



South Somerset District Council
LOCAL PLANNING AUTHORITY

PROOF OF EVIDENCE
PREPARED BY

D.R. KENYON BA (Hons) BPL MRTPI

Appeal by:

Gleeson Strategic Land Ltd against the refusal by South Somerset District Council of an application for outline planning permission for the demolition of existing buildings and residential development of 60 units including the creation of a new vehicular access and pedestrian accesses, open space, landscape planting and surface water attenuation (all matters reserved except access)

Site:

Land at Manor Farm, Combe Hill, Templecombe, Somerset, BA8 0LJ

TOWN AND COUNTRY PLANNING ACT1990
SECTION 78 APPEAL
SOUTH SOMERSET DISTRICT COUNCIL REF: 19/03416/OUT
PLANNING INSPECTORATE REF: APP/R3325/W/20/3265558

CONTENTS

1. SUMMARY

2. INTRODUCTION

3. DESCRIPTION OF APPEAL SITE AND SURROUNDS

4. THE PROPOSAL

5. RELEVANT PLANNING HISTORY

6. PLANNING POLICY AND GUIDANCE

7. REASON 1 – IMPACT ON LANDSCAPE

8. REASON 2 – IMPACT ON DESIGNATED HERITAGE ASSET

9. HOUSING LAND SUPPLY

10. PUTATIVE REASON 3 – LOCAL PLAN POLICIES SS1, SS2 AND SS5

11. THE PLANNING BALANCE

12. CONCLUSION

APPENDICES

APPENDIX DRK1.

Email of agreement from Ward Member to putative reason 3

APPENDIX DRK2.

Relevant extracts from adopted Local Plan, including Policies SD1, SS1, SS2, SS5, EQ2 AND EQ3

APPENDIX DRK3.

Housing completions and commitments as at 30th March 2020

APPENDIX DRK4.

HELAA Site Assessment Form and site plan

1 SUMMARY

- 1.1 The appeal proposal consists of a development of 60 residential units, vehicular and pedestrian accesses, open space, landscape planting and surface water attenuation features on Land at Manor Farm, Combe Hill, Templecombe, Somerset, BA8 0LJ which fails, in the Council's opinion, to meet a number of important development plan policies and allowing this development would result in harm to important features that define the character of this part of the village of Templecombe.
- 1.2 At the time of the application, the Council had no proven 5-year housing land supply and, in accordance with paragraph 11 of the National Planning Policy Framework 2019, where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, development proposals should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. The Local Planning Authority did not refuse the development on the basis of housing policies of the Somerset Local Plan which were acknowledged as being out of date and therefore of reduced weight.
- 1.3 However, consistent with provisions of the Framework, the proposed development was assessed against other policies within the Development Plan and it became evident that allowing the proposed development would cause significant adverse impact relating to rural character, landscape and a grade II* listed building, resulting in the two reasons for refusal set out on the decision notice dated 14th August 2020.
- 1.4 Subsequent to the issue of that decision, in November 2020 the Council published its Five-Year Housing Land Supply Paper concluding that the Council could, at that time, demonstrate in excess of a five-year supply of housing sites, equivalent to 6 years housing land supply.
- 1.5 Following the publication by the Government on 16th December 2020 of a new Standard Methodology for calculating the local housing need for local authorities, the Council published an Addendum to that Paper concluding that the Council could demonstrate a five-year supply of housing sites equivalent to 6.15 years, rather than the 6 years stated in the previous Paper.
- 1.6 A further Addendum has been published in March 2021 following publication on 25th March 2021 by the Government of new affordability ratios for calculating the local housing need for local authorities. This latest Addendum states that the Council can now demonstrate a five year supply of housing sites equivalent to just over six years (6.03).
- 1.7 Mindful that the Council is of the opinion that there is currently in excess of a deliverable five year supply of housing in the District, it is considered that the 'tilted balance' in adopted Local Plan Policy SD1 and in paragraph 11d) of the NPPF is no longer applicable to the determination of this appeal and that full weight can be given to Policies SS1, SS2 and SS5 of the Local Plan in relation to housing development

proposals. Paragraph 213 of the NPPF states that “existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework”. As such, the approach to decision making set out in paragraph 11d of the Framework and the latter part of Policy SD1 is now not applicable in this case and there is no reason, in this instance, why the development plan’s policies that are most important for the determination of this appeal should not be accorded very substantial weight.

- 1.8 As referred to in the Council’s Statement of Case and during the case management conference on 5th May 2021, because the Council can demonstrate a 5 years supply of housing land, then the conflict with Local Plan Policy SS2 would support an additional reason for refusal. As such the basis upon which the Council determined the application does not now represent the full extent of the Council’s case. Officers sought and obtained authority from the necessary District Councillor to pursue the additional reason for refusal. If the Council was in the position of determining the outline application based on this new material consideration, the wording of a putative third reason would be along the lines of:

The proposed development is in a village, identified in the adopted South Somerset Local Plan (2006 – 2028) as a Rural Settlement to which Policies SS1, SS2 and SS5 apply. The proposal does not meet an identified housing need and is not required to deliver the identified 5 year housing land supply in the District. By virtue of the quantum of housing development to be provided on the site, together with other development proposals elsewhere within this Rural Settlement which, since the start of the Local Plan period, have been completed or for which planning permissions have been granted but have not commenced or been completed, the level of growth within the Rural Settlement would be similar to that envisaged for the higher tier of Rural Centres in the settlement hierarchy as set out in Policy SS5. As such, considered in these terms, the proposed development would not be commensurate with the scale of the settlement and would not accord with Policies SS1, SS2 and SS5 of the Local Plan.

- 1.9 A copy of the email of agreement from the District Council’s Ward Member is attached as **Appendix DRK1**.
- 1.10 In reaching its decision, the Council has acknowledged public benefits arising from the appeal proposal primarily the social and economic ones. However, the benefits such as affordable housing would pale in significance when viewed in the context of the proposed development’s various failures to meet the development plan policies. Taken together, these objections result in overall development plan conflict which cannot be outweighed by the scheme’s benefits.
- 1.11 This Proof of Evidence sets out planning policy matters and assesses the balance of public benefits versus harm. This proof should be read in conjunction with other Proofs of Evidence prepared by other consultants acting on behalf of the Council which expand in detail on the technical matters referred to by the Council in its decision notice and having regard to the Council’s stated opinion that it can demonstrate in excess of a 5 years deliverable housing land supply.

1.12 These other Proofs of Evidence are from

- Charles Potterton BA DipLA CMLI, Chartered Landscape Architect of Potterton Associates Ltd which focuses on reason 1,
- Kit Wedd BA IHBC of Spurstone Heritage Ltd which focuses on reason 2, and
- Elizabeth Alexander BA (Hons) MPhil, MRTPI of Bell Cornwell LLP which focuses on the matters of housing numbers and housing land supply.

1.13 I rely on the expertise of the above in relation to their stated technical area.

1.14 Additional statements have been prepared by others to justify the planning obligations sought under S106.

2 INTRODUCTION

2.1 Under the scheme of delegated powers set out in the Council's Constitution, outline planning permission for the demolition of existing buildings and residential development of 60 units including the creation of a new vehicular access and pedestrian accesses, open space, landscape planting and surface water attenuation (all matters reserved except access) was refused by South Somerset District Council on 14th August 2020 for two reasons, namely:

1. This is an outline application which seeks to establish the principle of development and access. All other matters of appearance, landscaping, layout and scale are reserved for future submission, consideration and determination. An illustrative Masterplan no 19-025 406 Rev J has been submitted indicating where and how the quantum of 60 dwellings could be accommodated on the application site. The Council is of the opinion that, whilst some residential development can be provided on parts of the site without causing unacceptable detriment to landscape character and harm to visual amenity, there are other parts of the site, particularly on the eastern and southern outer slopes where residential development is indicated on the Masterplan and which the Council considers would cause an unacceptable level of harm to the rural character of that part of the site and the wider landscape. Development in these areas would also cause an unacceptable level of harm to the visual amenity of those receptors adjacent to the site as well as those in the wider landscape. With that concern in mind, it is considered that the illustrative Masterplan has not demonstrated that the proposed quantum of residential development can be accommodated on the site without resultant unacceptable levels of harm to the landscape and for which an overriding essential need has not been justified. The Council is of the opinion therefore that the presumption in favour of sustainable development does not apply in this case.

As such, the proposal is contrary to Policies SD1 and EQ2 of the South Somerset Local Plan 2006-2028. The adverse impacts are considered to significantly and demonstrably outweigh the acknowledged benefits towards meeting the Local Planning Authority's housing supply (including affordable housing provision), and other social and economic benefits, having due regard to paragraphs 11.d) ii. and 12 of the National Planning Policy Framework (2019).

2. This is an outline application which seeks to establish the principle of development and access. All other matters of appearance, landscaping, layout and scale are reserved for future submission, consideration and determination. Nevertheless, an illustrative Masterplan no 19-025 406 Rev J has been submitted indicating where and how the quantum of 60 dwellings could be accommodated on the application site. The Council is of the opinion that part of the site identified for provision of residential development would extend too far north into the strategic views that are the setting of the nearby Grade II Listed Building (Manor Farm) and the erosion of its rural historic character, resulting in 'less than substantial' harm being caused to the designated heritage asset as described in paragraph 196 of the National Planning Policy*

Framework. It is considered that the illustrative Masterplan has not demonstrated that the proposed quantum of residential development can be accommodated on the site without causing unacceptable detriment to the character and setting of the designated heritage asset.

As such, the proposal conflicts with the Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and, in the absence of any public benefits that would outweigh such harm, is contrary to Policy EQ3 of the South Somerset Local Plan 2006-2028 and Section 16 of the National Planning Policy Framework (2019), in particular paragraphs 192, 193 and 196.

2.2 It should be noted that reason 2 refers to the Grade II* Listed Building being known as Manor Farm. For clarity that designated heritage asset was a former farmhouse but is now known as Manor House.

2.3 As clarified in the Summary section of this Proof, the Council seeks to introduce a third putative reason for refusal, due to material change in circumstances that have arisen since the date of the planning decision to refuse the outline application. That third reason is as follows:

3. The proposed development is in a village, identified in the adopted South Somerset Local Plan (2006 – 2028) as a Rural Settlement to which Policies SS1, SS2 and SS5 apply. The proposal does not meet an identified housing need and is not required to deliver the identified 5 year housing land supply in the District. By virtue of the quantum of housing development to be provided on the site, together with other development proposals elsewhere within this Rural Settlement which, since the start of the Local Plan period, have been completed or for which planning permissions have been granted but have not commenced or been completed, the level of growth within the Rural Settlement would be similar to that envisaged for the higher tier of Rural Centres in the settlement hierarchy as set out in Policy SS5. As such, considered in these terms, the proposed development would not be commensurate with the scale of the settlement and would not accord with Policies SS1, SS2 and SS5 of the Local Plan.

