housing supply, including affordable housing. The appeal also gave rise to issues of the need for and supply of care home provision and of prematurity. It was agreed that the question of rail and road noise possibly affecting the proposal could be dealt with by condition.

Reasons

Sustainability

5. The National Planning Policy Framework (the Framework) advises that there are three dimensions to sustainable development; economic, social and environmental. The economic role refers to building a strong economy, supplying the right type of land in the right places at the right time and to coordinating developments with the provision of infrastructure. The supply of land also supports the social role in the delivery of housing as does infrastructure in terms of accessible local services. I consider the main matters raised in terms of; (i) spatial strategy (ii) infrastructure and local services (including employment), (iii) housing and affordable housing supply. The parties agreed that there was no dispute over the environmental role, although a third party does raise it as an issue, so I include this as well.

Spatial Strategy

6. Criticism is made of the spatial strategy set out in the Council's recently adopted South Gloucestershire Core Strategy in that it only directs 0.3% of housing growth to rural areas which currently house 20% of the District's population. However, it is clear, from paragraphs 109 and 110 of the report of the examination into the Core Strategy, that this matter was considered then and the conclusion reached that this represents the most sustainable strategy which other spatial options are unlikely to match. There is no new evidence before me to show that this conclusion, reached only a year ago, is incorrect.

7. This proposal would not be in one of the locations (Yate, Thornbury and the fringes of Bristol) to which the Core Strategy directs most of the anticipated development of the local authority area. So, it does not conform with the most sustainable strategy which has been formulated. But, it does not follow that it is thereby an unsustainable development; the Core Strategy refers to most, not all, development and envisages that additional development to meet local needs will occur in other areas. In the early stages of preparing its Policies, Sites and Places Development Plan Document (PSP DPD) the Council has itself clearly canvassed the possibility of developing this site. It follows that arguments about the sustainability of its location would not be an insuperable obstacle to allowing this appeal. Rather, it is a consideration to be weighed in the overall balance, after an examination of the effects of the proposal on other aspects of sustainability, to which I now turn.

Infrastructure and Local Services

8. The village presently has three pubs, a petrol filling station (including a tiny retail outlet), a local shop (including a post office), two hairdressers, two places of worship, a community hall, playing field and equipped play area, two other play areas (at Longs View and at Manor Lane) and a primary school with a pre-school unit and out of school club. It has no secondary school or health facilities. The services of a mobile library are recorded in the Charfield Village Plan (2013). It is not, therefore, a completely unserved and unsustainable location but service provision makes a limited contribution to its sustainability.
9. There are a number of businesses providing employment but there is an imbalance between employment provided locally and the numbers of economically active residents, even allowing for the fact that there is a sizeable employer located immediately outside the local authority administrative boundary on the edge of the village. Although a perfect match between residents skills and locally available jobs is always likely to be unachievable, this quantitative imbalance giving rise to a need to travel to work is an indication of a degree of unsustainability.
10. Although there is a recently increased bus service provision with two routes each providing an hourly service and a third running every two hours, oral evidence given at the Hearing and the evidence of survey data with a high response rate from the Charfield Village plan suggests that the pattern and duration of services (limited in evenings and non-existent on Sundays) would require dependence on private transport for the full range of journeys which residents are likely to require to reach employment which is not available locally. A high proportion of people travel to work by car either as driver or as passenger, encouraged by easy proximity to the M5 motorway and a low proportion travel by bus, the only available form of public transport. This is an indication of a degree of harm present in the existing situation.
11. The local population has declined by 2% between the 2001 census and that of 2011. This may be explained by a national trend (caused by a variety of factors) in which the population is increasingly fragmented into a greater number of smaller households, though, in 2011, the average household size in Charfield was slightly higher than that for the rest of south Gloucestershire, as the village plan records. In locations where the number of dwellings does not increase to provide for an increased number of households, the population falls with consequences for the viability and sustainability of services.

