



Department for  
Communities and  
Local Government

04 March 2014

Mr Jim Tarzey  
Pegasus Planning Group  
First Floor, South Wing  
Equinox North  
Great Park Road  
Almondsbury  
Bristol BS32 4QL

Our Ref: APP/F0114/A/13/2195351  
Your Ref: BRS.2656

Dear Sir,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78  
APPEAL BY CREST NICHOLSON (SOUTH WEST) LIMITED  
PARCEL 8966, LAND TO THE SOUTH OF MANOR ROAD, SALTFORD, BS31  
3AB  
APPLICATION: REF 12/05315/OUT**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Mr John L Gray DipArch MSc Registered Architect who held a public local inquiry on 13-16 August 2013 into your client's appeal against the failure of Bath & North East Somerset Council ('the Council') to give notice within the prescribed period of a decision on the application for the erection of up to 99 dwellings and associated parking, vehicular access and separate pedestrian access from Manor Road, associated engineering works and the construction of two car parking lay-bys on Manor Road in accordance with application number 12/05315/OUT, dated 30 November 2012.
2. On 18 September 2013, the appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 to Schedule 6 to, the Town and Country Planning Act 1990 because it involves proposals for significant development in the Green Belt.

**Inspector's recommendation and summary of the decision**

3. The Inspector recommended that the appeal be allowed and planning permission be granted subject to conditions. For the reasons given below, the Secretary of State disagrees with his recommendation. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

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### **Matters arising after the close of the inquiry**

4. The Secretary of State has had regard to correspondence submitted too late to be considered by the Inspector, as set out in the Annex to this letter. He has carefully considered these representations but, as they do not raise new matters that would affect his decision, he has not considered it necessary to circulate them to all parties. Copies of these representations can be provided on application to the address at the bottom of the first page of this letter.

### **Policy considerations**

5. In determining this appeal, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the saved policies from the Bath & North East Somerset Local Plan, adopted in 2007. The Secretary of State considers that the development plan policies most relevant to the appeal are those set out by the Inspector at IR5-6.
6. Other material considerations which the Secretary of State has taken into account include: The National Planning Policy Framework ('the Framework'); Circular 11/95: *The Use of Conditions in Planning Permission*; the Written Ministerial Statement on Planning and Travellers of 1 July 2013, and the Written Ministerial Statement on the Green Belt of 17 January 2014.
7. The Secretary of State has had regard to the fact that on 28 August 2013 Government opened a new national planning practice guidance web-based resource. However, given that the guidance has not been finalised, he has attributed it limited weight.
8. The Secretary of State has also had regard to the emerging Core Strategy (IR10-11), but as it has yet to be adopted and is still subject to change, the Secretary of State affords it little weight.

### **Main issues**

9. The Secretary of State is aware that there is no dispute that what is proposed would be inappropriate development in the Green Belt and thus harmful by definition. He agrees with the Inspector that the main issue in this case is whether there are very special circumstances capable of clearly outweighing the harm by reason of inappropriateness and any other harm that might be caused by the proposed development (IR84).

### **Harm to the Green Belt**

10. The Secretary of State agrees with the Inspector that inappropriate development in the Green Belt is, by definition, harmful to it, and substantially so (IR85). He agrees that there would be harm to openness and harm from encroachment into the countryside.

### **Other Harm**

11. The Secretary of State has had regard to the Inspector's description of the appeal site (IR4 & 86). He agrees with the Inspector that the site is visually well-contained, being separated by substantial tree belts from the open countryside (Green Belt) to the south and west. However, he does not agree that the actual extent and nature of the encroachment into the Green Belt would be modest, nor that the site is relatively small. This is a matter that he attributes substantial weight to in the planning balance. The Secretary of State considers that a proposal for 99 dwellings on a 3.34 hectare site, located on the edge of a village is significant development in the Green Belt and was the reason why this appeal was recovered for his determination (IR1).
12. The Secretary of State agrees with the Inspector that the proposed development would bring significant visual change when viewed from Manor Road or adjacent property within Saltford. He also agrees with the Inspector that the significant change would be the loss of existing views over open land or, from some viewpoints, the perception of openness beyond the boundary vegetation on Manor Road. The Secretary of State accepts that the development would not be particularly noticeable from the golf course, and that from elsewhere in the Green Belt the proposed development would not be visible at all (IR87). He also agrees with the Inspector's conclusions in respect of the adjacent paddock (IR88).
13. The Secretary of State has carefully considered the Inspector's conclusions at IR89. He accepts that the actual visual harm to the Green Belt caused by the proposed development would be very small and that there would be no harm to the Green Belt at all from beyond the immediate vicinity of the site. However, in his opinion the proposed development is significant development in the Green Belt and for this very reason he considers that harm from inappropriateness, and from encroachment and loss of openness, carries substantial weight against your client's proposal.

#### Other material considerations

##### *Supply of Housing Land*

14. The Secretary of State agrees with the Inspector's reasoning and conclusions on the supply of housing land (IR90). He gives the lack of a 5-year housing land supply considerable weight. He considers that the appeal scheme would provide up to 35% affordable dwellings which would satisfy emerging policy (30%), but is not significantly greater. He agrees with the Inspector that, accordingly, the contribution towards affordable housing need cannot be said to add weight to the arguments relating to housing need generally (IR91).

##### *Need to take land from the Green Belt*

15. The Secretary of State has had regard to the Inspector's comments at IR92 that the lack of available land for housing is emphasized by the acknowledged need to release land from the Green Belt in the Core Strategy, in order to be able to allocate, and safeguard, sufficient land for the future. He agrees with the Inspector that the Council's argument about releasing land adjacent to the main built up areas in the District in more sustainable locations than Saltford must carry some force. He also agrees that the progress towards adoption of the

emerging Core Strategy, and the subsequent timespan before the adoption of the Placemaking Plan seems insufficient at this point in time to carry significant weight in the determination of this appeal.

16. The Secretary of State is aware that the Green Belt Review, Stage 1 Report, contains no consideration of whether the particular characteristics of the land between the golf course and the built up area are any different to those elsewhere (IR93). However, while the Inspector considers that the Report is of no help in weighing the contribution to the Green Belt of the appeal site itself, the Secretary of State considers that it can give some indication of what that contribution actually is. He notes that the site lies within a substantial sub-area of Green Belt identified as strongly serving the purpose of safeguarding the countryside from encroachment and that Salford Golf course occupies the central portion of the land parcel, and has therefore placed more weight on this point than has the Inspector.
17. The Secretary of State has considered the assessment of the appeal site contained in the Strategic Housing Land Availability Assessment (SHLAA) Findings Report (IR94). Notwithstanding the SHLAA's findings that the site is suitable for housing in respect of landscape and visual impact, and that the site could come forward relatively quickly and contribute to the 5 year land supply, the Secretary of State is also mindful that the SHLAA noted that the site is within the Green Belt and development would therefore harm its openness.
18. None of the seven options for housing development contained in the Sustainability Appraisal, Annex L, appear to encompass the potential of small expansions to contribute towards meeting housing need, and the Secretary of State agrees with the Inspector that it is a matter for the Examining Inspector to consider whether that is an omission in relation to the preparation of the Core Strategy (IR95). However, the Secretary of State considers that 99 dwellings on this 3.34 hectare site situated in the Green Belt, which constitutes an expansion of almost 6% to the housing stock of Salford, is not a small expansion in the Green Belt. Moreover, he is mindful that all of the proposed dwellings would be in the Green Belt (IR96).
19. The Secretary of State has had regard to the Inspector's assessment of how quickly housing on land released from the Green Belt can come forward (IR97), and the timetable by which the first houses would become available and by which the development could be completed if your client's appeal is allowed.

#### *Sustainability*

20. The Secretary of State has had regard to the differences of opinion about the sustainability of Salford as a location for new housing, as outlined by the Inspector at IR98-101. He agrees with the Inspector that the Council's acceptance of Salford's sustainability credentials is to be favoured; that Salford has to be considered a sustainable location for new housing given its relationship to Bath, Bristol and Keynsham; and the appeal site, being relatively close to the centre of the village, cannot be said to be unsustainable in any narrower context (IR102).

#### *Other appeal decisions*

21. The Secretary of State agrees with the Inspector's conclusion that it is inappropriate to import into a decision on your client's appeal conclusions from his decision on appeal ref APP/M1520/A/12/2177157, or others, which may be only superficially comparable (IR103-104).

*Conclusion on other material considerations*

22. The Secretary of State agrees that the harm that would be caused by reason of the proposed development being inappropriate in the Green Belt, reducing its openness and encroaching into the countryside carries substantial weight (IR105).

23. The Secretary of State accepts that the development would be invisible from beyond the golf course, and barely visible from the golf course itself (IR106). However, he does not agree that the overall integrity of the Green Belt would be unharmed or that its primary purpose here, to safeguard the countryside from encroachment, would hardly be undermined at all (IR106). In his opinion, the actual extent and nature of the encroachment into the Green Belt is more than modest, and the proposed development would result in an unacceptable reduction of the Green Belt in that area. He considers that there would be significant visual harm when viewed from Manor Road or adjacent property within Saltford. The Secretary of State is also mindful that the site lies within a substantial sub-area of Green Belt identified as strongly serving the purpose of safeguarding the countryside from encroachment, and attributes considerable weight to this issue in the planning balance.

24. The Secretary of State has had regard to the Council's acceptance of an inadequate supply of housing land in Bath and North East Somerset (B&NES), and that it would have to find a 20% buffer in addition to a 5-year land supply. He gives the lack of a 5 year housing land supply considerable weight. The Secretary of State notes the acknowledged need to release land from the Green Belt for housing as part of the Core Strategy process. He is also aware that there is little prospect of the Council being able formally to identify a 5-year supply of housing land for almost two years, at a minimum. The Secretary of State accepts that the appeal site is available, suitable (aside from the fact of being in the Green Belt) and deliverable comfortably within five years, and probably in a little over three (IR107). He agrees with the Inspector that Saltford and the appeal site are in a suitably sustainable location, and generally more sustainable than other RA1 villages in B&NES. Furthermore, the Secretary of State accepts the Inspector's conclusion that the Framework's presumption in favour of sustainable development is thus another material consideration to be weighed in the balance (IR108).