3 DESCRIPTION OF APPEAL SITE AND SURROUNDS

- 3.1 The appeal site comprises agricultural land split into four fields (classified as being Grade 3), several agricultural buildings and areas of hardstanding extending to approximately 4.3 hectares and is located at the south-eastern edge of the village of Templecombe. The agricultural buildings are of modern construction (as opposed to traditional, historic stone barns), being of steel frames with block walls and wooden and metal cladding.
- 3.2 Vehicular and pedestrian access to the site is directly from Combe Hill (A357), the access point and driveway lying to the south of the main part of the application site. At the northern tip of the site there is a pedestrian link to East Street (via a stile) which serves a public right of way (WN 29/12) which traverses the field to the east of the site.
- 3.3 Residential development adjoins the site to the north, west and south west. Such development is largely 20th century build with the notable exception of the 'Manor House', Knights Barn and Manor Barn (the barns now in residential use) which lie to the west of the site. The 'Manor House' is a grade II* listed building. Open farmland lies to the east and south east of the site.
- 3.4 The area of the site on which the agricultural buildings lie and the land closest to the adjoining residential development to the south west, together with the access drive thereto, are relatively flat and lie on the highest part of the site on what could be termed a "plateau". Elsewhere the site descends in a northerly and easterly direction. From the higher plateau area, on which the agricultural buildings lie, to the northern edge of the site by East Street, the site falls by approximately 14 metres.
- 3.5 Templecombe has a range of local services and facilities within it, including a primary school (with pre-school), a village hall, two convenience stores (Westcombe Stores and a Coop), a post office (within Westcombe Stores), a fish and chip shop and café, a faith facility (St Mary's Church), a recreational ground (with children's play area), a health centre facility (which is a shared service with Milborne Port Surgery), employment opportunities, train station and a regular bus service which runs on a daily basis except on Sundays.
- 3.6 The existing large employer, Thales UK Ltd, employs in the region of 700-750 on site at any one time, of which 51 people live in the Templecombe BA8 postcode. It is estimated that employment numbers will increase by approximately 30 once the new manufacturing building granted planning permission in December 2018 (SSDC application ref. 18/02738/FUL) has been constructed and in operation.
- 3.7 The site is not subject to any specific protective designations, such as SSSI, SAC, Wildlife Site, Green Belt, AONB, Flood Zone, Conservation Area, Special Landscape Area, but as referred to above there is a Grade II* listed building in very close proximity and a public right of way runs along adjoining land.

4 THE PROPOSAL

- 4.1 As originally submitted, the proposal sought outline planning permission for the demolition of existing buildings and residential development of up to 80 dwellings including the creation of a new vehicular access and pedestrian accesses, open space, landscape planting and surface water attenuation (all matters reserved except access).
- 4.2 This was subsequently amended by slightly reducing the number of residential units to 76. This revision sought to address concerns that had been raised by Historic England about the layout of the proposed development and its potential harm on the setting of the listed building. The amended masterplan layout included the removal of the residential units to the rear of the listed building and a substantial buffer being proposed around the listed building to protect its setting.
- 4.3 Subsequently, the application was further amended in that the number of residential units was reduced to 60. This further amendment was submitted in an attempt to overcome concerns expressed by officers and Historic England in respect of heritage, landscape/visual impact and scale of growth (associated with landscape/visual impact concerns). All details in relation to appearance, landscaping, layout and scale were reserved for consideration at the detailed application stage and were not considered as part of this outline application, albeit drawing no. 19-025 406 Rev J (60 units) dated 25/06/2020 "Illustrative Masterplan" and drawing no. 19-025 600 Rev C dated 25/06/2020 "Parameter Plan" were submitted in support of the application proposal.
- 4.4 Details were sought to be agreed for access as part of the outline application submission. Vehicular and pedestrian access would be achieved by making use of the existing farm access to the east of Combe Hill (A357) to the south of the main part of the site. To allow pedestrian connectivity alongside the A357, a new footway would be provided on the north eastern side of the County highway between the proposed site access and 'Manor House', at which point a new dropped kerb crossing would be created to allow access over the highway to the existing footway on the south western side of the A357. Drawing no. ITB14408-GA-019 Rev A dated 27/11/2019 "Proposed Site Access Arrangement From A357" and drawing no. ITB14408-GA-030 Rev A dated 30/10/2019 "Visibility Splays at site Access" indicated these highways related proposals.
- 4.5 In addition, the proposal included a pedestrian linkage from residential areas within the site itself to the point where the existing public right of way joins onto East Street to the north, by means of a new 2.0 metres wide footpath. This was indicated on submitted drawing no. ITB14408-GA-031 Rev A dated 06/11/2019 "Proposed Pedestrian Access to East Street".
- 4.6 The decision to refuse outline planning consent on 14th August 2020 was in respect of the second amended proposal, namely:

Outline application for the demolition of existing buildings and residential development of 60 units including the creation of a new vehicular access and pedestrian accesses, open space, landscape planting and surface water attenuation (all matters reserved except access).

- 4.7 It is this decision that is the subject of the current appeal.
- 4.8 Included within the appellant's appeal submission are further amended drawings for the appointed Inspector's consideration. These are:
- 19-025 SK01 Rev H, dated 08/12/2020 "Illustrative Masterplan"
 - 19-025 610, dated 27/11/2020 "Levels Parameter Plan"
 - 0360 L4 Rev I, dated 15/12/2020 "Indicative Landscape Strategy Plan"
 - ITB14408-GA-031 Rev C dated 16/03/2021 "Proposed Pedestrian Access to East Street"
 - ITB14408-GA-045 dated 16/12/2020 "Proposed Dropped Kerb / Tactile Paving Crossings"

5 RELEVANT PLANNING HISTORY

APPEAL SITE

- 5.1 The following three outline applications relate to a very small part of the current appeal site, namely the north western 'wedge' of land between the dwellings in 'Templars Barton' to the north and 'Manor Farm' to the south.
- 5.2 SSDC Application ref. 04/01581/OUT. The erection of 15 no. dwelling houses and formation of vehicular and pedestrian access.
- 5.3 Planning permission refused 11th August 2004 on grounds of the potential of the proposal to cause harm to an archaeological site of national and local importance and also that the proposal, submitted in advance of the completion of the then Local Plan, would prejudice the then on-going Local Plan process and was in advance of and contrary to the then phasing policy for residential development in rural areas to 2007.
- 5.4 SSDC Application ref. 06/02405/OUT. Development of land for the erection of 15 dwellings together with formation of vehicular and pedestrian access.
- 5.5 Planning permission refused 30th August 2006 on grounds that the proposal would involve considerable new residential development in an area of countryside outside the defined development area of the then Local Plan, therefore resulting in an unacceptable and unsustainable form of development, and also that the proposal would appear as an incursion of built form into the open countryside to the detriment of the character and setting of Templecombe.
- 5.6 SSDC Application ref. 07/01308/OUT. Development of land for the erection of 17 dwellings together with formation of vehicular and pedestrian access.
- 5.7 Planning permission refused 18th June 2007 for similar reasons as application 06/02405/OUT.
- 5.8 SSDC Pre-application ref. 19/01824/PREAPP. Pre application enquiry for the demolition of existing barns and residential development of up to 80 dwellings, including the creation of a new pedestrian access, open space, landscape planting and surface water attenuation (all matters reserved).
- 5.9 Pre application "without prejudice" response from case officer on 22nd October 2019 set out an assessment of the main issues, namely relevant policies, the principle of development, consultees' responses, heritage, design and landscape impact, highways, access and parking, trees, ecology, flood risk and surface water drainage, refuse collection and recycling requirements, secured by design, community infrastructure levy and planning obligations.
- 5.10 Within the response the case officer commented about the principle of development, stating:

“The proposal would not comply with Policy SS2 as it would not – Provide employment opportunities appropriate to the scale of the settlement; and/or Create or enhances community facilities and services to serve the settlement; and/or Meet identified housing need, particularly for affordable housing (this is interpreted by the Local Planning Authority as providing a proportion in excess of the policy requirement of 35%).

Having regard to the above it is considered that the development would not comply with policies SS1, SS2, or SS5 of the South Somerset Local Plan. Given the current policy position with the Council unable to demonstrate a five years supply of housing land, and with the level of services available to Templecombe, the principle of your proposal is very finely balanced, made more turbulent by there being applications pending consideration for residential development in the village. Overall, it is considered that there is potential for the development to be recommended for approval but the applicant is urged to find and exploit opportunities for infrastructure improvements within the village to make the scheme more acceptable.

It is unlikely that the scheme will be seen favourably by Members and as such I do not consider that the Council would approve the application.

You may wish to reduce the number of dwellings proposed or phase the applications to make it more palatable, locally and politically, and reduce the adverse impact on the settlement hierarchy.”

- 5.11 In terms of heritage considerations, the proximity of the Grade II* listed Building was noted, the case officer commenting:

“You will need to evidence that the proposal does not have a detrimental impact on the setting of the heritage asset. Given that it is a Grade II listed building, the weight afforded to any harm would be difficult to outweigh through the provision of 80 dwellings, especially when the principle of the development is likely to be finely balanced.*

Given that the setting of the listed building would be a key consideration, I would encourage that further work is done and the revisions are submitted for further consideration. I have not consulted with Historic England or our Conservation Officer as we had agreed in our meeting that further details were to be submitted. On receipt, I will circulate to our Conservation Officer and Historic England.

The site is recorded as being host to the ‘Preceptory Knights Templar (remains of)’, and it is closely related to an area of High Archaeological Potential and an archaeological site. As part of the application submission, you will wish to submit any findings of your archaeological surveys. The South West Heritage Trust will be consulted as part of the application to better understand the implications of the development on archaeology.”

- 5.12 The issue of impact on the Grade II* Listed Building continued under the heading “Design and Landscape Impact”, the case officer commenting:

“I note the proposed buffer for the Grade II listed Manor House. It is imperative to the success of the development that the setting of the listed building is not adversely affected. Should the development result in harm to the significance of the listed building, the weight to be applied to the harm would be significant in line with chapter 16 of the NPPF. Given the substantial weight afforded to safeguarding this significant listed building, it would be very difficult to evidence a sufficient level of public benefit to outweigh the harm.”*

5.13 In terms of highways considerations:

“Highway capacity and the lack of suitable walking conditions within the village are two issues previously raised in the principle section as these are significant matters that are likely to cap the amount of growth that Templecombe can reasonably accommodate.

As per the comments of the Highway Authority, you will need to provide a Transport Statement in line with their requirements, with comprehensive and robust evidence to demonstrate that the scheme would be acceptable despite the aforementioned issues.”