12. This is reflected in a decline in the primary school roll projected for the years 2013-2017 in the Council's Commissioning of Places Strategy, although I am assured that there is no concern about its viability. The village used to have a Youth Club meeting in its Memorial Hall but the village plan records that it was due to cease following a withdrawal of funding. In recent times, one of formerly two village stores has closed. Its former owner, a local Councillor, suggested that the population of the village would have had to double or treble for the business to have remained viable. These are indications that the present, limited, sustainability of the village is fragile.
13. There is no evidence to suggest that any further changes or improvements to the bus network are in prospect. There is an aspiration to reopen the village's railway station, reflected in policy CS7 of the Core Strategy, which safeguards the land. I was told that there is a campaign and that the proposal is included in the Local Transport Plan but that its progress depended on the production of a Business Case which would have to demonstrate a sufficiently large population catchment, which Charfield does not supply. It is unlikely that this project would have any impact on the sustainability of Charfield within the short term.
14. It is not disputed that the care home element of the proposal would provide 40 full-time-equivalent (FTE) jobs. The Council's committee report accepts that this would be in numerical balance with the likely number of economically active residents in the housing element of the proposal, so the development overall would not add to the quantitative imbalance that Charfield presently experiences. However there is no information to match the skills required by the Care Home to the skills available within Charfield and so no assessment can be made of the net effect of the proposal on the need to travel.
15. The housing element of the proposal would increase the number of households in Charfield by a little over 3%. This would go some way towards reversing the effects of the inter-censal population decline in terms of numbers to take up vacancies in the local primary school and in terms of expenditure on local businesses but the numbers are not so great as to support or require additional provision. It is unlikely that the residents of the dementia care home element of the proposal would contribute in either respect. The construction of the development and the purchasing policies of the management of the care home could contribute somewhat to the local economy but no information is provided to quantify this beneficial effect.
16. The proposal is accompanied by a s106 agreement. In terms of infrastructure, this would secure a repositioned and larger layby than exists presently in front of numbers 23 and 25 Wotton Road, the provision of a footway along the main Wotton Road in front of the site and an additional, uncontrolled pedestrian crossing of the road, the provision of allotments and open space, with a financial contribution to the provision of a play area for children and young people if not provided on site, a contribution to the provision of outdoor sports facilities and a contribution to the continued provision of a local libraries service.
17. Although all these facilities or contributions are shown to be necessary and proportionate to serve the development itself, and so would comply with s122 of the Community Infrastructure Levy (CIL) Regulations, they would also benefit the wider community in terms of the safety of pedestrians using Wotton

Road to reach the primary school, and in terms of the range of recreation facilities serving the village. They would therefore make a slight positive contribution to the sustainability of the village.

18. Although secondary schooling and health care provision is not made within the village, there is no suggestion that facilities elsewhere would not have capacity to absorb the demands arising from this development, though it would give rise to a need to travel. The section 106 agreement makes provision for a contribution towards the costs of school transport to secondary schools but this is no more than the requirement which arises from the needs of the development itself. It is therefore compliant with the CIL regulations but offers no wider public benefit. Other provisions secure affordable housing, the need for which is discussed below and also a private benefit for the residents of numbers 23 and 25 Wotton Road. This last, in my view, is not necessitated by the development and so does not comply with the CIL regulations and so I take no account of it.
19. An assessment of the proposal's overall effect on infrastructure and services starts with the limited contribution to the economic and social strands of sustainability which the village presently enjoys; the negative balance of employment giving rise to a need to travel, met largely by private transport and; the early indications of decline in the village's level of viability and sustainability. The proposal would reverse the effects of a ten-year decline in population, would have a relatively neutral effect on the balance of employment and the need to travel and would make a slight positive contribution to the existing facilities of the village. I conclude that in terms of infrastructure and services, the proposal would make a small positive contribution to the economic and social strands of sustainability.

Housing and affordable housing

(i) District-wide

20. Following the adoption of its Core Strategy the Council has been able to demonstrate that it has identified a five-year housing land supply. Criticisms are made of the methodology used in the Core Strategy to identify housing requirements; e.g. that it is not based on a Strategic Housing Market Assessment for a wider market area; that it is based on capacity alone, not objectively assessed need; that the "Liverpool" approach to recovering shortfalls is used rather than the "Sedgefield" approach; and that there is double counting of windfall sites.
21. But, in paragraph 79 of his report on the examination into the South Gloucestershire Core Strategy, the Inspector specifically considers the point about the wider market area. Paragraphs 72-82 of his report discuss a number of ways of measuring objectively assessed needs. Having considered these two points, he concludes in paragraph 83, "taking into account the most recent household projections" that a provision of 28,355 dwellings remains an appropriate minimum level of housing provision to be made. The adoption of the Core Strategy has not been challenged and there is no information before me to demonstrate that a different target should now be set.
22. Subsequent to the adoption of the Core Strategy, the National Planning Practice Guidance (Guidance) has been issued which advises that "local planning authorities should aim to deal with any undersupply within the first