25. The Secretary of State has had regard to the Inspector's overall balance at IR109. However, he considers that the harm by reason of inappropriateness and the other harm identified, is not clearly outweighed by other considerations and he concludes that very special circumstances do not exist to justify a grant of planning permission.

Other matters

*Need and demand*

26. The Secretary of State accepts that the purpose of the appeal proposal is not to cater for the demands of those who might wish to live in Saltford but to help reduce the unmet need for housing in B&NES (IR110).

*Precedent*

27. The Secretary of State agrees with the Inspector that, as a generality, each case must be considered on its merits (IR111-112).

*Traffic*

28. The Secretary of State agrees with the Inspector's reasoning and conclusions on the issue of traffic (IR113-114).

*Localism*

29. The Secretary of State agrees with the Inspector's reasoning on the issue of and localism (IR115-116), notwithstanding that he has come to a different conclusion on whether planning permission should be granted.

Obligation and Conditions

30. The Secretary of State has considered the terms of the executed section 106 agreement with the Council. He agrees with the Inspector that the provisions it contains are necessary to make the development acceptable in planning terms, directly related to the development and reasonably related to it in scale and kind, and he is satisfied that they meet the policy tests of Circular 05/2005 (IR117) and the tests set out at paragraph 204 of the Framework. However, he does not consider that they would overcome his reasons for dismissing the appeal set out above.

31. The Secretary of State has considered the proposed conditions as set out in the schedule to the IR and the Inspector's comments in IR118, and is satisfied that they are reasonable and necessary, and meet the test of Circular 11/95 and paragraph 206 of the Framework. However, he does not consider that they would overcome his reasons for dismissing the appeal set out above.

Overall Conclusions

32. The Secretary of State concludes that the appeal proposals are inappropriate development in the Green Belt. Additionally he has identified harm to the Green Belt's openness and harm to the Green Belt's purpose of preventing encroachment into the countryside. However he disagrees with the Inspector about the extent of that encroachment and attaches considerable weight to this issue. Overall, he considers that, together, this represents considerable harm, to which he attributes substantial weight.

33. The Secretary of State has found that there are factors in favour of the appeal including the substantial shortage of deliverable housing land in B&NES and that, setting aside Green Belt, development of the appeal site would not cause demonstrable harm. However, having weighed up all material considerations, he is satisfied that the factors which weigh in favour of the proposal do not clearly

outweigh the harm to the Green Belt that would arise from the proposal. The Secretary of State therefore concludes that the appeal should be dismissed.

### **Formal Decision**

34. Accordingly, for the reasons given above, the Secretary of State disagrees with the Inspector's recommendation. He hereby dismisses your client's appeal and refuses planning permission for the erection of up to 99 dwellings and associated parking, vehicular access and separate pedestrian access from Manor Road, associated engineering works and the construction of two car parking lay-bys on Manor Road in accordance with application number 12/05315/OUT, dated 30 November 2012.

### **Right to challenge the decision**

35. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

36. A copy of this letter has been sent to Bath & North East Somerset Council. A notification letter has been sent to all parties who asked to be informed of the decision.

Yours faithfully

**Lindsay Speed**

Authorised by Secretary of State to sign on his behalf

## Annex

Correspondence submitted after the close of the inquiry or too late to be considered by the Inspector

Correspondent	Date
The Rt. Hon. Jacob Rees-Mogg MP	2 September 2013
Richard G Nash	16 October 2013
Mrs J A Hawkes	16 November 2013
Reg Williams	28 and 29 January 2014



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# Report to the Secretary of State for Communities and Local Government

by John L Gray DipArch MSc Registered Architect

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

Date: 28 October 2013

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TOWN AND COUNTRY PLANNING ACT 1990

BATH & NORTH EAST SOMERSET COUNCIL

APPLICATION

by

CREST NICHOLSON (SOUTH WEST) LIMITED

Inquiry held on 13-16 August 2013

Parcel 8966, land to the south of Manor Road, Saltford, BS31 3AB

File Ref: APP/F0114/A/13/2195351

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**File Ref: APP/F0114/A/13/2195351**

**PARCEL 8966, LAND TO THE SOUTH OF MANOR ROAD, SALTFORD, BS31 3AB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
- The appeal is made by Crest Nicholson (South West) Limited against Bath & North East Somerset Council.
- The application, ref.12/05315/OUT, is dated 30 November 2012.
- The development proposed is the erection of up to 99 dwellings and associated parking, vehicular access and separate pedestrian access from Manor Road, associated engineering works and the construction of two car parking lay-bys on Manor Road.

**Summary of Recommendation: that the appeal be allowed and planning permission granted subject to conditions.**

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**PROCEDURAL MATTERS**

1. The inquiry opened on 13 August and closed on 16 August 2013. I made an accompanied visit to the site and its surroundings on 16 August. The appeal was recovered by the Secretary of State on 18 September 2013 because it involves proposals for significant development in the Green Belt which he considers he should determine himself.

**THE SITE AND SURROUNDINGS**

2. Salford is a relatively large village situated astride the main A4 road between Bristol and Bath. It is around 6 miles from Bath and 7 from Bristol, a little over 2 miles east of Keynsham. It has a population of a little over 4,000 (some 1,680 dwellings). It has a reasonable range of services and facilities for its size but very little in the way of employment opportunities.
3. The appeal site is on the southern edge of the village. There are houses on its north side, on the opposite side of Manor Road, and close to its eastern boundary, on Haselbury Grove. Access to Saltford Primary School lies almost opposite the north-eastern corner of the site on Manor Road. Saltford Golf Course, with its managed and well treed landscape, abuts the site's southern boundary, extending some little distance both east and west. The western boundary is with a paddock of similar character to the appeal site, albeit much smaller (around a quarter of its size); beyond that is golf course land, a narrow lane running south and a wide and mature tree belt. The golf course has dense tree planting along both its boundary with the lane and its southern boundary, with open countryside.
4. The appeal site itself, 3.38ha in area, is essentially an open field, used nowadays for the grazing of horses. It would be a simple rectangular shape were it not for Hill Farm in the south-eastern corner of the rectangle and two dwellings in the north-eastern corner. The land slopes gently down from south to north, by about 7.5m over a distance of around 150m. There is dense vegetation (hedgerow shrubs and trees) along its southern boundary, with the golf course. The Manor Road boundary also has fairly dense planting along it, though there are clear gaps through which the open field can be seen. The boundary with the paddock to the west is marked by much more intermittent trees and shrubs and that with the private access to Hill Farm (between the site and Haselbury Grove, is hedged. The only building on the site is a shed-type structure, apparently disused, close to the two houses in the north-east corner.

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## PLANNING POLICY

5. The **Development Plan** nowadays comprises only the saved policies from the **Bath & North East Somerset Local Plan**. This Plan was adopted in 2007 but in accordance with the Town and Country Planning Act 1990, not the Planning and Compulsory Purchase Act 2004.
6. In the Local Plan,<sup>A</sup> Policy **SC.1** classifies Saltford as an **R.1 rural settlement**, in which limited development is likely to be appropriate, subject to Policy **HG.4** on location and scale. Policy **HG1** makes provision for housing for the period 1996-2011 and is thus completely out of date. Policy **HG.10** deals with new dwellings in the countryside (the appeal site being outside the development boundary for Saltford). Policy **GB.1** deals with development in the Green Belt, Policy **GB.2** resisting development within it which would be harmful to it. Policy **CF.3** seeks provision related in scale and kind where existing community facilities would be unable to meet the needs of future residents, Policy **IMP.1** elaborating on that with reference to section 106 obligations.
7. The **National Planning Policy Framework** (NPPF) post-dates the saved policies of the Local Plan. Para. 215 says that, from March 2013, "due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework".
8. Section 6 deals with housing. Para. 47 requires local planning authorities to "ensure that their Local Plan meets the full, objectively assessed needs for housing in the housing market area" and to identify sufficient deliverable land "to provide five years worth of housing against their overall requirements", plus a buffer of 5% or 20%, depending on past performance. Para. 49 says that applications should be considered in the context of the presumption in favour of sustainable development.
9. Section 9 deals with the Green Belt. Para. 80 sets out the five purposes of Green Belt. Para. 83 says that Green Belt boundaries should be altered only in exceptional circumstances, through the preparation or review of the Local Plan. Paras. 87 and 88 say that inappropriate development in the Green Belt should not be approved except in very special circumstances, which must clearly outweigh the potential harm.
10. Hearings on the **emerging Core Strategy**<sup>B</sup> have recently resumed after a suspension of around 14 months. The first hearing, on 17 September 2013, was to consider the adequacy of the Council's new Strategic Housing Market Assessment (SHMA) as a basis for the objective assessment of housing needs in accordance with the NPPF. The conclusion was that it did. Hence, examination of the Core Strategy will continue and will, in due course, explore the justification for the Council's numerical assessment of housing needs and the housing requirement proposed for the plan.
11. Core Strategy Policy **DW1** sets out the District-wide spatial strategy; as proposed to be changed, it seeks to focus development in Bath, Keynsham, Midsomer Norton and Radstock and to retain the general extent of the existing Green Belt, save for six identified broad locations. Specific housing allocations in those areas to be released from the Green Belt would not come forward until

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<sup>A</sup> Document P12, Vol. 3, tab 16.

<sup>B</sup> Document P12, Vol. 3, tab 18, is the emerging Core Strategy as at March 2013.

a Placemaking Plan had been prepared and adopted, estimated to be some fifteen months after adoption of the Core Strategy. Policy **CP8**, to which no changes are proposed, establishes the general extent of the Green Belt by reference to the Key Diagram and says that its "openness will be protected from inappropriate development in accordance with national planning policy". Salford is classified as an **RA1 rural settlement**. Policy **RA1** caters for new housing only in RA1 villages outside the Green Belt, thus excluding Salford, the development boundary for which is presently drawn tightly around built-up area. Policy **CP9**, as proposed to be changed, requires (*inter alia*) on-site affordable housing provision of 30% from developments in Keynsham and Salford. Policy **CP13**, not proposed to be changed, is a general policy on infrastructure provision.