5.14 The case officer’s pre application response concluded:

“The proposal is very finely balanced and unlikely to be supported locally or by Members due to the level of growth of the village. Nevertheless, the scheme may receive a favourable recommendation if it can be shown that the highway implications are acceptable, and if benefits can be provided to outweigh the harm identified. I have suggested that highway infrastructure improvements are provided for the betterment of highway efficiency and pedestrian safety and experience.”

LAND TO SOUTH EAST OF ENTRANCE TO APPEAL SITE

5.15 Outline planning permission (dated 16th July 2019) and subsequent approval of reserved matters (dated 5th May 2020) have been granted for the erection of two single storey dwellings immediately to the south east of the existing access to the site off the A357. That permission also allows for the creation of a new, separate vehicular access directly off the County highway to serve those two dwellings, which would be provided virtually alongside the existing/proposed access serving the proposed appeal development (SSDC application refs. 18/03222/OUT and 19/03409/REM).

6 PLANNING POLICY AND GUIDANCE

6.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) and paragraphs 2 and 47 of the National Planning Policy Framework indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

6.2 Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 imposes a general duty on local planning authorities when determining planning applications as respects listed buildings and states:

“In considering whether to grant planning permission, or permission in principle, for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

6.3 As required by legal judgement, the decision maker must attach “*considerable importance and weight*” to any harm to a listed building or its setting. The statute means that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted.

6.4 For the purposes of determining current applications the Local Planning Authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 - 2028 (adopted March 2015). The appeal proposal was considered against various policies and guidance referred to in the case officer report and the planning Statement of Common Ground. In dispute is whether the appeal proposal would comply with the following Policies of the adopted South Somerset Local Plan (2006-2028) and parts of the NPPF:

6.5 South Somerset Local Plan

Policy SD1 - Sustainable Development
Policy SS1 - Settlement Strategy
Policy SS2 - Development in Rural Settlements
Policy SS4 – District-Wide Housing Provision
Policy SS5 - Delivering New Housing Growth
Policy EQ2 - General Development
Policy EQ3 – Historic Environment

6.6 National Planning Policy Framework

Chapter 5 - Delivering a sufficient supply of homes
Chapter 15 - Conserving and enhancing the natural environment
Chapter 16 - Conserving and enhancing the historic environment

6.7 The adopted Local Plan as a whole is part of the Core Documents (CD 11.03) but included within **Appendix DRK2** of this Proof of Evidence for convenience are the following extracts from the adopted Local Plan:

- Pages 17 - 18: Chapter 4. “Delivering Sustainable Development”, including Policy SD1.
- Pages 19 – 26 and 38 - 42: Chapter 5. “Settlement Strategy”, including Policies SS1, SS2, SS4 and SS5.
- Pages 198 – 202: Extracts from Chapter 13 “Environmental Quality”, relating to ‘Design/General Development’, including Policy EQ2 and ‘Historic Environment’, including Policy EQ3.

Adopted South Somerset Local Plan (2006-2028) – March 2015

- 6.8 The South Somerset Local Plan (2006 – 2028) was adopted on 5th March 2015.
- 6.9 Local Plan Policy SD1 “Sustainable Development” reflects the guidance within the NPPF which seeks to achieve sustainable development objectives in a positive way ensuring that there is a presumption in favour of sustainable development, whilst recognising the statutory status of the development plan as the starting point for decision making. The Council will seek to approve schemes that meet sustainable development objectives as set out in the adopted Local Plan and NPPF, unless material considerations indicate otherwise.
- 6.10 The Local Plan sets out a settlement strategy for the District and sets out a hierarchy for the spatial distribution of housing across the District, directing growth to the more sustainable settlements. Policy SS1 “Settlement Strategy” identifies the settlement strategy of the Local Plan. The majority of new development should be focused on Yeovil, followed by the Market Towns and Rural Centres. Because of its relatively minor role and function within the district, Templecombe is not identified in this policy as being a Primary Market Town, a Local Market Town or a Rural Centre. Rather it is categorised in the lowest tier of the settlement hierarchy as a ‘Rural Settlement’. Policy SS1 states that such settlements will be considered as part of the countryside to which national countryside protection policies apply. The NPPF allows provision for some housing development in the countryside but this is restricted. Policy SS1 refers to exceptions which are identified in Policy SS2 of the Local Plan.
- 6.11 Policy SS2 refers to “Development in Rural Settlements”, within which development is to be strictly controlled. The preceding paragraph 5.31 to the policy clarifies that applications for new development proposals in Rural Settlements should be based on meeting the needs of the Rural Settlement in question. Policy SS2 limits development within Rural Settlements to certain types, i.e. that which:
- provides employment opportunities appropriate to the scale of the settlement; and/or
 - creates or enhances community facilities and services to serve the settlement; and/or
 - meets an identified housing need, particularly for affordable housing.
- 6.12 Policy SS2 also sets out that development should be commensurate with the scale and character of the settlement, provides for one or more of the types of development

above, and increases the sustainability of the settlement in general. In addition, proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation.

- 6.13 As applicable to proposals for housing development, such development should only be permitted in Rural Settlements that have access to two or more key services listed in paragraph 5.41.
- 6.14 The key services listed in paragraph 5.41 are local convenience shop, post office, pub, children's play area/sports pitch, village hall/community centre, health centre, faith facility, and primary school. Other than a public house (which was recently converted to a Coop retail premises), as has been clarified previously within this Proof, Templecombe is a rural village that benefits from these range of local services and facilities within it. Thus Templecombe is classed as a 'Rural Settlement', exceeding as it does the minimum requirement of Policy SS2 for two of the listed services. As such, new development proposals within the village are assessed against the requirements of Policy SS2. In addition, the existing large employer, Thales UK Ltd, employs in the range of 700-750 people on site at any one time. During 2020, approximately 50 of the employees lived in the Templecombe BA8 postcode.
- 6.15 Policy SS4 of the Local Plan requires the provision within the district of South Somerset of at least 15,590 dwellings in the plan period (April 2006 – March 2028 inclusive). Policy SS5 relates to the delivery of new housing growth and reiterates the overall housing requirement being for at least 15,950 dwellings to be delivered over the 22 year plan period. Of this overall figure, 2,242 dwellings or 14% of the total should be provided within the Rural Settlements.
- 6.16 As at 31st March 2020, a greater amount of housing has been provided for in terms of total completions and commitments in the Rural Settlements than the minimum number set out in Policy SS5. With reference to the latest monitoring figures set out in the table in **Appendix DRK3**, the total number of housing completions in Rural Settlements from 2006 to 2020 was 1,944. The housing commitments as at 31st March 2020 was 1,777, giving a total of completions and commitments as at 31st March 2020 of 3,721 dwellings – a figure of 1,479 dwellings over the total housing requirement.
- 6.17 In broad terms, the housing growth proposed for South Somerset in the Local Plan aims for 46.7% to be in Yeovil, 32.1% in Market Towns, 7.1% in Rural Centres and the balance of 14% across the numerous Rural Settlements of the District. However Yeovil, the primary focus for development, has, as at 31st March 2020, only achieved 63% of its Local Plan requirement (4,692 dwellings [total completions and commitments] out of 7,441 [total LP housing requirement]), whereas the Rural Settlements have achieved 166% of the total housing requirement envisaged for the Rural Settlements tier over the entire plan period (3,721 dwellings [total completions and commitments] out of 2,242 [total LP housing requirement]). This represents a scale of growth far greater than that envisaged for Rural Settlements over the entire Plan period and illustrates the significant growth of the Rural Settlements to date.

- 6.18 Nevertheless, it must be acknowledged that although there is an exceedance of the number identified for Rural Settlements in Policy SS5, this does not mean that the policy is in conflict because the overall number is expressed as a minimum.

South Somerset Local Plan Review 2016 - 2036

- 6.19 The emerging Local Plan Review is currently in preparation and two consultations have taken place under Regulation 18 of the Town & Country (Local Planning) (England) Regulations 2012. The most recent consultation on Preferred Options ended in September 2019.
- 6.20 Larger Rural Settlements appear to be the focus for most development but there are also significant commitments in other smaller locations. With that in mind the Local Plan Review has introduced a “Villages” category of settlement where a specific level of growth could be focused on more sustainable settlements and reduce the pressure on the smaller settlements which meet the criteria for adopted Local Plan Policy SS2. ‘Villages’ are settlements which are considered to be sustainable locations for small scale growth. The introduction of a ‘Villages’ category of settlement seeks to direct growth away from the smaller Rural Settlements and to reduce the demand for growth in less sustainable places by encouraging growth where there is a greater concentration of services and facilities.
- 6.21 The assessment of reclassifying a larger Rural Settlement to a ‘Village’ category has been based on several factors that are thought to contribute to the sustainability of a settlement, including size of existing population and number of dwellings; the level of existing community services; whether opportunities for housing and employment growth have been identified; existing employment levels; accessibility by road, bus and rail; apparent attractiveness to the housing and employment market; flood risk; the presence of Best and Most Versatile (BMV) agricultural land; ecological designations; and Conservation Areas.
- 6.22 The Local Plan Review does not allocate sites for development in ‘Villages’, nor do the ‘Villages’ have identified development areas. However, new development at ‘Villages’ will be expected to adjoin the existing main built settlement and respect the character and setting of the settlement in accordance with other policies in the Local Plan Review.
- 6.23 Policy SS1 of the Local Plan Review proposes that Abbas and Templecombe is identified as a ‘Village’.
- 6.24 A number of objections have been received with regards to Policy SS1.
- 6.25 The new Local Plan was originally intended to cover the period 2016 – 2036. However, a decision has been made to adjust the timetable and it is proposed that the Regulation 19 version of the Local Plan Review will cover the period 2020 - 2040. This is to ensure that the Plan covers a period of least 15 years post adoption. Public consultation on the Publication Plan (Regulation 19) will take place in mid-2022. Submission of the

Plan to the Secretary of State (Regulation 22) is aimed for early 2023. The date for the Examination of the Plan will be determined by the Inspectorate.

- 6.26 As the emerging Local Plan Review is still at an early stage in its preparation and objections have yet to be considered, mindful of the advice set out in paragraph 48 of the NPPF, it is judged that extremely limited weight can be attached to the emerging policies within the Review document. With that in mind, no reference has been made to the Local Plan Review in any of the reasons for refusing outline planning permission for the proposal.

Housing and Economic Land Availability Assessment (HELAA)

- 6.27 The HELAA is a technical study which identifies land with the potential for housing or economic development and then assesses this land against a range of criteria and constraints. It only identifies opportunities for housing and economic development on sites which are considered to be suitable, available and achievable/developable. It does not allocate sites to be developed.