- five years of the plan period where possible". This is known as the "Sedgefield" approach. My attention is drawn to appeal decision APP/P0119/A/10/2130078 which applied this approach and found that in these circumstances the Council is unable to demonstrate a five-year housing supply.
23. This decision is subject to a legal challenge. But, in any event, I note that it records that "the Council did not argue that this [i.e the Sedgefield approach] is not possible". In a statement in support of the Council's challenge to this decision, the Council's witness confirms that "I did not provide such evidence..."
24. By contrast, in this current appeal, I have the Inspector's report into the Core Strategy before me. I read there in paragraph 96 that he considered that "it would be desirable to make good past deficiencies as soon as possible" (ie the Sedgefield approach) but did not do so for two reasons given. One is the practicality of the completion rates required. He does not use the word "possible" but the meaning is clear. He repeats the point in paragraph 142 of his report. In paragraph 98 he justifies the annualised method of correcting past deficiencies (the "Liverpool" method) by reference to sites coming forward "as the Council says is possible".
25. It is therefore clear to me that the Core Strategy examination anticipated the advice of the Guidance by considering whether the Sedgefield approach was possible or not and concluded that it was not. There is no information before me which would lead me to a different conclusion and so I do not deny the validity of the Council's method and, in consequence, its assertion that it has identified a five-year supply of housing land.
26. I note also that in paragraph 91 of his report, the Core Strategy Inspector specifically considered the allegation of "double counting" of windfall sites but discounted it. In paragraph 90 he specifically justifies an allowance of 150 windfall sites per annum "in addition" to the small site commitments that benefit from planning permission" which is the specific "double counting" point alleged in the current appeal. There is no new information which would lead me to come to a different conclusion to that previously reached on this question. In any event, the "double counting", if any, of 150 units per annum for the few years during which commitments last is of little significance in relation to the total housing requirement identified.
27. There is evidence to suggest that there is slippage in the trajectory implied in the assessment of five year housing supply. That is unsurprising. The Council asserts that there are other sites which can be brought forward to fill the gap. That too is unsurprising. The exact composition of a five-year housing supply will vary from day to day as individual houses are completed and fall out of the supply and new sites come forward.
28. The identified housing land supply is estimated to provide for 10,610 units. Even allowing for underdelivery in the first year since the adoption of the Core Strategy, the five year requirement is 8,565. The addition of a 20% buffer brings the requirement up to 10,278, still within the figure identified. It needs to be remembered that the inclusion of a 20% buffer is to provide a realistic prospect of achieving the planned supply in the face of slippage and so even if the slippage figures suggested by the appellant are not counteracted by the sites brought forward by the Council, I am confident that the identified housing land supply is robust enough to deliver the five-year requirement. It follows that there is no justification on that ground to set aside policies for the location

and supply of housing which direct most new housing to Yate, Thornbury and the outskirts of Bristol.

29. That said, it is fair to record that Core strategy policy CS15 sets the 28,355 housing target as a minimum; it is not an upper limit to development. Over and above that figure, Core Strategy policies CS5 and CS34 envisage that communities in rural areas will shape the future of their own areas. For that reason, I now turn to consider local housing needs.

(ii) Local

30. Both parties accept the findings of the Housing Needs Survey Report for Charfield Parish May 2014. Twenty-five respondents to this survey completed part 2 of the survey intended to identify those who wished to move within the next five years but stay in Charfield and those who were known to wish to return to Charfield, having moved away. Analysis suggests that 11 of these would be in need of affordable housing.
31. But the survey itself records that an additional five respondents completed part 1 of the survey to indicate that they wished to move but did not complete part 2. The survey report also notes that its findings do not take account of the number of "hidden households" that may require new housing within the village but did not state a need to move in their response to this survey.
32. Furthermore, the survey overall only achieved a 24% response rate, so the figures need to be scaled up. If done proportionately, this would suggest an overall local housing demand of a fraction over 100 dwellings, of which 44 would need to be affordable.
33. The Housing Needs Survey report also draws on information taken from the Council's Home Choice Register (which draws on applicants from a wider area than the District). This records 32 households making Charfield their first choice of location. Twelve of these are regarded as being in housing need. The report notes that it is not unusual for households in need to fail to register with the Council in areas where supply is limited. It follows that this data source would under-represent demand and need in Charfield.
34. Information is provided concerning progress on the District-wide supply of affordable housing but, for the reasons set out earlier and in paragraphs 145 of the Core Strategy Inspector's report (which asserts that annual requirements for affordable housing comfortably exceed the number being built with no realistic means of addressing overall deficiencies in supply) there is no justification on these grounds to set aside policies for the location and supply of housing. If there is a justification for allowing this appeal, it is on the grounds of local need, not District-wide requirements.
35. Information was also provided, not disputed, that permission has been given for 21 additional dwellings in Charfield since September 2013 (the Housing Needs Survey was conducted in July 2013), of which 19 have been completed. Deducting this supply from the figure of a little over 100 which I estimate to be needed, leaves a residual local demand for approximately 80 dwellings in the period up to 2018. I therefore conclude that the housing element of this proposal (31 units) would go some way towards satisfying local need and demand.