## **PLANNING HISTORY**

12. The site has not been the subject of any recent planning applications.

## **THE PROPOSAL**

13. The application was made in outline. Means of access is not reserved for future consideration. There would be up to 99 dwellings on the site, 35% of them affordable. Access would be from Manor Road, towards the north-eastern corner of the site. A separate pedestrian access would also be provided towards the north-western corner. Between the two would be two lay-bys for three cars each, to provide some parking for dropping off and collecting children attending the primary school. The parameters plan indicates built form frontages adjacent to the western and southern boundaries of the site, existing boundary vegetation to be retained where possible, proposed open space, proposed landscape buffers / open space and an attenuation area for surface water drainage. Buildings would be up to 2.5 storeys (10.5m ridge) although predominantly 2 storeys (9m ridge).

## THE CASE FOR BATH & NORTH EAST SOMERSET COUNCIL

*Set out here is the gist of the case for Bath & North East Somerset Council (B&NES), drawn primarily from closing submissions (Document 27.2).*

### Harm to the Green Belt

14. The proposed development does not accord with saved Policy GB1 of the adopted Local Plan. This policy reflects NPPF policy for the Green Belt and is not otherwise out of date. It is to be accorded full weight.
15. This is an application for new housing on Green Belt comprising agricultural land. Plainly, the proposed housing development is inappropriate development in the Green Belt. The harm to be accorded is substantial. Loss of openness is an inevitable consequence of housing development. The harm from complete loss of openness would be considerable.
16. The assessment of harm to openness is case-specific and a central component of each application in the Green Belt. It does not assist to compare the proposal with decisions on other applications or appeals elsewhere.<sup>A</sup> The fact that Green Belt land will have to be released to contribute to addressing the housing shortfall in B&NES should not deflect from a correct assessment of the loss of openness resulting from this proposal.
17. The appellant states boldly in its Statement of Case that the “proposed development of the site does not undermine the purposes of land being included within the Green Belt” because it “will reasonably preserve the five purposes” set out in para. 80 of the NPPF. That is simply incorrect; the site performs well in terms of safeguarding the countryside from encroachment and that purpose would be undermined.
18. The appellant now accepts that, but has changed its position from one of no harm only to one of limited harm, relying to an extent on the existence of, and developments within, the golf course to the south of the site. However, both the use itself and the development of facilities within that use are adjudged to be consistent with Green Belt policy. The golf course use is consistent with the openness of the appeal site and is perceived as part of the countryside. The permitted driving range building<sup>B</sup> is consistent with the golf course use; and there is a difference between the nature of the driving range building and a housing development. Describing the appeal site as sandwiched between the artificially managed golf course and the built-up area of Saltford is misleading; the site and the golf course are both in countryside uses and both contribute positively to the Green Belt.
19. Various things show that the encroachment into the countryside would be significant. Manor Road is presently a clear and defensible boundary to the Green Belt. That an alternative boundary could be identified is of no significance. Neither is the absence of any visual impact on settlements other than Saltford. The encroachment to the south of the built-up area would be

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<sup>A</sup> The appellant points to the Secretary of State’s decision on appeal ref. APP/Q3630/A/12/2169543, dated 11 July 2013 (Document P4, Appendix 14). It makes no mention of the Ministerial Statement of 2 July 2013. It cannot be assumed that the decision had regard to it (see Document 18, *Oxford Diocesan Board of Finance v SSCLG* [2013] EWHC 802 (Admin), paras. 28-32). In any event, the Secretary of State’s conclusion was that the effect of the proposal on openness would be “at worst neutral”, in the context of substantial existing residential development being established on the land.

<sup>B</sup> Document P6, Appendix 2.

obvious. And the field to the west of the appeal site would be left in a vulnerable position, as the appellant accepts.

20. In truth, the contention that development of the appeal site will result in only limited harm to the Green Belt purpose of encroachment into the countryside is not a sustainable one. On any view, it would be a significant encroachment resulting in considerable harm. It is simplistic to suggest that encroachment will be inevitable because land must be released from the Green Belt for housing development. The significance of any encroachment will depend on the particular site and its characteristics.

### **Other harm**

21. The Council's landscape evidence shows that the appeal site has a strong relationship with green fields, established woodland and tree groups. The perception of visual containment by built development should not be over-emphasized. The visual impact on nearby receptors, those closest to the site, would be of a high magnitude of change with major to moderate adverse significance in the short term, reducing in the longer term<sup>A</sup> – though it is accepted that this harm does not extend to longer views.

### **Very special circumstances**

22. The harm to the Green Belt from inappropriate development is substantial. The harm from loss of openness and from encroachment into the countryside is also significant. Then there is the harm from visual impact, even if that is limited and more localised. The very special circumstances necessary to justify granting planning permission will only exist if that harm is clearly outweighed by other considerations.
23. In effect, the only consideration being put forward is the need for housing land in B&NES. Yet the Ministerial statement of 2 July 2013<sup>B</sup> says that "the single issue of unmet demand ... is unlikely to outweigh harm to the green belt and other harm to constitute the 'very special circumstances' justifying inappropriate development in the green belt". The appellant's evidence does not draw a distinction between 'demand' and 'need' – but they are two parts of the same equation and there is a considerable overlap between the two. The statement should be approached on the basis that need and demand are synonymous.
24. In terms of affordable housing, this is a straightforward policy-compliant scheme. The need for affordable housing in Saltford is probably just short of 40,<sup>C</sup> relatively low in terms of population compared with other RA1 villages. The Council's data should be ascribed greater weight than the responses to the Parish Plan questionnaire, which also showed considerable support (even among those raising the unmet availability of affordable housing) for the protection of the Green Belt.
25. As a general point, the strength of local feeling supporting the protection of the Green Belt in Saltford is a matter that weighs against the appeal scheme. Planning policy has a human dimension. The protection of the designated land

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<sup>A</sup> Evidence in Document P10.

<sup>B</sup> Document P8, Appendix 3.

<sup>C</sup> Document P8, para. 7.23 – the list of those in need of affordable housing was reduced from over 12,000 (Document P4, Appendix 12) to fewer than 4,000 and the need in Saltford reduces, *pro rata*, from 115 to fewer than 40. (Inspector's note – the revised figures were taken as a working basis by the appellant, though not without criticism, with both of which I agree.)

has the clear and emphatic support of the local population. Moreover, the identification of brown field sites by the Parish Council shows that the appellant may not be right to categorize as optimistic the windfall contribution conservatively identified by the LPA.

26. It should also be pointed out that housing need arising in Saltford could possibly be met by provision in Keynsham. Where need is to be met is a spatial choice for the Plan Making Authority.
27. The Council accepts that each case must be assessed on its own merits. However, the recent Castle Point decision by the Secretary of State<sup>A</sup> is an example of finding that very special circumstances do not exist notwithstanding a much more critical lack of general and affordable housing land supply than in B&NES. It is accepted that the same level of confidence in adoption of the Core Strategy cannot be said to be present in B&NES.<sup>B</sup> It is also appreciated that other Green Belt purposes were engaged at Castle Point. Nevertheless, the Secretary of State was concerned not to set "an undesirable precedent for similar developments which would seriously undermine national green belt policy"; this must be considered just such a development.

### ***Housing land supply***

28. The Council accepts that there is not a 5-year housing land supply and that it would be required to identify a 20% buffer. It also accepts that significant weight can be accorded to the provision of general and affordable housing in the context of this acknowledged lack of supply. On the other hand, a section 78 appeal should not be used to test housing land supply methodology or to examine, and seek to discredit, key elements of the development base which are before the Core Strategy Inspector, including the sustainability appraisal and its claimed failure to consider small-scale additions to rural villages.
29. The Council has reviewed its assessment of affordable housing need and now estimates a need for 4,000 dwellings. The appeal proposal would provide a policy-compliant 35%, as might be expected of any housing development, whether or not in the Green Belt. Accordingly, the proposed provision of affordable housing cannot add weight to the benefits claimed for the proposal.
30. The Council anticipates adoption of the Core Strategy in May 2014 and the Placemaking Plan fifteen months after that. While that may reinforce the weight to be attached to the present serious shortfall of housing land, it does not elevate it to very special circumstances which would clearly outweigh properly-assessed harm to the Green Belt. The Council's expectation is that, based on this timetable, it will meet its 5-year supply requirement by 2017.
31. The emerging Core Strategy places Saltford as a settlement in the rural area, recognises the higher sustainability credentials of the principal settlements, adopts a spatial approach to sustainability and undertakes a Green Belt review as a complementary process. The appellant argues that the Core Strategy should accord a higher sustainability level to Saltford and, given its sustainability credentials, should allow for some development in the village over

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<sup>A</sup> Document P8, Appendix 6 – appeal ref. APP/M1520/A/12/2177157.

<sup>B</sup> Inspector's note – It was my intention and expectation that a decision on this appeal would be issued before the resumption of hearings into the emerging Core Strategy. The position following recovery of the appeal for the Secretary of State's decision is that the outcome of that hearing is now known. In short, hearings into the Core Strategy will continue, although there are numerous matters still to be satisfactorily resolved.

the plan period. However, the role of Saltford within the settlement hierarchy is a matter for the Core Strategy and, while it is a sustainable location, Saltford's credentials are no more than consistent with other RA1 villages. It does not eclipse other rural settlements in terms of overall facilities or services and it offers fewer employment opportunities than some other villages. While it has a decent bus service, lying as it does between Bath and Bristol, there is no evidence on the modal split of bus use in Saltford.

32. While the option of smaller scale development at sustainable rural locations was not an option tested within the Sustainability Appraisal, the Council has rejected the idea that RA1 villages might bring forward 50 or more dwellings each. Windfall development can come forward within Saltford. Past records show it coming forward at a rate of 2.3 dwellings per annum;<sup>A</sup> that equates to 41 dwellings over the Core Strategy period. In this context, the proposal for up to 99 dwellings is large-scale, not small-scale.
33. The SHLAA assesses the options available to address the needs in the rural area. There are many sites in the rural villages of moderate or high suitability for housing. The suitability and deliverability of the appeal site within five years is acknowledged, as is the relative suitability in terms of landscape impact. However, the site is also in the Green Belt site and development would mean harm to openness. That is the fundamental point. Allocations are not being made in any Green Belt RA1 villages, which is a legitimate spatial choice entirely consistent with the NPPF.