- 6.28 As stated in the document:

- a) The identification of potential sites within the HELAA does not imply that planning permission would be granted if an application were to be submitted. The HELAA is a high level assessment. All planning applications will continue to be considered against the appropriate policies within the adopted Development Plan¹, having regard to any other material considerations.
- b) The inclusion of potential sites within the HELAA does not preclude them from being considered for other uses.
- c) Site boundaries are based on the information available at the time of the assessment. The HELAA does not limit an extension or contraction of these boundaries for the purpose of a planning application or potential site allocations.
- d) The HELAA includes sites suitable to accommodate five dwellings or more, or economic development of 0.25ha (or 500m² of floor space) and above. The exclusion of sites from the HELAA which fall below this threshold does not preclude the possibility of a planning application being submitted and later granted. Suitable sites (particularly small sites) for residential or economic development that have not been identified in the HELAA will continue to come forward through the usual planning process, including neighbourhood planning.
- e) The HELAA does not prevent other alternative sites coming forward for development.

- 6.29 The appeal site is identified as suitable, available and developable in the HELAA (E/ABTE/0013). Initially identified as having a potential yield of 78 dwellings, this has been re-assessed and has been considered as a suitable site for 35 dwellings. Such a reduced density has been suggested because of conservation issues and a need for landscape mitigation. Copies of the HELAA completed Site Assessment Form and accompanying site plan are included in **Appendix DRK4** of this Proof.

- 6.30 The site plan identifies the majority of the current appeal site, excluding the northern triangular part of the appeal site that links to East Street to the north. No detailed plan

has been produced within the HELAA indicating that part of the site considered to be most suitable for housing or for no housing at all to be provided on it.

7 REASON 1 – IMPACT ON LANDSCAPE

- 7.1 As stated within this reason, the Council has expressed its opinion that some residential development can be provided on parts of the appeal site without causing unacceptable detriment to landscape character and harm to visual amenity, whereas there are other parts of the site, particularly on the eastern and southern outer slopes where residential development is indicated on the submitted Masterplan and which the Council considers would cause an unacceptable level of harm to the rural character of that part of the site and the wider landscape. Development in these areas would also cause an unacceptable level of harm to the visual amenity of those receptors adjacent to the site as well as those in the wider landscape. With that concern in mind, it is considered that the illustrative Masterplan has not demonstrated that the proposed quantum of residential development can be accommodated on the site without resultant unacceptable levels of harms to the landscape and for which an overriding essential need has not been justified.
- 7.2 Of particular relevance to this reason is adopted Local Plan Policy EQ2 “General Development”. Paragraph 13.28 of the Local Plan clarifies that the aim of this policy is “*to ensure that development contributes to social, economic and environmental sustainability and makes a positive difference to people’s lives to help provide homes, jobs, and better opportunities for everyone. At the same time, it aims to protect and enhance the natural environment, and conserve the countryside and open spaces that are important to everyone.*”
- 7.3 This policy is included within CD 11.03 and **Appendix DRK 2** of this Proof.
- 7.4 At a local level, regard is to be had to the documents “The Landscape of South Somerset – A Landscape Assessment of the Scenery of South Somerset” (October 1993) (CD 11.15) and “Peripheral Landscape Study – Templecombe” (October 2008) (CD 11.19).

*The Landscape of South Somerset –
A Landscape Assessment of the Scenery of South Somerset*

- 7.5 This document was prepared by the District Council’s Planning Environment Unit in 1993 and subdivides the district into seven visual character regions. The Templecombe area falls within the region “Escarpments, Ridges and Vales East of Yeovil” and, within that region, its landscape character is described as “Wooded Ridges and Clay Vales.” This document as a whole is referred to in the list of core documents (CD 11.15). It is suggested that the relevant extracts from this document are pages 6 – 10 which set out the introduction (with maps) and pages 47 – 54 which describe the Visual Character Region “Escarpment Ridges and Vales East of Yeovil”.

Peripheral Landscape Study – Templecombe

- 7.6 This landscape study document was prepared by the District Council’s Conservation and Design Unit in October 2008 and, as part of the process of finding suitable sites for development at the time, was used to assess the capacity of the settlement fringe to accommodate new development in a landscape sympathetic manner. The appeal

site is included in the document's overall study area and reference to Manor Farm is made within the study document, together with associated photographs. The Peripheral Landscape Study identifies that there is landscape capacity for development on this site taking into account landscape character and sensitivity; and historic, wildlife or environmental constraints. A copy of the document in full is within CD 11.19.

7.7 This reason for refusing permission was made by the Council having due regard to comments received from its appointed landscape consultant, Charles Potterton.

7.8 Within his separate Proof of Evidence, Mr Potterton describes the appearance and character of the site and its surrounds as existing, with reference being made to the two documents "*The Landscape of South Somerset – A Landscape Assessment of the Scenery of South Somerset*" and "*Peripheral Landscape Study – Templecombe*". Due regard is had to the stated comment within the application submission that the maximum height of the proposed 2 storey dwellings would be 9.5 metres to the ridge above finished floor ground level and to the extent of "fill" indicated on the submitted "Levels Parameter Plan" no. 19-025 610 to provide for the attenuation basins and some of the new build. Within his proof, Mr Potterton has set out the reasoning why the various elements being proposed on parts of the site would, in the opinion of the Council, cause unacceptable level of harm to the existing rural character of those parts of the site and the wider existing agricultural landscape.

7.9 Policy EQ2 of the Local Plan seeks to conserve and enhance the landscape character of the area. It is accepted that the policy does not prohibit or prevent new development in principle. By referring to conserving and enhancing the landscape, there is the acknowledgement that changes to the character and appearance of an area can be acceptable in principle. Using the word 'conserve' does not intimate 'no change' and 'enhance' intimates 'improvement'. This is reflected in paragraph 170 a) and b) of the NPPF in that:

"Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) protecting and enhancing valued landscapes....(in a manner commensurate with their statutory status or identified quality in the development plan):

b) recognising the intrinsic character and beauty of the countryside....."

7.10 It is considered that Policy EQ2 can be read alongside paragraph 170 a) and b). As advised by the NPPF, a hierarchy should be distinguished (in terms of for example landscape value, biodiversity or geographical value and soils), having regard to international, national and locally designated sites. From a landscape perspective (which it is suggested is of relevance to this appeal proposal, mindful that there have been no objections to other environmental issues such as wildlife, geology, soils), at the lowest level, this could result in a site being an undesignated site with no landscape value; rising to a site which again is undesignated but with some local landscape value; to a site which is designated at local level and has a greater level of local value; to a site that is nationally designated with a high landscape value. All such sites should receive a varying degree of protection depending on their status in the hierarchy that

allows for appropriate change but should be protected from what may be deemed as unacceptable harm - the level of harm should be proportionate to the weight of status in the hierarchy. Thus, for example, it would be possible for a development proposal deemed to cause major adverse harm on a landscape falling within the lowest tier of a landscape hierarchy to receive significant weight, whereas a development proposal causing only limited harm to a higher level landscape tier would similarly receive great weight.

- 7.11 The appeal site does not fall within an area which has the highest status of protection, such as in National Parks and AONB's. Thus the weight to be given to conserving and enhancing landscape and scenic beauty in those areas would be far greater than is the case with the appeal site. In addition, the appeal site does not fall within a locally designated landscape policy area. Within the document "Peripheral Landscape Study – Templecombe (October 2008) (CD 11.19), which is not a statutory document, the appeal site has been graded as having a range of low landscape sensitivity and moderate visual sensitivity (i.e. that part of the site to the north of the agricultural buildings) to moderate landscape sensitivity and high visual sensitivity (the rest of the appeal site).
- 7.12 Mr Potterton has taken account of the various conclusions and gradings of sensitivity in this and other relevant landscape based documents within his own assessment. As stated earlier, I rely on the expertise of Mr Potterton to adequately describe the landscape character of the area and visual impact of the proposed development and have had regard to his conclusions.
- 7.13 He has stated in his proof that localised effects are generally the most important and include residents living beside the site and users of the public footpath, East Street and Temple Lane. In all those cases, he has expressed his opinion that "the visual impact ranges between moderate and major adverse" and has concluded that there are "very substantial" adverse effects on those using the public footpath to the east of the site and "substantial" adverse effects on those residents living beside the site and users of East Street and Temple Lane. He acknowledges that "the harms will reduce as the distance between the viewer and the scheme increases". He has considered the primary characteristics of the site to be its elevated and prominent position in the local landscape, its open agricultural nature, lack of internal freestanding vegetation, its role as a transition between Templecombe and the wider landscape, its tranquillity and its historic link to a historic heritage asset. He has expressed his opinion that the proposed scheme would cause a significant change to all these characteristics and that this is not an appropriate site for this amount of development. Overall, he has concluded a moderate adverse degree of harm to landscape character.
- 7.14 Having regard to those conclusions, on balance the Council has judged the development proposal would have a substantial to very substantial visual impact depending on the proximity of viewpoints and, in overall terms, would have a moderate impact on the landscape character of the area. This is considered to be a proportionate weight given to the impact of the development proposal on a site which has no national or local statutory designation but which does have a some value in terms of landscape

setting when viewed from public vantage points, particularly from the east and north east along the public footpath and County highway (East Street / Temple Lane).

- 7.15 Having regard to an assessed moderate impact, as acknowledged in reason 1 of the Council's decision it is considered that the appeal site could accommodate some residential development but not to the extent of site coverage as indicated on the submitted illustrative Masterplan and Parameter Plan drawings. Given the sloping topography of parts of the site, it is unlikely that indicative landscaping proposals would adequately screen the proposed development when viewed from the highway and public right of way to the north east and east of the site without compromising the general character and appearance of the area. The impact of development in overall terms, including not only new housing, roads, residential paraphernalia on parts of the southern and eastern slopes of the site, but also the extent of engineering works identified on the Levels Parameter Plan (CD 10.02) and Pedestrian Access to East Street drawing (CD 10.05), both submitted as part of the appeal documentation, to create attenuation basins and footpath with earthworks would erode the existing rural, agricultural setting of this part of the village to a degree which is deemed by the Council to be unacceptable and contrary to Policy EQ2 and paragraph 170 of the NPPF.