The environmental role

36. The site is currently farmland and it is surrounded by farmland on two sides. Its physical situation and condition corresponds with its definition as countryside in the South Gloucestershire Local Plan January 2006. Its development would not be consistent with Policy H3 of that plan which seeks to protect the countryside for its own sake and as a resource. The fifth bullet point of paragraph 17 of the Framework recognises the intrinsic character and beauty of the countryside as one of the twelve planning principles which should underpin decision taking. Although dated, the policy is consistent with the Framework.
37. Nevertheless, time moves on and, in accordance with policies CS5 and 34 of the much more recently adopted South Gloucestershire Local Plan: Core Strategy, the Council is preparing a Policies, Sites and Places Development Plan Document (PSP DPD). The appeal site, together with others contiguous to the defined settlement boundary for Charfield, has been identified as a possible site for inclusion in that DPD. It is not subject to any specific protective designation nor have any special qualities as undeveloped countryside been identified which might preclude its consideration for development; it is simply a matter to be included in the balance.
38. From the field gate on Wotton Road a view is obtained across the site towards Poolfield Farm, a listed building. The appeal site provides the setting for that listed building in that view. Development, if permitted, would inevitably affect that setting and so, in accordance with s66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I give special regard to the desirability of preserving this building or its setting.
39. As recommended by paragraph 128 of the Framework, the appellant has provided a Heritage Assessment, which is uncontested. This asserts that Poolfield Farm derives its significance mainly from the evidential value of its historic fabric and from its illustrative value as an example of a small rural farmstead. It also has aesthetic value but this is not key to its significance. I have no reason to disagree.
40. The Heritage Assessment recognises that the surrounding farmland (including the appeal site) enables its origins as a small rural farmstead to be understood and therefore contributes to its illustrative value. I have no reason to disagree.
41. The Heritage Assessment points out that the appeal site has no historic connection with Poolfield Farm either in terms of ownership or function; the site is simply another agricultural field belonging to a different farm. It points to the tree-lined boundary between the two which, from observation, I saw to be pronounced. The Assessment also points to the farm's relationship with the existing settlement of Charfield, to which the appeal proposal would be an extension. I observed that from the footpath in the field to the north of Poolfield Farm the farm is clearly seen with the settlement of Charfield in the background. The development would bring that background closer but it would not, in my view, fundamentally alter the relationship between the two; the farm would continue to be seen and understood as a small rural farmstead.
42. The Heritage Assessment concludes that the appeal proposal would alter the character of one part of the wider setting of the farmhouse which makes a limited contribution to its overall significance and would result in a small

adverse effect on its wider agricultural setting and at most a very small level of harm to the overall significance of the Listed Building. From what I have seen, this is an overly cautious conclusion.

The Care Home

43. The employment benefits resulting from the Care Home element of the proposal have been considered above. The Council's spatial strategy applies as much to the Care Home as it does to new housing development but there are no figures in the Core Strategy against which to assess the adequacy or otherwise of the delivery being achieved.
44. The West of England Strategic Housing Market Assessment June 2009 projects that the numbers of people with dementia is likely to increase in South Gloucestershire by 63% between 2008 and 2025. There is no suggestion that all dementia sufferers should be cared for in an institution. Furthermore, it is recognised that dementia patients are best cared for in familiar surroundings, which may include their own homes. So, these figures do not make a case for any specific number of new homes.
45. Section 5 of the appellant's Affordable Housing Statement draws on the Strategic Housing for Older People Toolkit to identify a need for 634 additional Nursing care beds in South Gloucestershire by 2030 against which the Council's claimed delivery of five homes with 244 places since 2010 can be evaluated. But, in any event, as the appellant pointed out, much of the demand and need for new care home provision is not quantitative, but qualitative, because existing provision is poor, not fit for purpose, or unviable. A minimum of 60 beds is said to be needed for viability. Nevertheless, even taking this point into account, there is no evidence to demonstrate that the Council's spatial strategy is an obstacle to delivery or should be set aside for considerations of District-wide deliverability. But, as already noted, the spatial strategy is for most, not all, development to be carried out in its preferred locations.
46. Turning to local need, figure 5.3 in the appellant's Affordable Housing Statement shows the existing distribution of specialist Dementia Care homes in South Gloucestershire, indicating a lack of provision in the northern part of the district. However, the Statement of Common Ground acknowledges that there is specialist care accommodation in Wickwar, outside the District, about 3 miles away. At the Hearing it was acknowledged that there is a 60 bed nursing and dementia care home 2.6 miles from the appeal site, in Gloucestershire, outside the District.
47. The appellant advises that the normal catchment for a care home would be some 5-10 miles (8-16km) in radius. A provision sited in accordance with the Council's spatial strategy, in Thornbury would cover most of the northern part of the district. A location as proposed, in Charfield would also cover much of the northern part of South Gloucestershire as well as a wide area outside the District. This information does not suggest to me that there is a purely local need for the Care Home element of this appeal and so it follows that there would be a consequential travel requirement for visitors from a wider area, impacting on considerations of sustainability.