### Conclusion

34. Considerable weight can be attached, as it has been by Inspectors in cases outside the Green Belt, to the serious shortfall in housing land supply. This, however, is a Green Belt case. There is substantial harm by virtue of the development being inappropriate. There is considerable harm to openness. There is considerable harm to the purpose of safeguarding the countryside from encroachment. And there is some further harm from landscape and visual impact, mitigation notwithstanding.
35. The considerable benefit to be attached to the contribution of the proposal to addressing the serious shortfall in both general and affordable housing land supply is not added to by the fact that it would be made in a sustainable rural location. The Council is prepared to release land in more sustainable locations in the Green Belt within its plan making function,<sup>B</sup> which is the correct place to do it. Addressing shortfalls does address housing demand and need. That there is uncertainty about the time period within which the shortfall will be addressed by an adopted plan adds some weight. Even so, the benefits of the proposal, however attractively presented, do not clearly outweigh the identified harm to the Green Belt.

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<sup>A</sup> Document P9, Appendix. 6.

<sup>B</sup> Identified in emerging Core Strategy Policy DW1 – Document P12, Vol. 3, tab 18, p.17.



## THE CASE FOR CREST NICHOLSON (SOUTH WEST) LIMITED

*Set out here is the gist of the case for Crest Nicholson (South West) Limited, drawn primarily from closing submissions (Document 28.2).*

36. It is accepted that the proposal is inappropriate development in the Green Belt. Very special circumstances must clearly outweigh the accumulated harm in order correctly to apply the Green Belt test. Housing need by itself is capable of amounting to very special circumstances in the context of Green Belt policy – but it also depends upon the facts. What is required is an assessment of the degree of harm to be balanced against the degree of benefit. This may seem like a statement of the obvious – but it is the correct approach to determining the appeal.
37. The Ministerial statement in July 2013<sup>A</sup> is commonly misunderstood. It is necessary to have regard to it<sup>B</sup> but the weight to be attached to it is entirely a matter for the decision maker. The statement addresses the uncontroversial proposition that housing demand, by itself, will not normally override the Green Belt policy hurdle. It is appropriate to draw a distinction between need and demand. The appeal proposal addresses a clearly established need for market and affordable housing and the Ministerial statement thus has no application to the circumstances of the case. When the factual context is fully understood, it becomes obvious that the need clearly outweighs the accumulated harm and the Green Belt policy hurdle is overcome.

### Housing need

38. The need for affordable and market housing are separate and distinct in the appraisal of very special circumstances, although there is an obvious relationship between them. It is easily demonstrated by reference to uncontroversial evidence that the need for both types of housing is chronic and severe; and it is a central requirement of planning policy that those needs must be addressed. That situation might occur up and down the country, in many different Green Belt locations, and it is necessary to show something more, additional to the need, in order to pass the high policy threshold required for a grant of consent.
39. The first additional feature of the very special circumstances in this case is that there is no alternative mechanism by which the need may be addressed over a short to medium time horizon. There is a serious need to increase the amount of housing land which is available and deliverable and there is no means by which that can be done in the medium term other than by permitting inappropriate development in the Green Belt.
40. The second additional feature in this case is the conspicuous inevitability of the appeal site as a housing location because of the multitude of ways in which it meets the locational requirements of sustainable development.
41. This combination of circumstances is extremely unusual and assuages any concern that a grant of consent at this appeal might lead to an undesirable

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<sup>A</sup> Document P8, Appendix 3.

<sup>B</sup> Document 18 – *Oxford Diocesan Board of Finance v Secretary of State for Communities and Local Government and Wokingham Borough Council* [2013] EWHC 802; para. 9 includes reference to *Tesco Stores Limited v Dundee City Council* [2012] UKSC 13, that development plans should be “interpreted objectively in accordance with the language used, read in its proper context” – that should apply equally to any public policy statement.

loosening of Green Belt policy protection elsewhere. The appellant's central submission is that this combination amounts, in the particular circumstances of this case, to very special circumstances clearly outweighing harm to the Green Belt and allowing the policy threshold to be crossed.

### ***Need***

42. The need for market housing is a straightforward matter of agreement. The Council agrees that there is a serious shortfall of deliverable housing land when measured against the requirements of national policy. There are a number of different ways in which that matter might be examined and a huge range of permutations, depending on the assumptions used in the exercise. It is not necessary to spend time on that, however; it is agreed that that would not be helpful. The Council and the appellant are content with the undisputed proposition that there is a serious shortfall in deliverable housing land.
43. This engages para. 47 of the Framework. That the national policy objective to boost the supply of deliverable housing land has not been met in this District is a strong consideration in favour of the proposals.
44. The need for affordable housing is equally acute. The Council has identified a residual need, District-wide, for 4,000 affordable dwellings. Some of that need would be referable to Saltford by disaggregation, though the Council had no evidence to specify what amount. The best evidence came from the Saltford Parish Plan.<sup>A</sup> It is an up-to-date survey with a sufficiently broad sample base to make it statistically meaningful. It indicates the harsh operation of the market and its impact on those at the lower end of the income scale. Beneath the statistics, it reveals the forcible expulsion of young people from Saltford, and the enforced separation of families by reference to income, because they cannot find an affordable place to live. These outcomes are a matter of grave concern in any civilized society; and the planning system attaches a high importance to rectifying this harm.

### ***Alternatives***

45. The obvious question is whether this need may be met from an alternative source. If land outside the Green Belt could be made available now – or shortly – then the weight attaching to a claim that it is necessary to take Green Belt land to address the need is reduced.
46. The converse is also true. The only alternative means of addressing the serious shortfall identified by the Council is by making land available in the Core Strategy. This requires a judgment about how likely it is that land will come forward from this source in the short term. The longer the period of time, the greater is the weight to be attached to the very special circumstances claimed by the appellant.
47. The Castle Point decision<sup>B</sup> provides an important guide to the Secretary of State's thinking in this regard. In that case, he decided that nine months to a year was a tolerable period of delay, even where a serious shortfall had been identified. It is important to note that, there, he was satisfied that there was no obvious impediment to the "quick and easy" adoption of the development plan.

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<sup>A</sup> Document 7.

<sup>B</sup> Document P6, Appendix 5 – also Document P8, Appendix 6.

48. The position here is dramatically different. In the first place, there are serious and unresolved questions about the lawfulness and soundness of the Core Strategy, as it is presently proposed, and it is not possible to say with any confidence how and when those questions will be resolved. If, however, they are resolved against the Council by the Core Strategy Inspector,<sup>A</sup> then the current document will be terminated. In that scenario, the evidence indicates that an adopted development plan will not be available until 2016/17.
49. It is also necessary to speculate that those issues may be resolved in favour of the Core Strategy. In this scenario, there would still be further issues to be addressed in subsequent hearings and, even if the Council succeeded in those debates, the Core Strategy would not be adopted before May 2014. It would then still be necessary to bring forward a place-making plan before land could come forward in an adopted development plan; and that process would take some fifteen months from adoption of the Core Strategy.
50. It follows that, even with the progress hoped for by the Council, it will not have an adopted development plan until later in 2015 at the very earliest. That, however, is too optimistic an estimate. Even if it is not, the Council is close to two years away from having an adopted development plan as a means of meeting the need for housing. In truth, a more realistic estimate is three to four years. But it does not matter. National policy requires land to be made available now to address the serious shortfall. It is unacceptable in policy terms to await a forward planning document to meet the need, especially one which may or may not materialize and, even if it does, is at least two years away.
51. This is a very different decision-making climate to that at Castle Point. In that case, the Secretary of State had a high degree of confidence that the development plan would be in place in nine months to a year – and that it included at least the possibility that Green Belt land would not have to be taken to any significant extent to meet housing needs. In this case, the only certainty is that the Core Strategy will take substantial amounts of greenfield Green Belt land to meet housing needs. Given that inevitability, less weight attaches to any alternative source of supply emerging from a legally questionable and delayed development plan.
52. The Council's rebuttal evidence suggested the Core Strategy allocations might encourage other sites to come forward, where provision might be made, albeit that they would still have to pass the policy hurdle for release from the Green Belt. That is not an alternative source of supply – rather, it is the same source of supply but in a different location. It is therefore immaterial to this context. In any event, there can be no confidence in such other Green Belt locations because, as the *Whitchurch* decision<sup>B</sup> reveals, if a landowner brings forward a proposal, the Council will reject it on Green Belt grounds.
53. The conclusion the appellant invites is two-fold. No alternative means of addressing the need will come forward in the short to medium term and, when an alternative mechanism is in place, it will simply represent a different means of taking Green Belt land to meet housing needs in sustainable locations.

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<sup>A</sup> At the hearing arranged for 17 September 2013 (and now held, at the time of writing this report – see footnote B to para. 27 above).

<sup>B</sup> Document P4, Appendix 4 – appeal ref. APP/F0114/A/12/2171418.

Unlike the position in Castle Point, there is no possibility that a short delay might obviate the need for Green Belt incursions.

54. The position on affordable housing is similar. The only difference is that there is evidence of a need with a particular focus on Saltford. The Council's approach is that the need, originally put at over 12,000, has been correctly re-calculated at around 4,000 and so the figure of 115 for Saltford should also be reduced by two-thirds. Perhaps so. But the table<sup>A</sup> addresses the backlog of unmet need. The Council failed to add to it the projected future need over the plan period. The unmet affordable housing need for Saltford is thus significantly higher than the 40 or so units identified. There is no alternative way of meeting that need beyond the appeal site. The Council accepts that the number of windfall sites in Saltford providing more than five units would be trivial, meaning that there would be no policy basis for requiring an affordable housing contribution from the majority of windfall sites. The Council has made a call for sites in Saltford and the market had responded with nothing.<sup>B</sup> It is true that some land in or around Saltford might come forward in the future but, on the best evidence currently available, there is no such land at present.
55. The conclusions the appellant invites here are that Green Belt incursions are inevitable and that there is no realistic prospect of any other land coming forward to meet the identified needs in the short to medium term, whether inside or outside the Green Belt. That proposition obtains for both market and affordable housing.

#### ***The suitability of the appeal site***

56. The third aspect of very special circumstances is the conspicuous suitability of the appeal site as a housing location. Saltford is the largest RA1 village with, the Council agrees, a wide range of services. It has good public transport links to Keynsham, Bath and Bristol and is well placed to take advantage of services and facilities in Keynsham compared with other villages, such as Chew Magna. The appeal site is well related to the range of services available at Saltford.
57. There is no site-specific constraint to the immediate development of the appeal site. The Strategic Housing Land Availability Assessment (SHLAA) finds no landscape or visual impact reason to resist development. All other development control issues can be addressed by condition or are addressed by the section 106 agreement.