8 REASON 2 - IMPACT ON DESIGNATED HERITAGE ASSET

- 8.1 This reason reflects the Council's opinion that part of the site identified for provision of residential development would extend too far north into the strategic views that are the setting of the nearby grade II* Listed Building, the 'Manor House', resulting in the erosion of its rural historic character and 'less than substantial' harm being caused to the designated heritage asset. It was considered that the illustrative Masterplan had not demonstrated that the proposed quantum of residential development could be accommodated on the site without causing unacceptable detriment to the character and setting of the designated heritage asset.
- 8.2 This reason was imposed having regard to comments received from both Historic England and the Council's own Conservation Specialist. Following the lodging of this appeal, the Council has appointed a heritage consultant, Ms Kit Wedd, to evidence such objections in specific detail. Within her Proof of Evidence, Ms Wedd provides an understanding of the designated heritage asset and clarifies the impact of the proposed development on the significance of that heritage asset. She has concurred with the appellant's heritage assessment that the proposed development would cause harm to the significance of the listed building through change to its setting and that the harm would be 'less than substantial' (to use the NPPF terminology) However, she disagrees with the appellant's level of such harm, with her assessment of such harm being within the "moderate to high range of 'less than substantial' harm." I rely on the expertise of Ms Wedd to clarify her reasoning behind this assessment.
- 8.3 Regard has been had to Section 66(1) of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that when considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. Thus, under Section 66 (1), the Council is obliged to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest and this statutory requirement must be given significant weight.
- 8.4 The National Planning Policy Framework Chapter 16 'Conserving and enhancing the historic environment' requires an assessment of the impact that development will have on a heritage asset. The NPPF advises that "significance derives not only from the asset's physical presence but also from its setting" (Annex 2: Glossary).
- 8.5 Adopted Local Plan Policy EQ3 states that heritage assets must be conserved and where appropriate enhanced for their historic significance and important contribution to local distinctiveness, character and sense of place. All new development proposals relating to the historic environment will be expected to safeguard, or where appropriate, enhance the significance, character, setting and local distinctiveness of heritage assets.
- 8.6 The outline planning application proposal was assessed both by Historic England and the Council's Conservation Specialist in terms of impact of the proposed development

on the character, appearance and setting of the grade II* listed building (Manor House) and due regard has been given to the comments raised by both consultees.

- 8.7 When considering the initial masterplan submission for 80 dwellings, Historic England raised concerns about that development being proposed up to the northern boundary of the site and extending into the green setting of the house to the west. (CD 3.09). This further encroachment of modern development into this green setting would create a more prominent feature eroding the last section of the grade II* listed Manor House's rural significance and consequently, this would result in harm. As such, due to the impact being harmful, Historic England advised that the proposal would fail to preserve or better reveal the significance of the affected heritage asset and also failed to ensure that the new development would make a positive contribution to local character and distinctiveness of the area and the associated heritage assets.
- 8.8 Notwithstanding such stated concern, Historic England advised that it was convinced that a less harmful layout could be identified within the appeal site that would allow for a more meaningful buffer to be created to the grade II* listed Manor House. Alternative layouts, avoiding development in the north-west section while retaining views through the wider countryside, would significantly minimise the impact to the highly designated asset.
- 8.9 Subsequent to further discussions involving the appellant's agents, Historic England and the Council's Conservation Specialist, the amended proposal for 60 dwellings was submitted, including the submission of a revised masterplan and the submission of an amended Heritage Statement.
- 8.10 In its further consultation response dated 16th July 2020 (CD 7.04), Historic England commented that the revised masterplan would allow the grade II* listed Manor to retain a more meaningful link to its rural setting and looked to respond to concerns raised by Historic England. In particular Historic England stated:
- “The design and layout of the proposed masterplan, following the reduction in the number of units, has allowed for the creation of a more meaningful green space within the setting of the Manor. Along the proposed boundary, the reduced density and maximum 2 storey height, as well as the greater use of open space assists in creating a more gradual transition between the development and Manor Green.*
- The level of harm has been substantially reduced by the most recent amendments. The residual harm will need to be considered by the council as part of their wider planning balance set out under Para 196, NPPF.*
- If the council are minded to approve the application, then they will need to ensure that careful consideration at the reserved matters stage to the design and materials of the new buildings as well as a comprehensive landscaping scheme.”*
- 8.11 Whilst commenting that the proposed amendments had, in the opinion of Historic England, “substantially reduced” the level of harm to the setting of the grade II* listed building, nevertheless Historic England intimate that there did remain some harm to

the setting of the grade II* listed building and that such “residual” or remaining harm would need to be balanced by the Council under the requirements of paragraph 196 of the NPPF.

- 8.12 Having regard to comments from Historic England, in response to the amended scheme for 60 dwellings, the Council’s Conservation Specialist acknowledged that there was a potential scheme that would protect the setting of the grade II* listed Manor Farm. However this current proposal caused him concern, particularly in that the outline nature of the application in such a sensitive location provided no confidence to him that the scheme could be delivered without causing harm to the heritage asset. He accepted that there are existing agricultural buildings on the site, which are large but are not at odds with the rural vernacular architecture. His main concern was around the setting of the Manor Farm. He commented as follows (CD 7.08):

“To be clear this is not just about the inter-visibility between the development and the historic asset. It is equally about the views in which the heritage asset and the development can be seen. This was discussed in case the Steer v SSCLG (2017). Whilst it was struck down in the Court of Appeal, it was accepted that important views of the development and the heritage asset represent setting. However the view was not endless. Accordingly the strategic views of the heritage asset were agreed by SSDC, Historic England and the applicant. These have been tested from the north east looking back towards the development and heritage asset. This analysis has led to the removal of the development proposed in the north of the site which I welcome. I am concerned that the buildings in the south of the site extend too far north into the strategic views that are the setting of the listed building. This erodes the final links that the farm has to its rural setting. Being in outline we have no control over the design and mitigation of the harm is not possible.

In this case it is considered that the proposed changes will cause ‘less than substantial’ harm to the heritage asset as described in paragraph 196. This is in the medium range of the spectrum of harm in this category. It is also contrary to paragraphs 192 and 193 of NPPF and local plan policies EQ2 and EQ3. This is primarily about the encroachment of the development into the strategic views of Manor Farm and the erosion of its rural character. Approval would only be acceptable if public benefit could be identified to offset the harm to the heritage asset.”

- 8.13 For clarity, the “Massing and visual impact study” in the Design & Access Statement Addendum identified the key views requested by Historic England and the Council’s Conservation Specialist.
- 8.14 Where harm to designated heritage assets (affecting a listed building or its setting) is identified, Section 66 of the Act is brought into play and the decision maker has to apply the statutory level of assessment. The level of harm does not have to be substantial harm for there to be a strong presumption against development. Material considerations can overcome this presumption against development but they must be powerful enough to warrant an approval of the development.

- 8.15 It should be noted that all of the heritage professionals who have undertaken an assessment of this development have concluded that harm would result. It is the degree of harm to the heritage asset which is not agreed upon. It is accepted that the harm to the setting of the grade II* listed building falls into the category of 'less than substantial'. Therefore, as per the guidance in the NPPF, paragraph 196 is relevant.
- 8.16 With reference to paragraph 196 of the NPPF, where a development proposal would lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits that the proposed development might offer. The specialist heritage advice received by the Council is that the level of 'less than substantial harm' is in the moderate to high level of the spectrum of such harm. Balanced against such harm are public benefits, which were identified in the case officer's report at the time of determining the outline application. These included at the time:
- (i) the proposal being of benefit in helping to address that five years shortfall of deliverable housing sites,
 - (ii) the proposal making a contribution towards the particular acute need for affordable housing (35%),
 - (iii) the site being reasonably accessible to local services and facilities and well located in terms of accessibility by sustainable means,
 - (iv) the economic and social benefits that would accrue (construction jobs, residents supporting local businesses, contributions to Council Tax, New Homes Bonus), and
 - (v) contributions towards local infrastructure improvements.
- 8.17 Since that decision, the Council believes that it has the equivalent to just over six years housing land supply. This is referred to separately in the separate Proof of Evidence from Ms Elizabeth Alexander. Whilst the Council has achieved the necessary requirement in terms of deliverable housing land supply, nevertheless such a requirement is a minimum aim (paragraph 73 of the NPPF) and the Council needs to maintain a positive approach to decision-making in terms of approving appropriate development in sustainable locations, subject to due balance being given to all material considerations both for and against such proposals, in order to maintain the requisite housing land supply. The supply of additional dwellings to boost housing supply in the district may be considered a public benefit.
- 8.18 If the Inspector was to conclude that the Council was not able to demonstrate a 5 year housing land supply, this would mean the Council giving significant weight to housing proposals. However, having regard to the fact that the Council currently has in excess of the minimum housing land supply but also acknowledging the need to maintain such supply and delivery of housing sites, the delivery of market housing is considered to have moderate weight when balanced against the extent of 'less than substantial harm' to the setting of the designated heritage asset that would be caused as a result of the proposed development. In addition, there are other sites in Templecombe that have been granted planning permission (or are awaiting the completion of S106 Agreements) for new housing which cause no harm to designated heritage assets or their setting.

- 8.19 It should be noted that the proposed level of affordable housing, the various financial contributions towards infrastructure works (i.e. towards education and equipped play area and youth facilities) and the proposed off-site highways works are solely as a result of mitigating against the resultant effects of the quantum of development being proposed. Such benefits are simply responding to policy requirements (Local Plan Policies HG3 “Provision of Affordable Housing”, TA5 “Transport Impact of New Development”, and HW1 “Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development” and meet the required tests in the CIL Regulations.
- 8.20 In respect of the level of affordable housing, the proposal includes provision of affordable housing at 35% (21 units) which accords with the required provisions for Local Plan Policy HG3. This which would be an important contribution towards meeting the demand for affordable housing at district level. However, the Local Plan states a requirement for housing need to be specific to the settlement in question. There is no identified verified need for affordable housing provision within Templecombe itself and no substantial evidence has been forthcoming from the appellant to show that there is a current need for an additional 21 affordable housing units within the settlement, having regard also to the affordable housing to be delivered as part of the approved scheme at Slades Hill (25 affordable units) and the development schemes at West Street and Throop Road (20 affordable units in total) currently awaiting completions of S106 Agreements before decisions are issued.
- 8.21 Overall, whilst acknowledging the need for affordable housing provision at district level, there is no substantial evidence to prove there is a current identified need for 21 affordable units to be provided on the appeal site to serve Templecombe, which would justify the erection of an additional 39 open market dwellings. On balance therefore the proposed level of provision of affordable housing units is given a moderate to high weight when balanced against the extent of ‘less than substantial harm’ to the setting of the designated heritage asset that would be caused as a result of the proposed development.
- 8.22 The extent of proposed public open space (calculated to be approximately 2.5 hectares) exceeds the requirement of 0.22ha required for a development scheme of 60 dwellings (see SSDC Environment Services’ response dated 13th August 2020, CD: 7.12). However, the Council would contend that such a large area over and above the requisite figure is partly as a result of ameliorating impact on the setting of the grade II* listed building.
- 8.23 Nevertheless, whilst concluding that mitigation measures would be necessary to make the development acceptable, the Council has at the same time taken account of the perceived benefits flowing from those same mitigation measures in the planning balance. These benefits are judged to be of low to moderate weight. This is by having regard to their necessity for policy compliant mitigation purposes. Also, in terms of the proposed public open space, noting its geographical location at the southern end of the village and lack of play facilities, the open space area would not be the only accessible public space to be attractive to, and likely to be regularly used, by residents

in the village as a whole. Other open space and play facilities at the existing recreation ground and also the anticipated facilities at the northern end of the village as part of the approved Slades Hill development for 70 dwellings, where there is a requirement under S106 Agreement for provision of a LEAP and open space, could be reasonably assumed to be equally or more attractive to certain residents depending on where they reside and if they have children who wish to use the play facilities.