Prematurity

48. The Council's case does not use this term; rather, it points out that policies CS5 and CS34 in the recently adopted South Gloucestershire Core Strategy maintain existing defined settlement boundaries until reviewed through a local plan or neighbourhood planning process and that in the open countryside outside the settlement boundaries new development will be strictly limited. The reasons for these policies and for policy H3 of the South Gloucestershire Local Plan adopted in January 2006, which remains in force, include the desire to protect open countryside for its own sake as well as a desire to direct development to sustainable locations more easily provided with support services and so to reduce the need to travel.
49. But, in fact, in the current appeal, the council's case appears to be based partly on an argument for a sustainable pattern of development rather than a desire to protect this piece of countryside for its own sake (although a third party makes the latter point) and partly on a desire not to pre-empt the outcome of its preparation of the Policies, Sites and Places Development Plan Document (PSP DPD). It follows that there is a point about prematurity to consider.
50. The National Planning Practice Guidance (the Guidance) advises that refusal of planning permission on grounds of prematurity will seldom be justified where a draft Local Plan has yet to be submitted for examination. Such circumstances are likely to be limited to situations where the Local Plan is at an advanced stage. Such is not the case here.
51. I conclude that although the proposal (taken as a whole, not just its housing component) may well exceed the scale of development being canvassed in the preparation of the draft PSP DPD, the latter is not so far advanced that it should prevent, on the grounds of prematurity, consideration of the current appeal.
52. In the early stages of preparing its PSP DPD the Council has itself clearly canvassed the possibility of developing this site. It follows that arguments about protection of the field as a piece of countryside or about the sustainability of its location would not be insuperable obstacles to allowing this appeal. Rather, they are considerations to be weighed in the overall balance.
53. The Council has provided me with the results of the first stage of its consultation with the public for the PSP DPD. An assessment of these suggests a strong preference for development needs to be met by "exception" sites (ie for affordable housing only). Nine out of the fifteen responses express a preference (subject to caveats) for the appeal site to be developed. None expressly reject it. However, the response rate (15 out of nearly 1,000 households) means that I can place little or no reliance on these results.

Other matters

54. Residents of numbers 23 and 25 Wotton Road argue that the replacement of the present lay-by outside their properties by a larger one a short distance to the east would not only inconvenience them by removing a facility which they use from close to their homes but would also be a safety hazard. I noted that one of the two properties concerned has adequate space at the side of the house to pull off the road across a conventional pavement crossover and that the position of the new layby, further away from the pedestrian crossing, would

be less likely to cause a hazard to the users of the latter. I also have no reason to dispute the assessment of the Council's representative at the Hearing that the use of the lay-by in its new position would be likely to act as a traffic calming measure and that the Highway authority has no objections concerning its safety.

55. I note that the s106 planning obligation which accompanies the appeal, would make provision to reserve parking spaces on site for these residents. This is a private benefit, not necessary to make the scheme acceptable and so does not meet the CIL regulations. I have taken no account of it in reaching my decision.
56. I have taken account of all other matters raised but they do not affect the outcome of the appeal one way or another.