#### ***Conclusion on need***

58. These are very special circumstances. The appeal site is available for development now. It can come forward immediately to help meet a chronic under-supply of market and affordable housing.<sup>C</sup> There is no prospect at all of land outside the Green Belt being made available to address that shortfall. There is no realistic prospect of other Green Belt land being made available to address that need within two years; and the likelihood is that very little housing on such land could actually be built and available within five years. These, in combination, are compelling considerations which are clearly capable of amounting to very special circumstances. Even then, however, the appellant

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<sup>A</sup> Document P4, Appendix 12.

<sup>B</sup> Document P11, para. 5.25.

<sup>C</sup> Document P6 – para. 10.3 indicates an implementation timetable for the proposed development.

accepts that, if the harm is great, it might not be outweighed by the benefits. It is therefore essential to consider the harm.

### **Harm**

59. Harm arises as a matter of principle in any case where inappropriate development in the Green Belt is proposed. That principle is strong in a case where the options are development in the Green Belt or no development in the Green Belt. That is not the position here. All parties agree that it is necessary to take Green Belt land in order to meet the housing needs of this District. As a result, the weight to be attached to the in-principle harm is heavily diluted. Of course, it is desirable to deflect development from the Green Belt wherever possible. In this case, that is not possible.
60. There is no especially objectionable feature of developing on the appeal site. The Green Belt Review<sup>A</sup> says nothing meaningful about it. The Council agrees that four out of five purposes of Green Belt policy have no relevance to the appeal site. The harm to openness and to encroachment are equally applicable to all Green Belt land proposed for development, so there is nothing exclusively referable to the appeal site. The weight to be attributed to these general propositions is necessarily reduced in a case where that harm will arise elsewhere in any event, whatever other solution might be proposed. Moreover, the harm here would be minimised because the site is visually separated from the swathe of Green Belt land to the south and west.
61. At one stage, the Council suggested that land identified for possible Green Belt release in the emerging Core Strategy should have preferred status over the appeal site. There are two problems with that. Firstly, the process by which those putative allocations have been made is manifestly flawed. It is based on a Sustainability Appraisal which only considered strategic-scale incursions into the Green Belt in the rural areas. As the Core Strategy Inspector pointed out,<sup>B</sup> the failure to consider the cumulative effect of small-scale Green Belt incursions as a means of addressing housing needs is a serious error. A document based on a serious error cannot give preferential status to any land in the decision-making context of this appeal. Secondly, any preference accorded to those sites is outweighed by the fact that the appeal site, unlike them, is immediately available to address a serious need which exists now.
62. Beyond that, the Council agrees that the harm to the landscape from the proposed development would be "low adverse". And that was a judgment formed without taking account of the "urbanising effect" (as the Officer's Report described it) of the floodlights at the golf driving range.<sup>C</sup> There is no reason why development of the appeal site for housing could not be done in a visually acceptable way and without undue loss of amenity for nearby residents.

### **Precedent**

63. Precedent is a concept in planning law which is widely misunderstood. A large number of third party representations have suggested the grant of consent would set a precedent. The Council has suggested that consent would lead to a

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<sup>A</sup> Document P12, Vol. 2, tab 10, pp.32-33.

<sup>B</sup> Document P12, Vol. 3, tab 21, para. 23 *et seq.*

<sup>C</sup> Document 4 at Key Issue A.

situation that would be "... .. replicated up and down the country", as well as within the District (Chew Magna and Batheaston were specifically mentioned).<sup>A</sup>

64. The well-known Pound Stretcher case establishes the proposition that as a generality, each case must be considered on its merits but, exceptionally, precedent might arise where a grant of consent at one location might dictate the decision at future applications. A permission for an extension in a terrace is usually given as an example.
65. The situation in this appeal is unique to its own facts. There can be no serious concern that these facts could be replicated 'up and down the country', making future Green Belt housing applications difficult to resist. The decision on this appeal depends upon a series of interlocking propositions – the extent of market housing need, the evidence of affordable housing need in Saltford, the problems and delay in bringing forward a development plan to address the need, the inevitability of Green Belt releases, the minimal extent of any harm to Green Belt purposes from this proposal and the absence of any serious concern over its landscape and visual impact. This appeal depends upon the simultaneous presence of all these factors at this point in time. These factors are highly unlikely to be replicated up and down the country. It would only be necessary for any future decision maker to identify the absence of any of the above matters in order to eliminate any argument based on precedent.

#### **Traffic**

66. Traffic concerns were expressed only by local people. The highway authority does not share them. It accepts the trip generation and distribution figures in the Transport Assessment<sup>B</sup> and is content that they would have no unacceptable impact.<sup>C</sup> The provision and design of the lay-bys on Manor Road was sought by the highway authority. The additional effect of the higher trip generation suggested by the Inspector would not be noticeable to road users.<sup>D</sup>

#### **Overall conclusion**

67. The appellant is a sophisticated house-builder with a clear understanding of the operation of the planning system. This appeal would not have been lodged unless there was a clearly established route to the grant of consent. For the reasons explained above, the very special circumstances identified in this case clearly outweigh the harm to every aspect of Green Belt policy engaged in this appeal. Permission may be granted for that reason; such a consent would be in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 and the development plan.

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<sup>A</sup> Though the proposition was not put in the Council's closing submissions.

<sup>B</sup> Document P2, tab 25, section 5.4 and Appendix N.

<sup>C</sup> Document P15, Appendix 1, p.255 summarises the Highway Officer's response.

<sup>D</sup> Document 15 is the appellant's review of the comments made at the application stage; Document 17 responds to the suggestion that peak hour trip generation might be higher than estimated in the Transport Assessment.

## THE CASE FOR SALT福德 PARISH COUNCIL

*Mr Blankley made his closing submissions orally; his evidence is at Document P13.*

68. Mr Blankley drew attention to what Mrs Peters had said about Saltford School (para. 78 below).<sup>A</sup> It was difficult to get a place in the school in 1995; an additional 99 homes would mean a lot of children unable to get places there.
69. He is one of those who wants a house in Saltford. In terms of the Parish Plan, he is one of those looking for a house.<sup>B</sup> He does not need a house in Saltford.
70. The Parish Council is preparing to succeed with the Core Strategy, not to fail.

## THE CASE FOR SALT福德 ENVIRONMENT GROUP (SEG) AND SALT福德 GREEN BELT CAMPAIGN (SGBC)<sup>C</sup>

71. A Green Belt designation belongs to the local community to protect its surrounding land and setting. It is the local community that understands the real value of the landscape function provided by Green Belt and agricultural land. The appeal site is part of the community's natural environment and should not be confiscated and destroyed. It is for local people and their planning authority to determine where new housing should be located, not for developers to force through.
72. A sustainability appraisal should be produced as early as possible in the planning process in order to inform the decision making process, to reduce the risk of consent being granted for unsustainable development and to reduce the anxiety, stress and concern placed on a community. The Sustainability Appraisal commissioned by the SEG shows that the proposed development is not sustainable. In particular, the site is Green Belt and good quality agricultural land, not previously developed land, and there are no employment opportunities in Saltford. Moreover, the appellant has failed to demonstrate that there are any very special circumstances for permitting the loss of Green Belt agricultural land outside Saltford's housing development boundary. The proposal is thus contrary to national planning policy.
73. The SEG and SGBC urge that the principle of sustainable development is supported, that the Green Belt is protected and that the appeal is dismissed.

## THE CASE FOR OTHER INTERESTED PERSONS

74. **Richard Nash**<sup>D</sup> spoke in support. There was a marvellous response (93%) to the Parish Plan questionnaire. 250 out of 470 people expressed an interest in moving to alternative housing in Saltford now or in the future. A large percentage of the population has been resident in the village for a long time. The only possible site in the village is the appeal site, which is ideal in so many respects and could help meet the demand from the younger and older people wishing to stay in the village. The important parts of the Green Belt are between Saltford and Keynsham, Saltford and Bath.

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<sup>A</sup> Concerns about the school were expressed in a number of written representations (para. 83).

<sup>B</sup> Document 7.

<sup>C</sup> Documents P14, 9, 10, 25 and 26 contain Mr Harding's evidence and submissions for SEG & SGBC.

<sup>D</sup> Document 20.

75. Seven local people, **Adrian Betts, Guy Lamb, Beverley Peters, Jane Stonehouse**, Councillor **Francine Haerberling, Susan Sutherland** and **Duncan Hounsell**, spoke against the proposal.<sup>A</sup> The gist of their various concerns is as follows.
76. The proposed development would change the quality of life and change the countryside. Open views enjoyed by residents, walkers and cyclists would be lost, as would the varied uses of land and diverse wildlife. The quality of life in the vicinity would change from semi-rural to urban.
77. Development on the appeal site would not reduce the need to travel. Traffic would be greatly increased and would be a danger to children and pedestrians. The situation is bad enough already, particularly at the beginning and end of the school day. The proposed lay-bys are on the wrong side of the road; the site access is directly opposite the school entrance; it would be an accident waiting to happen. Traffic from the development would have to queue to join the queues to Bristol and Bath. The majority of people drive and will continue to do so. The prospect of a railway station at Saltford is some time away.
78. The Junior School is already a large one. It is full and its classes are already too large. There is little or no scope for it to expand. Either classes will become larger or it will become difficult to obtain places there.
79. The proposed 99 houses are too many for the village to sustain. They would overload village services such as the doctor's surgery.
80. There is no housing need survey for Saltford so the precise position is not known. The proposed development does not comply with the Local Plan, the emerging Core Strategy or the National Planning Policy Framework. Change should come through the Core Strategy and Placemaking Plan. Not every piece of Green Belt land is the same – the Core Strategy concentrates on extensions to the urban areas, which is logical. Councillors had generally agreed that the appeal site was not a good site for development and had identified a more appropriate one at Pixash Lane in Keynsham, also in the Green Belt but not undermining the separation between Keynsham and Saltford.
81. An unfortunate precedent would be set if this appeal were allowed. The people of Saltford should be listened to.