NOTE – the Slades Hill development refers to SSDC planning application ref. 18/02739/OUT which was an outline application for residential development comprising up to 70 dwellings and associated open space, landscaping works and area for school expansion, together with new access and drainage infrastructure. Outline permission was granted on 20th February 2020.

The Council is currently considering the reserved matters application submitted pursuant to that outline approval and received on 28th January 2021. SSDC application ref. 21/00046/REM. ‘Reserved matters application of appearance, landscaping, layout and scale, following outline approval (18/02739/OUT) for residential development comprising up to 70 dwellings and associated open space, landscaping works and area for school expansion, together with new access and drainage infrastructure’.

- 8.24 Whilst acknowledging all these expressed benefits, and also the comments from Historic England that the level of harm that would result from the proposed 60 dwellings proposal on the revised masterplan would be substantially reduced as compared to the original 80 dwellings proposal, nevertheless the amended proposal for 60 dwellings is still considered to cause ‘less than substantial harm’ to the setting of the designated heritage asset through the loss of an element of its rural context and setting. Having assessed the identified harm to the heritage asset as set out in Ms Kit Wedd’s Proof of Evidence, it is concluded that this level of harm would outweigh the perceived public benefits that would be delivered by this proposal. Thus the development fails the test in paragraph 196 of the NPPF and should be refused on that basis.
- 8.25 Paragraph 193 of the NPPF states that great weight should be given to a designated heritage asset’s conservation, and the more important the asset the greater the weight should be. Consequently it is concluded that the public benefits which have been given moderate weight are significantly and demonstrably outweighed by the harm caused to the setting of the grade II* listed building. Moreover, the overarching statutory duty for the Council to consider the desirability of preserving the setting of the listed building, which is a matter of considerable importance and weight, leads to the Council’s opinion, in the circumstances of this case, that the appeal should not succeed on these grounds and that outline planning permission should not be granted.
- 8.26 Notwithstanding the above, should the Inspector conclude that the Council does not have a minimum 5 years housing land supply, this would result in paragraph 11d) of the NPPF being a material consideration. Paragraph 11d) states that permission should only be granted where applicable policies are out-of-date, unless other policies referred to in the NPPF that protect areas or assets of particular importance (including

those relating to designated heritage assets as referred to in footnote 6), provide a clear reason for refusing the development proposal.

- 8.27 In this scenario, it would be reasonable to assume that the proposed supply of housing should be given greater weight when carrying out the heritage balance by virtue of paragraph 196 of the NPPF. Nevertheless, the Council would maintain that the identified harm to the setting of the grade II* listed building, as evidenced by Ms Wedd in her Proof of Evidence, would still weigh against the public benefits of the proposal and that the overarching statutory duty to consider the desirability of preserving the setting of the listed building would remain a matter of considerable importance and weight to justify refusing permission on heritage grounds even without a 5 year supply of housing land.

9 HOUSING LAND SUPPLY

- 9.1 Since the date of the planning decision to refuse outline permission for residential and other development on the site, the Council has published its Five-Year Housing Land Supply following the completion of its assessment for the period 2020-2025. A separate Proof of Evidence has been submitted by Ms Elizabeth Alexander in respect of the housing requirement for the District and to prove unequivocally that the five year supply of dwellings for the District has been calculated as 4,373 dwellings and that this means the Council can now currently demonstrate a five-year supply of housing sites equivalent to 6.03 years.

10 PUTATIVE REASON 3 - LOCAL PLAN POLICIES SS1, SS2 & SS5

- 10.1 At the time of determining the application, the Council acknowledged that it was unable to demonstrate a five year housing land supply. Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development and grant permission when decision taking where the policies which are most important for determining the application are out-of-date (this includes circumstances where there is no five-year supply of deliverable housing sites with the appropriate buffer), and therefore less weight can be afforded to policies that affect the supply of housing. Paragraph 11 was considered to be a significant material consideration with regard to the 'tilted balance' in favour presumption of sustainable development.
- 10.2 Due regard was given to the balance of perceived benefits of the proposal against the perceived adverse impacts. The settlement was considered to be a sustainable location that could support a reasonable level of housing growth and granting permission would contribute positively to the Council's supply of market and affordable housing, with the accompanying social and economic benefits. The residents of the new dwellings would support local businesses through their expenditure, there would be contributions to Council Tax and there would be temporary economic benefits during the construction phase in that construction jobs would be generated together with associated expenditure in the local economy. Although these economic benefits that would arise during the construction period would be temporary, nevertheless it was considered that such material considerations should be given great weight.
- 10.3 Balanced against the acknowledged benefits were the adverse impacts of the proposed development both on landscape setting and also on the setting of the nearby designated heritage asset. As existed at the time of the application's determination and referred to in the reasons for refusal on the decision notice, the perceived adverse impacts were considered to outweigh the acknowledged benefits of the proposal towards meeting the Local Planning Authority's housing supply (including affordable housing provision), and other social and economic benefits, having due regard to paragraphs 11.d ii. and 12 of the NPPF.
- 10.4 Since that decision, the Council is of the opinion that it has the equivalent to just over six years housing land supply. The appointed Inspector is determining this appeal *de novo* and the Council contends that the 'tilted balance' under Paragraph 11 of the NPPF no longer applies and that full weight can now be given to the relevant housing policies SS1, SS2 and SS5.
- 10.5 As stated in Section 6 of this Proof, adopted Local Plan Policy SS1 identifies the settlement strategy of the Local Plan and refers to Rural Settlements as being part of the countryside to which national countryside protection policies apply. However, reference is made to exceptions as are identified in Policy SS2 of the Local Plan.
- 10.6 Policy SS2 seeks to strictly control new development in Rural Settlements and limits development to that which;

- provides employment opportunities appropriate to the scale of the settlement; and/or
- creates or enhances community facilities and services to serve the settlement; and/or
- meets an identified housing need, particularly for affordable housing.

First bullet point – provides employment opportunities appropriate to the scale of the settlement

- 10.7 The proposed development is not related to the provision of new employment development and thus is not applicable.

Second bullet point – creates or enhances community facilities and services to serve the settlement

- 10.8 Paragraph 5.38 of the Local Plan acknowledges the support within the NPPF for the delivery and safeguarding of community facilities and services allowing established facilities to develop and modernise. As stated in paragraph 5.39, Policy SS2 reflects such guidance and identifies community facilities and services within Rural Settlements to include local shops; community halls; pubs; health and social care facilities; cultural, sports, recreation, faith and education facilities.
- 10.9 The County Education Authority has advised that the primary and pre-school are at capacity and require expansion to enable the pupils from this development to be educated in the catchment schools. This development of 60 dwellings would generate 6 early years pupils, 20 primary pupils and 9 secondary pupils. In accordance with current build costs, the Education Authority seeks financial contributions to achieve the necessary build to accommodate the extra children from this development. King Arthurs secondary school currently has capacity and therefore no funding is required for that school at present.
- 10.10 In addition, the proposed development of 60 dwellings would generate a need for 267.6 square metres of space for equipped play and 66.9 square metres of space for youth facilities. The most appropriate way to mitigate the generated need would be to increase the provision of equipped play at Templecombe Recreation Ground through development of additional provisions to include the replacement of the toddler multi-unit and improvements to the junior climbing frame. For youth facilities at the site, enhancement of facilities would include a wheeled play area (skatepark). In accordance with Local Plan Policies HW1 and SS6, the best solution to mitigate additional demand would be to provide a financial contribution towards enhancing the existing equipped play area and youth facilities at the Templecombe Recreation Ground. No contributions are required for playing pitch/changing room provision.
- 10.11 The development proposal includes provision of on-site public open space, in excess of the 0.22ha size of public open space area required for a development of the size

proposed. This public open space and landscape provision is estimated to be approximately 2.5 hectares, which exceeds the requisite 0.22ha requirement. However, this greater extent of open space provision is a factor resulting from the site's proximity to the nearby grade II* listed building. Retaining such a proportion of the northern part of the site free from buildings is a result of seeking to reduce the extent of harm caused to the setting of that designated heritage asset.

- 10.12 The Council maintains that the proposal will not create or enhance any community facilities and services to serve the settlement, over and above answering the needs it generates itself. Nevertheless, whilst the contributions toward the educational and recreational facilities are mitigation measures that would be necessary to make the development acceptable, and the extent of open space being proposed is as a direct result of reducing the harm on the setting of the listed building, it is acknowledged that there are perceived benefits resulting from those same mitigation measures, having regard to the comment in the Local Plan in respect of established facilities being developed and modernised. Taking this into account, and the area of proposed public open space exceeding the area required for a development of 60 dwellings, the proposed development meets to some extent the requirements of the second bullet point.

Third bullet point- meets an identified housing need, particularly for affordable housing

- 10.13 Paragraph 5.31 of the Local Plan requires applications for new development in Rural Settlements to include necessary supporting evidence to justify that criteria in Policy SS2 have been met, with development proposals being based on meeting the needs of the Rural Settlement in question. Paragraph 5.44 goes on to state that *“housing proposals will need to fully explain how they contribute to meeting local need. This could be via deliverable affordable housing, low cost market housing, or a different form or type of housing which is in limited supply for locals (e.g. small bungalows for elderly local households to move to and remain in the village, or two bedroom accommodation for young households). It will generally be expected that affordable housing is included as part of housing schemes proposed at Rural Settlements”*
- 10.14 As will be evidenced by Ms Alexander, the Council has in excess of a 5 year housing land supply and thus the Council contends that there is no identified housing need for this particular development proposal. Addressing the needs of Templecombe itself, as per paragraph 5.31 of the Local Plan, as at 28th February 2021 the table below sets out the completions and commitments in the settlement of Templecombe (with figures in brackets being the numbers of completion and commitments in the parish as a whole) .

Completions and Commitments up to 28th February 2021

Settlement	Local Plan 2006-2028 settlement status (Policy SS1)	Local Plan 2006-2028 Total Housing Requirement	Total Completions 2006 - 2021 (net)	Existing housing commitments as at 28 th February 2021 (net)*	Total Completions and Commitments (net)	Performance against Local Plan Target
Abbas & Templecombe	Rural Settlement	n/a	65 (69)	80 (85)	145 (154)	n/a

*Note that the commitment figures are liable to change if applications expire, or if a permission is superseded by a subsequent permission.

10.15 Monitoring demonstrates that from the beginning of the adopted Local Plan period (April 2006) to 28th February 2021, 69 dwellings had been delivered within Abbas and Templecombe parish, with 65 of those dwellings being within Templecombe itself. As at 28th February 2021, there were commitments (extant planning permissions) for a further 85 dwellings within the parish as a whole, with 80 of those dwellings being located within or adjacent to the settlement. As a result, there is potentially a total of 154 dwellings to be delivered within the parish as a whole, of which 145 will be within or adjacent to the settlement, This figure would rise to 214 dwellings within the parish, of which 205 would be within or adjacent to the settlement should this application be granted.