Conclusion

57. As paragraph 14 of the National Planning Policy Framework (the Framework) suggests, there is a presumption in favour of sustainable development which, for decision taking, means approving development proposals that accord with the development plan without delay and, where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless either adverse impacts would significantly outweigh benefits or specific policies in the Framework indicate a restriction. In this case, the South Gloucestershire Core Strategy has been adopted within the past year and is not absent or out of date.
58. But it is silent on the question of the appropriate level of development to be carried out to meet local needs in rural settlements, leaving that issue to be determined by a PSP DPD which is yet in the early stages of preparation. It follows therefore, in this case where the proposal does not clearly accord with the development plan and specific policies in the Framework do not indicate a restriction, that permission should be granted unless adverse impacts significantly outweigh benefits.
59. The location chosen for the proposal does not accord with the Council's strategy for most new development to take places in Thornbury, Yate or the fringes of Bristol. But most does not mean all; and the Council's strategy clearly envisages that some new development will take place in rural settlements; it simply hasn't yet determined where or how much.
60. The development proposes 31 units of housing. That represents about 0.1% of the total housing development proposed by the Core Strategy. That would result in insignificant harm to the spatial strategy. It proposes a 60 bed care home. That represents about 10% of the additional nursing care beds needed in South Gloucestershire by 2030, which would be a noticeable breach of the intended spatial strategy and some harm would result from the consequential need to travel.
61. In terms of infrastructure and services, the proposal would make a small positive contribution to the economic and social strands of sustainability. The housing element of the proposal would go some way towards satisfying local need and demand, thus contributing towards the social strand of sustainability. The development of a greenfield site is an undeniable loss to the environmental strand of sustainability but not one exacerbated by any significant effects on

heritage assets and is a loss being canvassed anyway as part of the preparation of the Council's PSP DPD.

62. Overall this does not amount to a clear balance of harm; the adverse impacts of allowing this development would not significantly and demonstrably outweigh the benefits. I conclude that the effects of this development on local infrastructure would be acceptable. It would satisfy Core Strategy policies CS6 and CS23 which require development to provide the supporting infrastructure it needs and Local Plan policies T12 which seeks adequate and safe access, LC1 and LC2 which require provision of leisure and education facilities. Its effects on housing supply would be acceptable and would comply with Core strategy policy CS18 which requires 35% of provision to be affordable. Its size is such that it would not compromise the intentions of Core Strategy policy CS5 to direct most new development to Thornbury, Yate or the fringes of Bristol. Although it would conflict with Local Plan policy H3 and Core Strategy policy CS34 in lying outside the presently defined settlement boundary, the adverse impacts of this would not significantly and demonstrably outweigh the benefits of allowing the development. As advised by paragraph 14 of the Framework, this appeal should be allowed.

Conditions

63. In the event of the appeal being allowed, a number of conditions were canvassed at the Hearing. I have considered these in the light of the Guidance, preferring where appropriate the wording of the model conditions set out in the Annex to the otherwise now cancelled Circular 11/95; *the Use of Conditions in Planning Permissions*. A condition to require an archaeological investigation is needed for the reasons set out in the Heritage assessment. A condition to require details of both foul and surface water drainage is necessary for the reasons explained in the appellant's flood risk assessment and in consultations with the Environment Agency and Wessex Water and because these are not reserved matters.
64. A condition limiting the hours of work is not imposed because the site is not immediately contiguous to residential property, abuts a noisy main road which causes disturbance in any event and are controllable by other legislation. Nor are conditions imposed requiring the provision of public art, ecological mitigation measures, badger protection and bird nesting boxes because these are matters which will need to be considered when reserved matters of appearance, landscaping and layout are submitted. Upon reflection, a condition requiring the consideration of and submission of noise mitigation measures is also a matter which would fall to be considered at reserved matters stage and so is not required now.

P. W. Clark

Inspector

APPEARANCES

FOR THE APPELLANT:

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Andrew Lane

Principal Planning Officer (Policy), South Gloucestershire Council

Robert Rossiter

Transport Development Control, South Gloucestershire District Council

INTERESTED PERSONS:

John Acton BSc BA MICE
MRTPI(Retd)
Ben Reid

Local resident

Hunter Page Planning, on behalf of Gladman Developments

John O'Neill
Norman Cook
Pat Jones
Sue Simmons

Ward Councillor, South Gloucestershire Council

Local resident

Local resident

Local resident

DOCUMENTS

- 1 Bundle of notifications of appeal, changed venue and submission of revised plan
- 2 Appendix E to appellant's Planning Statement
- 3 Bundle of 15 responses to South Gloucestershire Council's draft Policies, Sites and Places Development Plan Document (PSP DPD)
- 4 Extract from the draft PSP DPD
- 5 Copy of Mr Acton's speaking notes