## WRITTEN REPRESENTATIONS

82. There were only two representations relating to the appeal but a large number at the application stage. Since the appeal is against non-determination of the application, it is appropriate to record the gist of them here.
83. The subjects raising greatest concern were additional traffic and loss of Green Belt. The former was addressed by others at the inquiry (para. 77 above); the latter, coupled with housing need, is the main consideration in the appeal. Other concerns raised related to the loss of agricultural land, the effect on the school and on other local services (the doctor's surgery in particular), drainage problems and whether density and design would mean that the character of the development could not be properly integrated with the village.

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<sup>A</sup> Documents 21 and 22 are the statements by Duncan Hounsell and Francine Haerberling. Document 23 is a letter from Susan Sutherland.



## CONCLUSIONS

*Superscript numbers in these Conclusions refer to earlier paragraphs of this report. Footnotes continue to be identified alphabetically.*

84. There is no dispute that what is proposed would be inappropriate development in the Green Belt and thus harmful by definition.<sup>15,36</sup> Accordingly, the main consideration in the appeal is whether there are very special circumstances capable of clearly outweighing the harm by reason of inappropriateness and any other harm that might be caused by the proposed development.

### **Harm to the Green Belt**

85. Inappropriate development in the Green Belt is, by definition, harmful to it – and substantially so. There would be harm to openness, simply by having a development of up to 99 dwellings where presently there is open land.<sup>15</sup> And there would be harm from encroachment into the countryside,<sup>19,20,A</sup> one of the five purposes of a Green Belt being to safeguard against such an eventuality.

### **Other harm**

86. The actual extent and nature of the encroachment into the Green Belt would be very modest. The appeal site is relatively small.<sup>4</sup> It has the built-up area of Saltford on its east and north sides and the well-treed Saltford golf course abutting its southern boundary.<sup>3</sup> A short distance to the west is a mature, wide and extensive tree belt.<sup>3</sup> The paddock abutting the western boundary of the appeal site would become vulnerable to development if this appeal were allowed.<sup>19</sup> Beyond it to the west, however, is golf course land and then the tree belt.<sup>3</sup> The appeal site is thus visually well-contained, separated by substantial tree belts from the open countryside (Green Belt) to the south and west.
87. Clearly, when viewed from Manor Road or adjacent property within Saltford, the proposed development would bring significant visual change – from open land to housing.<sup>21</sup> In absolute rather than comparative terms, however, there is no reason at all why development should be visually unacceptable or harmful to amenity.<sup>62</sup> The significant change would be the loss of existing views over open land or, from some viewpoints, simply the perception of openness beyond the boundary vegetation on Manor Road.<sup>4</sup> Development would not be particularly noticeable from the golf course, because of the existing dense vegetation along the southern boundary<sup>4</sup> and the buffer of landscaping or open space shown on the Parameters Plan.<sup>B</sup> From elsewhere in the Green Belt, the proposed development would simply not be visible at all.<sup>60</sup>
88. The potential vulnerability to development of the adjoining paddock<sup>19</sup> does not affect that assessment. If anything, it is better screened than the appeal site by boundary vegetation; more importantly, like the appeal site, it is visually well-contained by golf course land and the tree belt to the west.
89. Accordingly, while harm from inappropriateness, and from encroachment and loss of openness, must carry substantial weight, the actual visual harm to the

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<sup>A</sup> The Council did not assert any other harm in terms of the five purposes of Green Belt set out in para. 80 of the Framework. Saltford is not a large built-up area the unrestricted sprawl of which needs to be checked; the proposal would not contribute towards neighbouring towns merging into one another; Saltford is not an historic town; and the Green Belt here cannot logically assist in urban regeneration, given that land must anyway be released from the wider Green Belt in order to ensure the availability of adequate housing land in the District.

<sup>B</sup> Document P16.

Green Belt caused by the proposed development would be very small indeed. There would be no harm at all from beyond the immediate vicinity of the site.

### ***Other material considerations***

#### Supply of housing land

90. The position is straightforward. The Council concedes both the lack of a 5-year supply of land for housing and that past under-delivery of housing would mean having to identify a buffer of 20% to provide a realistic prospect of achieving an appropriate supply in the future.<sup>88,A</sup> On that basis, there is no need to try to identify exactly what land might or might not be available and what time period it might provide for.<sup>42,B</sup>
91. The appeal scheme would provide up to 35 affordable dwellings (35% of 99 or of such other figure as might be approved under reserved matters).<sup>13</sup> That proportion satisfies emerging policy (30%) but is not significantly greater.<sup>29</sup> Accordingly, the contribution towards affordable housing needs cannot be said to add weight to the arguments relating to housing need generally.

#### Need to take land from the Green Belt

92. The lack of available land for housing is emphasized by the acknowledged need to release land from the Green Belt in the Core Strategy,<sup>35</sup> in order to be able to allocate (and safeguard) sufficient land for the future. The Council's argument (that the six broad locations identified for potential releases are adjacent to the main built-up areas in the District, and thus in more sustainable locations than Saltford)<sup>35</sup> must carry some force. However, the progress towards adoption of the emerging Core Strategy<sup>35,49-50</sup> seems insufficient at this point in time to carry significant weight in the determination of the appeal. That must apply all the more so since the Placemaking Plan, which will follow it and in which the land to be released and allocated will be precisely defined, is estimated to take a further fifteen months after adoption of the Core Strategy.<sup>49</sup>
93. The Green Belt Review, Stage 1 Report,<sup>C</sup> is independent of the Sustainability Appraisal and other work towards assessing potential development options. It is of no real help in weighing the contribution to the Green Belt of the appeal site itself.<sup>60</sup> The site lies within a substantial sub-area of Green Belt identified in the Review as "South of Saltford" which, in overall terms, is assessed as strongly serving the purpose of safeguarding the countryside from encroachment.<sup>D</sup> The golf course is noted as a positive use of the Green Belt but there is no consideration of whether the particular characteristics of the land between the golf course and the built-up area are any different to those elsewhere.
94. The Strategic Housing Land Availability Assessment, Findings Report, of June 2013,<sup>E</sup> assesses the appeal site. On suitability, it says, "There is some logic to the development of this site and there would appear to be limited visual impact on the area"; also, "there would be limited damage to the wider landscape". It concludes that, "The site is suitable for housing in respect of landscape and visual impact", while also noting that it is within the Green Belt and

<sup>A</sup> As required by para. 47 of the NPPF.

<sup>B</sup> A similar position to that accepted by the Inspector in appeal ref. APP/H1840/A/12/2171339.

<sup>C</sup> Document P12, Vol. 2, tab 10.

<sup>D</sup> Ibid, p.40.

<sup>E</sup> Document P12, Vol. 1, tab 1 (the appeal site is appraised at p.54)

development would therefore harm its openness. And it says that the site “could come forward relatively quickly and contribute to 5 year land supply”.<sup>57</sup>

95. The Sustainability Appraisal, Annex L,<sup>A</sup> assesses seven broad locational options for housing development against 20 sustainability objectives. None of the seven options appears to encompass the potential of small expansions, whether to urban areas or rural villages, to contribute towards meeting housing need.<sup>61</sup> It is for the Examining Inspector to judge if that is an omission in relation to the preparation of the Core Strategy; the apparent absence of exploration is, however, relevant to the consideration of this appeal, though to what extent is influenced by whether a development of “up to 99 dwellings” would be a small expansion or a large one.
96. In numerical terms, 99 might seem relatively large; it is much larger than the anticipated level of development, up to about 50 dwellings over the Plan period, contemplated for the rural villages outside the Green Belt.<sup>32</sup> On the other hand, Saltford is a fairly large village, significantly larger than any other RA1 village (in or out of the Green Belt). It has some 1,680 dwellings.<sup>2B</sup> An additional 99 would represent an expansion of less than 6%, which can comfortably be considered small.<sup>C</sup>
97. There is also the question of how quickly housing on land released from the Green Belt could come forward. If the Core Strategy were adopted as early as May 2014, it would still be the autumn of 2015 before an adopted Placemaking Plan could identify the land to be removed from the Green Belt and to make specific housing allocations therein.<sup>49</sup> Even allowing for an element of anticipation by developers, very few houses on those sites would be deliverable within five years.<sup>58</sup> And, if the Core Strategy were to be withdrawn for whatever reason, it would be considerably longer before the adoption of any Plan that amended Green Belt boundaries and made specific housing allocations.<sup>48</sup> To allow this appeal could reasonably expect to see the first houses becoming available in the spring of 2015 and the development completed before the end of 2016.<sup>58</sup>

### Sustainability

98. There are understandable differences of opinion about the sustainability of Saltford as a location for new housing. The appellant considers the village a highly suitable location because of the services and facilities it contains, because of its position on the A4 corridor between Bath and Bristol, close to Keynsham, and because, if the need for significant travel to the main built-up areas from the rural villages in B&NES is accepted, then Saltford is clearly best placed and better served by public transport.<sup>56</sup> The Council accepts that Saltford is a sustainable village in the context of Policy RA1.<sup>31</sup> SEG & SGBC, on the other hand, argue that Saltford, and the appeal site in particular, is not a sustainable location, for various reasons.<sup>72</sup>

<sup>A</sup> Document P12, Vol. 3, tab 12.

<sup>B</sup> Document P4, Appendix 9; also Document 16.

<sup>C</sup> If the adjoining paddock were taken into account, because it is agreed to be vulnerable, then the total number of dwellings would probably be around 125, an expansion of just less than 7.5%, which similarly seems to fall within the scope of a small expansion.

99. Firstly, the site is said to be best and most versatile agricultural land.<sup>72.A</sup> In practice, it has been used for grazing for a number of years and is remote (because of the golf course and the tree belt) from other agricultural land. There may be potential for productive agricultural use in the longer term but the practical constraints of so doing are unknown.
100. Secondly, the argument that the site is in the Green Belt<sup>72</sup> cannot weigh for or against its sustainability. Lack of sustainability is not a factor in Green Belt designation, almost by definition. The position in B&NES is that land must be released from the Green Belt to enable adequate housing provision and the intention is to do so in the most sustainable locations<sup>35</sup> and where the purposes of the Green Belt would not be unduly compromised.
101. Thirdly, it must be accepted that there are no significant employment opportunities in Saltford.<sup>72</sup> Moreover, the approach in the emerging Core Strategy means that none are likely to be forthcoming.<sup>B</sup> In general terms, however, absence of employment opportunities applies to most of the RA1 villages. On the face of it, some appear to have greater opportunities, though their ability to provide employment for new residents is unknown. Saltford, however, scores highly on the availability of other services and facilities; it also ranks better in overall terms than all but Chew Magna, and considerably better than most.<sup>31.C</sup>
102. On balance, the Council's acceptance of Saltford's sustainability credentials, which must be taken to be from a District-wide viewpoint, is to be favoured. Saltford has to be considered a sustainable location for new housing given its relationship to Bath, Bristol and Keynsham; and the appeal site, being relatively close to the centre of the village, cannot be said to be unsustainable in any narrower context.