10.16 Further planning applications for additional new dwellings within the settlement have also been considered by the Council's Area East Planning Committee where decisions to grant planning permissions have been resolved, subject to the prior completion of Section 106 Agreements. At the time of compiling this Proof of Evidence, the legal agreements have not been signed and completed and thus no decisions have been issued. Nevertheless such decisions and resolutions should be taken into account, and these include:

SSDC Application ref. 18/00650/OUT. Demolition of the existing buildings and the erection of 19 No. dwellings with associated access and parking (outline application). Knights Templar Court Nursing Home, Throop Road.

SSDC Application ref. 19/00123/OUT. Demolition of the existing buildings and the erection of up to 21 dwellings with associated access and parking (Outline application). Knights Templar Court Nursing Home, Throop Road.

SSDC Application ref. 19/01604/OUT. Outline application with all matters reserved save for access for residential development for up to 49 dwellings including landscaping, drainage and new vehicle access from West Street. Land at Coombe Farm, OS Plots 4300 Part and 4613 Part, West Street.

Note: Both 18/00650/OUT and 19/00123/OUT relate to the same site. Only one of the developments can be implemented should both applications be approved. The scheme for 19 dwellings at Knights Templar Court Nursing Home in Throop Road, having been resolved to be approved by Committee, should be added to the total dwellings tally.

- 10.17 Thus, including the current appeal proposal at Manor Farm for 60 dwellings, potentially there are proposals for a total of either 130 or 128 dwellings in Templecombe, for which decisions have yet to be issued. As stated above, there is potentially a total of 145 dwellings to be delivered within or adjacent to the settlement within the Plan period (2006-2028) (i.e. total of completions and commitments). Overall, taken together with the proposals at Throop Road and West Street referred to above, this gives a potential of 273 new dwellings in Templecombe since the commencement of the Plan period in 2006.
- 10.18 Over a shorter time period, from April 2011 to 28th February 2021 there have been 35 completions within the parish. The 2011 census statistics show that the parish of Abbas and Templecombe comprised 746 dwellings. There is no indication as to the number of dwellings that were actually within the village of Templecombe itself. That means there has been a 4.7% increase in the number of dwellings in the parish since 2011.
- 10.19 Together with the 85 commitments over the same time period, the parish will potentially increase in size by 16.1% since 2011 (35 completions + 85 commitments).
- 10.20 Should the outstanding S106 Agreements be completed and the decisions issued for the additional potential 68 dwellings at West Street and Throop Road, this would potentially increase the size of the parish by 25.2% since 2011 (35 completions + 85 commitments + 68).
- 10.21 Should this application be approved for a further 60 dwellings, without accounting for the other applications at West Street and Throop Road where decisions are pending, this would potentially result in a 24.1% increase in the number of dwellings in the parish since 2011 (35 completions + 85 commitments + 60).
- 10.22 Should this appeal be allowed for a further 60 dwellings, and taken together with the completions, commitments and decisions issued for the housing at West Street and Throop Road, this would potentially result in a 33.2% increase in the number of dwellings in the parish since 2011 (35 completions + 85 commitments. + 68 + 60).
- 10.23 The Council would contend that there is no identified housing need within the parish (or more specifically within the Rural Settlement of Templecombe within the parish) to justify granting permission for this development proposal over and above any considerations which weigh against the proposed development.
- 10.24 The third bullet point makes particular reference to meeting an identified affordable housing need. As of 9th April 2021, the affordable housing demand data for Templecombe from Homefinder Somerset was that 11 respondents had expressed a

first choice need to live in Templecombe, of which 4 respondents sought 1 bedroomed property, 2 respondents sought 2 bedroomed property and 5 respondents sought 3 bedroomed property. However, such demand is solely an expression of interest, rather than a verified need. There is no Housing Needs Survey having been carried out by the Parish Council and the District Council is unaware of any local needs assessment having been carried out to determine the actual demand.

10.25 It should be borne in mind that outline planning permission was recently granted on 20th February 2020 for residential development comprising up to 70 dwellings and associated open space, landscaping works and area for school expansion, together with new access and drainage infrastructure (SSDC application ref. 18/02739/OUT). That permission is subject to a S106 Agreement requiring the provision of 35% affordable housing units, comprising a total of 25 units (6 x 1 bed flats/houses, 2 x 2 bed flats (ground floor) or bungalows, 10 x 2 bed houses, 7 x 3 bed houses). It is reasonable to assume that the quantum of development to be provided on that site will be 70 dwellings (and not a reduced number) having regard to the current reserved matters application for 70 dwellings being determined by the Local Planning Authority.

10.26 Thus, Templecombe would be provided with 25 affordable units on the Slades Hill site and there is the potential for a further 20 affordable units to be provided on the West Street and Throop Road sites (see paragraph 10.16 above).

(For clarification, the West Street site is to be provided with 17 affordable housing units or 35% of the total number of units to be provided on the site; however only 3 of the proposed 19 dwellings are proposed as affordable units on the Throop Road site which is only 16% but the 'Vacant Building Credit' brought in by the government to promote the re-development of vacant brownfield sites was considered a material planning consideration to justify the S106 legal agreement securing the provision of 3 affordable units and a financial contribution).

10.27 Of relevance is paragraph 5.44 which requires housing proposals to fully explain how they contribute to meeting local need and paragraph 5.31 requiring the submission of necessary supporting evidence to justify the criteria in Policy SS2 have been met, with development proposals being based on meeting the needs of the Rural Settlement in question. The proposal includes provision of affordable housing at 35% (21 units) and would therefore compliant with the required provisions for Local Plan Policy HG3. However, mindful of the preamble in paragraph 5.31 about housing need being specific to the Rural Settlement in question, whilst there is a need for affordable housing provision within the district as a whole, no substantial evidence has been produced by the appellant to show that there is a current identified need for a further 21 affordable housing units in Templecombe itself, over and above the potential 45 affordable units referred to above.

10.28 In the absence of any evidence identifying the level of affordable housing need in the parish and no clear supporting evidence submitted by the appellant to indicate that there is an identified need for 21 affordable units in the parish, the Council would contend that it has not been adequately proven that there is a need for such a number

of affordable dwellings currently being proposed which would justify the erection of an additional 39 open market dwellings.

Development to be commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of the settlement in general

- 10.29 This is a further requirement of Policy SS2.
- 10.30 At the time of the 2011 census the parish of Abbas and Templecombe had a population of 1,560 residents, housed in 746 dwellings.
- 10.31 No data exists for employees in the built up area of Templecombe itself, but the 2011 census data for the parish as a whole identifies out of 1,148 persons of economically active age (aged between 16 to 74), 824 were economically active persons (of which 37 were unemployed) and 324 persons were economically inactive (retired, student, homecare, long term sick/disabled). This indicates that there is currently a good balance of jobs and homes in the parish, albeit this data does not indicate where those employees live. It is unlikely that they are all local to Templecombe. Indeed, the existing large employer, Thales UK Ltd, employs in the region of 700-750 on site at any one time, of which 51 people live in the Templecombe BA8 postcode. Upon completion and commencement of operation of the new manufacturing building, it is estimated that employment numbers will increase by approximately 30.
- 10.32 In terms of methods of travel, statistics from the 2011 census reveal that nearly 90% of households in the parish had one or more car or van in the household. In terms of travelling to work, the 2011 census data indicate that out of the 1,148 persons of economically active age, 5.1% worked mainly at or from home (this compared with a Somerset average of 5.3% and a national rate (England and Wales) of 3.5%. For those who usually travelled to work, 49.5% travelled by car, van or motorcycle (compared with a Somerset average of 44% and a national rate (England and Wales) of 37.6%), 4% travelled by train, bus, mini bus, coach or taxi, (2% Somerset, 10.8% national), 6.2% travelled on bicycle or by foot (12.2% Somerset, 8.8% national).
- 10.33 These statistics indicate that the majority of commuters in Templecombe use their car to get to work and the use of sustainable transport for commuting is low, even having regard to there being a train station and regular bus service at the settlement. It is reasonable to assume that the car would be the predominant form of transport for residents of the proposed development and thus the level of commuting using non-sustainable means would increase as a result of the proposal. Nevertheless, it is acknowledged that the proportion of people working from home was on a par with the district average in 2011 and, following the recent / current Covid pandemic and the change in working practises to predominantly homeworking during the various 'lockdowns', it is also reasonable to acknowledge the very real possibility that there will be changes to general working practises and more and more employees will take the opportunity to work from home if possible, thus reducing the extent of car-travel to and from work places.

- 10.34 In terms of growth of the settlement, the Council is of the opinion that the proposed development is not commensurate with the scale of the settlement. Noting there were 746 dwellings and 1,560 residents within the parish in 2011, the appeal proposal alone would represent a growth of 8% dwellings in the parish and, at 2.4 persons per household, would increase the population by circa. 144 people, or 9.2%. As clarified in preceding paragraphs, the appeal proposal, taken together with completions and commitments since 2011 (35 and 85 dwellings respectively) would represent a growth of 24.1% in dwellings and would increase the population by circa. 432 people, or 27.6%. Taking into account also the other development schemes at West Street and Throop Road where decisions are pending the completions of S106 Agreements (potentially 68 dwellings), the appeal proposal would result in an overall increase in dwellings by 32% and circa. 595 people, or 38.1% in the parish. This is a significant level of growth, even for a larger Rural Settlement, which is not envisaged as part of the up-to-date development plan.
- 10.35 It is acknowledged that the introduction of additional families to the village would improve the sustainability of the village itself and the local rural economy overall in that the household expenditure from the new residents would support local services and facilities annually. However, whilst this may well be the case in very general terms, no detailed evidence has been produced to support this argument. As evidenced by the 2011 census data in relation to the need for existing residents to leave the village for employment opportunities, the Council would argue that the increased need to travel arising from the new dwellings (for example, to reach employment opportunities, secondary education and medical facilities) would outweigh any advantages to local service provision and would leave the settlement less sustainable overall.
- 10.36 Granting permission for this application would result in a level of growth in Templecombe commensurate with the higher tier of Rural Centres and therefore would not be consistent with the Rural Settlements tier. Since the commencement of the Plan period in 2006 up until 30th March 2020, within or adjoining the village there have been 65 housing completions which, taken together with the 80 housing commitments within or adjoining the village over the same period, results in a total of 145 housing completions and commitments. The appeal proposal of 60 dwellings would result in an overall increase of 205 dwellings which exceeds the minimum total housing requirement figures for three of the 7 Rural Centres as set out in Policy SS5. Adding the potential 68 dwellings at West Street and Throop Road (pending signing of the respective S106 Agreements) would give a total housing figure of 273 which exceeds all but one of the minimum total housing requirements for the Rural Centres which are above Rural Settlements in the hierarchy. Considered in these terms the proposal would not be commensurate with the scale of the village.
- 10.37 As at 30th March 2020, 1,944 dwellings had been built in the Rural Settlements, with a further 1,777 having been granted planning permission but not built at that time. Therefore provision existed for a total of 3,721 dwellings in Rural Settlements. This represents a scale of growth of 1,479 dwellings over the minimum housing requirement (2,242) set out in Policy SS5, which is nearly 66% greater than that envisaged for the

Rural Settlements over the entire Plan period and was 23.3% of the overall total requirement of 15,950 dwellings.