#### Other appeal decisions

103. Numerous appeal decisions were appended to the evidence of both the appellant and B&NES.<sup>D</sup> The particular circumstances of the various proposals are unknown to me (save that some of the sites were not within the Green Belt) and it is difficult, therefore, to gauge what material assistance they might be able to provide in determining this appeal.
104. Particular emphasis was placed by both B&NES and the appellant on the Secretary of State's decision on appeal ref. APP/M1520/A/12/2177157.<sup>E</sup> The lack of a deliverable supply of housing land was much more critical<sup>27</sup> (just 0.7 years) but the Secretary of State accepted the Council's programme for adoption of its Local Plan and concluded that the lack of housing land was capable of early resolution.<sup>47</sup> Also, the Green Belt in that case is described by the Inspector as "a narrow swathe" of land separating a number of settlements (and which the Council considered particularly vulnerable). The same cannot be said at Saltford. The extant supply of housing land may be greater in B&NES,

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<sup>A</sup> Document 11 provides the only documentary evidence; the land falls within grade 3 but the map does not differentiate between 3a (best and most versatile) and 3b.

<sup>B</sup> The Green Belt boundary tightly circumscribes the development boundary for Saltford (para. 11); so, in the same way that housing development would thus be restricted, so too would employment development.

<sup>C</sup> Document P4, Appendix 9.

<sup>D</sup> Six by the appellant, in Documents P4 and P6; four by the Council, in Documents P8 and P9.

<sup>E</sup> Document P8, Appendix 6, and Document P9, Appendix 1 for the Council; also Document P6, Appendix 5, for the appellant.

even if still substantially inadequate, but the Council's programme for adoption of its Core Strategy depends on the Examining Inspector concluding that it is sound. Also, the appeal site here does not contribute to a gap between settlements but is visually almost self-contained. It seems inappropriate to import into a decision on this appeal conclusions from that decision, or others, which may be only superficially comparable.

Conclusion on other material considerations

105. The harm that would be caused is by reason of the proposed development being inappropriate in the Green Belt, reducing its openness and encroaching (to a very small extent) into the countryside. That carries substantial weight.
106. In physical and visual terms, however, the harm would be very modest indeed. The appeal site has parts of Saltford on its east and north sides, Saltford Golf Course on its south side, extending well east and west of the site boundaries, and, beyond a paddock abutting it to the west, a wide tree belt. Development on the appeal site would be invisible from beyond the golf course and the tree belt; indeed, it would barely be visible from the golf course itself. Thus, while there would be a small loss of Green Belt land, its location and the landscape characteristics of its immediate surroundings mean that the overall integrity of the Green Belt would be unharmed and its primary purpose here (to safeguard the countryside from encroachment) would hardly be undermined at all. There would be what some might consider harm when the site was viewed from within Saltford – but that amounts more to change rather than harm, because there is no reason why a housing development should not be designed to acceptable visual and amenity standards.
107. Two things mean that there is no doubting the need for a deliverable supply of housing land in B&NES. First is the Council's acceptance of an inadequate land supply to the extent that it would have to find a 20% buffer in addition to a 5-year land supply. Second is the acknowledged need to release land from the Green Belt for housing as part of the Core Strategy process. The potential delay in allocating land in the Placemaking Plan, whether or not the Core Strategy is found sound in the near future, means that there is little prospect of the Council being able formally to identify a 5-year supply of housing land for almost two years, at a minimum. On the other hand, the appeal site is available, suitable (aside from the fact of being in the Green Belt) and deliverable comfortably within five years, probably in little over three.
108. Saltford and the appeal site are in a suitably sustainable location, generally more sustainable than other RA1 villages in B&NES. The Framework's presumption in favour of sustainable development is thus another material consideration to be weighed in the balance.
109. Overall, the absence of physical or visual harm, the serious shortage of housing land in B&NES, the inevitable and acknowledged need to release Green Belt land for housing, the time lapse before specific housing sites can be identified and allocated, the deliverability of the appeal site and the sustainability of the appeal proposal together amount to very special circumstances which clearly outweigh the harm by way of inappropriateness and other harm that would be caused by the proposed development.

## Other matters

### *Need and demand*

110. The statement by the Rt Hon Brandon Lewis MP<sup>A</sup> includes that “the single issue of unmet demand, whether for traveller sites or conventional housing, is unlikely to outweigh harm to the green belt and other harm to constitute the ‘very special circumstances’ justifying inappropriate development in the green belt”. The Council argued that the nature of the statement must mean that ‘need’ and ‘demand’ should be taken to be synonymous – and that a need for housing land could not be expected on its own to provide very special circumstances.<sup>23</sup> On the other hand, as the appellant pointed out,<sup>37</sup> the words of the Framework are that local planning authorities should ensure that “their Local Plan meets the full, objectively assessed needs for market and affordable housing ... ..”. That is the need that the Council is unable to provide for. Demand is the desire for something. Need is to be seen as a broader social concept – sufficient land for housing must be supplied to meet both market and affordable housing needs. The purpose of the appeal proposal is not to cater for the demands of those who might wish to live in Saltford but to help reduce the unmet need for housing in B&NES.

### *Precedent*<sup>27,63-65,81</sup>

111. As a generality, each case must be considered on its merits. Thus, permitting something which would cause no harm cannot set a precedent for something which would. Setting aside the fact that each case is to be considered on its own merits, to allow this appeal could only reasonably be argued as suggesting some sort of precedent for sites which, similarly, could demonstrate very special circumstances clearly outweighing harm to the Green Belt.
112. Whether that can be said for the land adjoining the appeal site, or for sites elsewhere in the District, would be a matter for the Council, as and when any proposal came up for consideration. Land must anyway be released from the Green Belt to ensure an adequate supply of housing in B&NES; and part of the necessary assessment must be that the land to be released should be that which would least compromise the purposes of the Green Belt. To allow this appeal cannot lower the standards to be applied in that assessment or in the consideration of any other individual proposals which might come forward.

### *Traffic*

113. The representations from local people, at the inquiry and in writing,<sup>77,83</sup> voiced considerable concern about the traffic impact of the proposed development. The highway authority does not share those concerns.<sup>66</sup> The Transport Assessment submitted with the application showed what appeared at first glance to be relatively few vehicle movements in the peak hours.<sup>B</sup> However, the evidence submitted to the inquiry (partially prior to it but also as a direct response to my own query<sup>C</sup>) is that the impact of higher peak hour trip

<sup>A</sup> Document P8, Appendix 3.

<sup>B</sup> Document P2, tab 25, Tables 5.2 and 5.3 (pp.12-13).

<sup>C</sup> I suggested that, from past experience, the proposed development might generate up to 7 vehicle movements/dwelling/day, with 0.7 in each peak hour – in other words, a total of about 700 movements daily and 70 (just over 1/minute) in each peak hour. The Transport Assessment peak hour figures are little more than half of that but the overall trip generation is not inconsistent with my suggestion, indicating that travel habits may have changed and that peak hour travel is not as concentrated as it once was.

generation figures would not have a noticeably greater impact (ie. not unduly noticeable to the vehicle driver) than set out in the Transport Assessment and found acceptable by the highway authority.<sup>66</sup>

114. The access to Saltford Primary School means that there must already be a substantial amount of traffic in Manor Road at the beginning and end of the school day.<sup>77</sup> Although the application seeks outline planning permission, it includes the provision of two lay-bys, accommodating six cars, where parents dropping off or collecting schoolchildren may park. The proposed development would introduce a new junction and increase the amount of traffic in Manor Road but the lay-bys would help to ease traffic movement at these particular peaks in a way acceptable to the highway authority.<sup>66</sup>

### **Localism**

115. It was said that the residents of Saltford would be treated unjustly if planning permission were to be granted irrespective of the wishes of the local community; and also that the absence to date of a Core Strategy for B&NES was not a reason to "force through" the proposed development.<sup>71</sup>
116. The wishes of the local community must carry weight according to the extent that they are based on sound planning arguments. There is no question of forcing the development through. The recommendation below is made having regard to the development plan and all other material considerations.

### **Obligation and conditions**

117. The executed section 106 obligation,<sup>A</sup> as an agreement between the appellant and the Council, must be assumed to contain provisions which the Council is content with should planning permission be granted. Those provisions are necessary to make the development acceptable in planning terms, directly related to the development and reasonably related to it in scale and kind.
118. A list of 23 conditions was originally suggested by the Council, were planning permission to be granted. They were largely agreed by the appellant. The subject matter of the suggestions is appropriate in principle and meets the tests set out in Circular 11/95. Discussion during the inquiry brought further agreement that some could be simplified or amalgamated in the interests of clarity or precision.<sup>B</sup>

### **Overall conclusion**

119. The proposed development would be inappropriate development in the Green Belt. It would reduce openness and encroach (albeit to a very small extent) into the countryside.
120. That said, the development would not have any unduly harmful visual impact. The location of the site and the landscape characteristics of its immediate surroundings mean that the impact would be very much contained; it would not be visible from beyond the tree belt to the west or the golf course to the south (and would barely be visible from the golf course itself). The overall integrity of the Green Belt would be unharmed and its primary purpose, to safeguard the countryside from encroachment, would hardly be undermined at all.

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<sup>A</sup> Document 19.

<sup>B</sup> Document 14 – written suggested conditions were submitted (14.1), I made written comments (14.4) and further suggestions were made (14.2 and 14.3), enabling a focussed discussion on the final day of the inquiry.

121. There is a substantial shortage of deliverable housing land in B&NES. The acknowledged intention is that land should be released from the Green Belt so that housing sites can be allocated. The progress of the Core Strategy means that the length of the delay in making allocations is unknown – but it will be a minimum of close to two years from the time of writing this report. At present, no changes are proposed to the Green Belt boundary around Saltford. However, the potential of small expansions into Green Belt land of existing built-up areas, which is what this proposal would be, appears not yet to have been investigated in any detail. The appeal site is acknowledged by the Council's work towards the Core Strategy as suitable for housing (save for being in the Green Belt) and available; and Saltford is a village in a sustainable location.
122. Determination of the appeal should be made in accordance with the Development Plan (the saved policies from the Bath & North East Somerset Local Plan) unless material considerations indicate otherwise. The location and scale of the proposed development renders it broadly consistent with what is sought by Policies SC.1 and HG.4. It conflicts with Policies HG.10 and GB.1, on development in the countryside and in the Green Belt, though the nature of the location and its immediate surroundings means there would be no material conflict with Policy GB.2. The executed section 106 obligation satisfies what is sought by Policies CF.3 and IMP.1.
123. The National Planning Policy Framework is an important material consideration. The evidence to the inquiry was based primarily on its provisions, which are to be preferred where the Development Plan is absent or silent, or the relevant policies are out of date. The proposal conflicts with Section 9, on Green Belt, but complies with Section 6, on the provision of housing land.
124. Both the Development Plan and the Framework provide that inappropriate development in the Green Belt should be refused unless there are very special circumstances which clearly outweigh the harm to it and any other harm that development would cause. In this case, the absence of physical or visual harm, the serious shortage of housing land in B&NES, the need to release Green Belt land for housing, the time lapse before specific housing sites can be identified and allocated, the deliverability of the appeal site and also the sustainability of Saltford and the appeal proposal, taken together, amount to such very special circumstances.

## **RECOMMENDATION**

125. I recommend that the appeal be allowed and planning permission granted subject to the conditions set out in the attached schedule.

*John L Gray*

Inspector



## APPEARANCES

### FOR BATH & NORTH EAST SOMERSET COUNCIL

Gary Grant, of Counsel	instructed by Maggie Horrell, Solicitor to the Council.
He called	
Neil Best BA(Hons) MA	Planning Policy Officer with the Council.
Charles Potterton BA DipLA CMLI	Director, Potterton Associates Limited, Landscape Architects.
Sarah James BA(Hons) MA MRTPI	Senior Planning Officer with the Council.

### FOR CREST NICHOLSON (SOUTH WEST) LIMITED

Anthony Crean QC	instructed by the Pegasus Planning Group, First Floor, South Wing, Equinox North, Great Park Road, Almondsbury, Bristol, BS32 4QL.
He called	
Roger Daniels MA MPhil MRTPI	Director, Pegasus Planning Group.
James Tarzey BA(Hons) MRTPI	Partner, Pegasus Planning Group.

### INTERESTED PERSONS objecting to the proposal

Matthew Blankley	Chairman, Saltford Parish Council (Rule 6 party).
Phil Harding MBE	Saltford Environment Group (SEG) and Saltford Green Belt Campaign (SGBC) (Rule 6 party).
Adrian Betts	}
Guy Lamb	}
Beverley Peters	}
Jane Stonehouse	} Local residents.
Cllr Francine Haerberling	}
Susan Sutherland	}
Cllr Duncan Hounsell	}

### INTERESTED PERSON supporting the proposal

Richard Nash	Local resident.
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## **DOCUMENTS submitted prior to the inquiry**

- P1 Appellant's appeal documents – volume 1.
- P2 Appellant's appeal documents – volume 2.
- P3 Statement of Common Ground.
- P4 Roger Daniels' proof of evidence, with appendices.
- P5 Roger Daniels' summary proof of evidence.
- P6 James Tarzey's proof of evidence, with appendices.
- P7 James Tarzey's summary proof of evidence.
- P8 Sarah James' proof of evidence, with summary and appendices.
- P9 Neil Best's proof of evidence, with summary and appendices.
- P10 Charles Potterton's proof of evidence, with summary and appendices.
- P11 Neil Best's rebuttal proof of evidence.
- P12 Core Documents: Volume 1 – Core Document 1; Volume 2 – Core Documents 2-11; Volume 3 – Core Documents 12-27.
- P13 Saltford Parish Council proof of evidence.
- P14 SEG and SGBC Case to the Inquiry and Sustainability Appraisal.
- P15 Updated Statement of Common Ground.
- P16 Dwg. no. BRS.2656\_13D – the Parameters Plan

## **DOCUMENTS submitted during the inquiry**

- 1 Appellant's response to Inspector's note on issues for the inquiry.
- 2 Council's response to Inspector's note on issues for the inquiry.
- 3 Mr Daniels' response to Mr Best's rebuttal proof.
- 4 Committee report on application no. 12/02315/FUL, Saltford Golf Club.
- 5 Secretary of State's decision and Inspector's report – Walnut Tree Farm, Chertsey, appeal ref. APP/Q3630/A/12/2169543.
- 6 Extract from 2011 Census Data for Saltford, B&NES and England & Wales.
- 7 Extract from Saltford Parish Plan 2010.
- 8 Unoccupied and undeveloped potential brownfield residential sites in Saltford.
- 9 SEG & SGBC Case to the Inquiry, summary.
- 10 Sustainability Appraisal by Mr Harding, summary.
- 11 Email re. agricultural land classification.
- 12 Email of 8/4/13 re. detail of affordable housing provision.
- 13 List of application/appeal drawings.
- 14 14.1 – suggested conditions; 14.2 – amendments to 14.1; 14.3 – hand written comments in response to: 14.4 – Inspector's queries on 14.1.
- 15 Review of highways/transportation consultation comments made at application stage.
- 16 Table of populations, households and proposed/permitted developments in five B&NES villages.
- 17 Email re. effect of increasing vehicular movements generated by the proposed development.
- 18 Oxford Diocesan Board of Finance v SSCLG and Wokingham Borough Council [2013] EWHC 802 (Admin).
- 19 Executed section 106 agreement.
- 20 Statement by Richard Nash.
- 21 Statement by Cllr Duncan Hounsell.
- 22 Statement by Cllr Francine Haerberling.
- 23 Letter from Susan Sutherland summarising her statement.
- 24 Letter from Laura Stiles to Mr Harding.
- 25 Note from Mr Harding on 'Outstanding Business ... from 15 August 2013'.
- 26 Closing submissions on behalf of SEG & SGBC.
- 27 Opening and closing submissions on behalf of the Council.
- 28 Opening and closing submissions on behalf of the appellant.

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## **SCHEDULE OF CONDITIONS TO BE ATTACHED TO PLANNING PERMISSION SHOULD THE APPEAL BE ALLOWED**

- 1) Details of 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. 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 development hereby permitted shall be carried out in accordance with the following approved plans: BRS.2656\_12A (site location plan), BRS.2656\_13D (parameters plan) and 10350/T08, rev. B (site access and visibility plan).
- 5) Details of the appearance referred to in condition no. 1) above shall include samples of the materials to be used in the construction of all of the external surfaces of the dwellings hereby permitted.
- 6) Details of the appearance and scale referred to in condition no. 1) above shall include the finished floor levels of all buildings.
- 7) Details of the landscaping referred to in condition no. 1) above shall include full details of both hard and soft landscape works. These shall include proposed finished levels or contours; means of enclosure (within and on the perimeter of the site); hard surfacing materials; minor artefacts and structures; proposed functional services above and below ground; planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, giving species, plant sizes and proposed numbers/densities where appropriate; and a programme of implementation. All hard and soft landscape works shall be carried out in accordance with the approved details and programme.
- 8) Development shall not begin until full details of the junction between the proposed access road and the highway have been submitted to and approved in writing by the local planning authority. The access junction shall be constructed in accordance with the approved details.
- 9) Development shall not begin until full details of access roads within the site, any car parking areas, accesses to individual dwellings and pedestrian access and circulation areas, including the pedestrian access from Manor Road, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 10) No dwelling shall be occupied until the access road junction with Manor Road and that part of the internal access road and pedestrian access serving it have been constructed in accordance with the approved details.
- 11) Development shall not begin until full details of the car parking lay-bys on Manor Road have been submitted to and approved in writing by the local planning authority. The lay-bys shall be constructed in accordance with the approved details before the occupation of any dwelling.

- 12) Development shall not begin until full details of surface water drainage, based on sustainable drainage principles, have been submitted to and approved in writing by the local planning authority. The works shall be completed in accordance with the approved details before any dwelling is occupied.
- 13) Development shall not begin until:
- a strategy for investigating contamination present on the site has been submitted to and approved in writing by the local planning authority;
  - an investigation has been carried out in accordance with the approved strategy; and
  - a written report, detailing the findings of the investigation, assessing the risk posed to receptors by contamination and proposing a remediation scheme, including a programme for implementation, has been submitted to and approved in writing by the local planning authority.
- Remediation work shall be carried out in accordance with the approved remediation scheme and programme. Remediation work on contamination not identified in the initial investigation but found during construction work shall be carried out in accordance with details submitted to and approved in writing by the local planning authority subsequent to its discovery.
- 14) No development shall take place until a programme of archaeological work has been implemented in accordance with a written scheme of investigation, analysis and publication which has first been submitted to and approved in writing by the local planning authority.
- 15) No development shall take place until a wildlife protection scheme has been submitted to and approved in writing by the local planning authority. The scheme shall include provision for mitigation and for timing constraints in relation to a programme for implementation of the development. Development shall be carried out in accordance with the approved scheme.
- 16) No development shall take place until a construction method statement has been submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period and shall provide for:
- i) the parking of vehicles of site operatives and visitors;
  - ii) the loading and unloading of plant and materials;
  - iii) the storage of plant and materials used in constructing the development;
  - iv) the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing where appropriate;
  - v) wheel washing facilities;
  - vi) measures to control the emission of dust and dirt during construction;
  - vii) a scheme for the recycling/disposal of waste arising from construction works.



## Department for Communities and Local Government

### RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

#### **SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS;**

The decision may be challenged by making an application to the High Court under Section 288 of the Town and Country Planning Act 1990 (the TCP Act).

#### **Challenges under Section 288 of the TCP Act**

Decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged under this section. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application under this section must be made within six weeks from the date of the decision.

#### **SECTION 2: AWARDS OF COSTS**

There is no statutory provision for challenging the decision on an application for an award of costs. The procedure is to make an application for Judicial Review.

#### **SECTION 3: INSPECTION OF DOCUMENTS**

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the report of the Inspector's report of the inquiry or hearing within 6 weeks of the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.