- 10.38 It is acknowledged that the district-wide housing requirement in Policy SS5 is expressed as an “at least” figure. Nonetheless, the scale of growth at any given settlement should be appropriate to its role and function as set out in Policy SS1. The provision of nearly 66% more housing growth than was planned is a considerable increase that would not maintain the established settlement hierarchy.
- 10.39 For these reasons, the proposal would result in development that would be contrary with the Local Plan’s defined settlement hierarchy and it would not be commensurate with the scale of the settlement or increase the sustainability of the settlement in general.

Proposals to be consistent with relevant community led plans and should generally have the support of the local community following robust engagement and consultation

- 10.40 There is currently no made Neighbourhood Plan for the area. Nor is there any other community-led plan which has undergone independent Examination and thus would form part of the statutory Development Plan.
- 10.41 In the Planning Statement submitted as part of the outline application submission, Appendix 1 sets out a Statement of Community Consultation and sets out the pre-application consultation that was undertaken.
- 10.42 Notwithstanding that pre-application consultation, mindful of the number of third party objections that have been received from owner/occupiers of properties in Templecombe and surrounds, and with objections having been raised by the Parish Council (the elected representatives of the settlement), it is evident that the proposal does not generally have the support of the local community.
- 10.43 The Council recognises that ‘localism’ is an important Government objective. Nevertheless, a planning application must be considered on its own planning merits, having due regard to relevant planning policies, guidance, technical advice received and other material considerations. When considering the merits of the appeal proposal, the Council did not set aside lightly the concerns of some members of the local community. However some of the stated concerns were at odds with the technical responses that had been received by consultees or ran contrary with local policy or national guidance. It is not unusual for local residents to raise objections when planning applications are submitted. Established planning law does not require public support before permission can be granted. In any event, notwithstanding the level of opposition expressed, the provisions of Policy SS2 does not prevent permission being granted and for that reason the Council did not object to the proposed development based on this part of Policy SS2.

Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services listed in paragraph 5.41

- 10.44 As clarified elsewhere in this Proof, Templecombe is a Rural Settlement that has access to more than the minimum stated number and type of services and facilities set out in paragraph 5.41.

Summary of impact upon the Local Plan and overall strategy for growth

- 10.45 The starting point for the consideration of this development proposal remains the development plan. The Council considers the proposal to be contrary to Policies SS1, SS2 and SS5 in the adopted Local Plan by virtue of the uplift in housing growth that would occur in Templecombe and the Rural Settlement tier, taking it significantly beyond the scale envisaged in Policy SS5, to the extent that it would threaten the settlement strategy set out in Policy SS1.
- 10.46 Since the date when the Council refused permission for this proposed development, the Council contends that it can now demonstrate in excess of a five-year housing land supply. Therefore the 'tilted balance, under paragraph 11 of the NPPF no longer applies when determining the merits of this appeal and full weight can be given to Policies SS1, SS2 and SS5 when considering housing proposals.
- 10.47 Although the proposal would accord with Policy SS2 in terms of the level of local services, it would introduce a level of development that would not be commensurate with the scale of the settlement and therefore considered overall would not accord with that policy.
- 10.48 On this basis, the proposal would also not accord with Policy SS1, requiring as it does that Rural Settlements are to be considered as part of the countryside to which national countryside protection policies apply, with any exceptions as identified in Policy SS2.
- 10.49 In terms of Policy SS5, the housing requirement provision is to include development and redevelopment within development areas, greenfield development identified within the Plan or to come forward through conversions of existing buildings, residential mobile homes and buildings elsewhere in accordance with the policy in rural settlements. Having regard to the development proposal being contrary to Policy SS2, it would also be in conflict with Policy SS5 in this respect.

11 THE PLANNING BALANCE

- 11.1 Where harm to designated heritage assets (affecting a listed building or its setting) is identified, Section 66 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990 is brought into play and the decision maker has to apply the statutory level of assessment and is obliged to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest and this statutory requirement must be given significant weight.
- 11.2 The level of harm does not have to be substantial harm for there to be a strong presumption against development. Material considerations can overcome this presumption against development but they must be powerful enough to warrant an approval of the development.
- 11.3 The Council contends that the harm to the setting of the grade II* listed building falls into the category of 'less than substantial', and that the level of 'less than substantial harm' is in the moderate to high level of the spectrum of such harm. Therefore, as per the guidance in the NPPF, paragraph 196 is relevant.
- 11.4 With reference to paragraph 196, where a development proposal would lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits that the proposed development might offer.
- 11.5 The proposal, if approved, would bring forward a number of benefits:
- 60 dwellings, 35% of which would be affordable.
 - 35% affordable housing which would contribute to the need for affordable housing within the district.
 - A financial contribution of £102,444 (calculations based on 60 dwellings) to be paid to the County Education Authority towards the improvement and/or expansion of early years/pre-school and £341,480 towards primary education provision in the Parish.
 - Off-site financial contribution of £1,583 per dwelling towards the enhancement of the existing equipped play area (through development of additional provision to include replacement of the toddler multi-unit and improvements to the junior climbing frame) and youth facilities (to include wheeled play area (skate park)) at Templecombe Recreation Ground and associated maintenance commuted sums – (£94,982 based on 60 dwellings).
 - Provision of approximately 2.6ha of open space, attenuation basins and landscaping.
 - Various highway mitigation works including the access into the site from Combe Hill (A357), the footway works, pedestrian infrastructure improvements within Templecombe, and the new pedestrian link onto East Street.
- 11.6 Whilst the Council can demonstrate in excess of a five-year housing land supply, the appeal site would deliver a further 60 dwellings which would represent a useful contribution towards boosting the supply at district level. 35% of these would be

affordable housing which would be an important contribution towards meeting the demand for affordable housing at district level. However, there is no identified verified need for affordable housing provision within Templecombe itself and it could reasonably be assumed that such demand for affordable housing could be met by the development scheme at Slades Hill (25 affordable units) for which outline permission has been granted (and a reserved matters submission is currently being considered) and the development schemes at West Street and Throop Road (20 affordable units in total) currently awaiting completions of S106 Agreements before decisions are issued.

- 11.7 Whilst the contribution of the appeal proposal towards the provision of market and affordable housing at district level is moderate to significant, only moderate weight is given to this benefit because the proposal is not meeting a need at the Rural Settlement level of the strategy or to an identified local need in line with Policy SS2, and having regard also to the over-delivery of housing already delivered at Templecombe and in Rural settlements as a whole.
- 11.8 The proposed contributions, open space provision, pedestrian footpath to East Street and carrying out of the various off-site highway infrastructure works would not create or enhance any services to serve the settlement, over and above answering the needs the development generates itself. These various proposals are considered to be mitigation measures that would be necessary to make the development acceptable. Nevertheless, it is acknowledged that there are perceived benefits resulting from those same mitigation measures. Taking this into account, and the area of proposed public open space exceeding the area required for a development of 60 dwellings, these benefits are afforded moderate weight.
- 11.9 The proposal does not provide any employment opportunities in the sense that it is a housing scheme rather than an employment-generating development. However, there would be temporary economic benefits during the construction phase in that construction jobs would be generated together with associated expenditure in the local economy. Although these economic benefits that would arise during the construction period would be temporary, nevertheless it is considered that such a consideration should be given great weight and this is considered to be a moderate benefit.
- 11.10 The introduction of additional families to the village could assist the local rural economy overall in that the household expenditure from the new residents would help support local services and facilities annually. This is given low to moderate weight when balanced against the increased need to travel arising from the new dwellings (for example, to reach employment opportunities, secondary education and medical facilities) using non-sustainable forms of transport.
- 11.11 The proposed scale of development is not considered to be commensurate with the scale of the settlement as, taken on its own, the proposal represents a growth of 8% dwellings in the parish and would likely increase the population by circa. 9.2%. Taken together with completions and commitments since 2011, the proposal would represent a growth of 24.1% in dwellings and would increase the population by circa. 27.6%. Taking into account the other development schemes at West Street and Throop Road

where decisions are pending, the proposal would result in an overall increase in dwellings by 32% and circa. 38.1% population increase in the parish. This is a significant increase in the size of a single settlement and runs counter to the aims of Policy SS2.

- 11.12 The Council does not consider that the public benefits associated with the proposed development outweigh the various identified harms. Thus the proposal runs counter to paragraph 196 of the NPPF. Paragraph 193 of the NPPF requires great weight to be given to a designated heritage asset's conservation. The Council concludes that the public benefits which have been given moderate weight are comprehensively outweighed by the harm caused to the setting of the grade II* listed building. Moreover, the overarching statutory duty for the decision maker to consider the desirability of preserving the setting of the listed building, which is a matter of considerable importance and weight, leads to the Council's opinion that the appeal should not succeed on these grounds and that outline planning permission should not be granted.
- 11.13 In considering impact on the landscape, as advised by the NPPF, a hierarchy should be distinguished (in terms of for example landscape value, biodiversity or geographical value and soils), having regard to international, national and locally designated sites. All development sites should receive a varying degree of protection depending on their status in the hierarchy that allows for appropriate change but should be protected from what may be deemed as unacceptable harm - the level of harm should be proportionate to the weight of status in the hierarchy.
- 11.14 The site does not fall within an area which has the highest status of protection, such as in National Parks and AONB's. In addition, the site does not fall within a locally designated landscape policy area. Within the local non-statutory document "Peripheral Landscape Study – Templecombe (October 2008), the appeal site has been graded as having a range of low landscape sensitivity and moderate visual sensitivity (i.e. that part of the site to the north of the agricultural buildings) to moderate landscape sensitivity and high visual sensitivity (the rest of the appeal site). Thus the Council recognises that the weight to be given to conserving and enhancing the landscape character of the appeal site and its surrounds would be far less than the weight to be given to conserving and enhancing landscape and scenic beauty in those areas of higher status of protection. .
- 11.15 The Council accepts that some residential development can be provided on parts of the appeal site without causing unacceptable detriment to landscape character and harm to visual amenity. However, development is proposed on other parts of the site which would cause an unacceptable level of harm to the rural character of those parts of the site and the wider landscape. The advice and recommendation of the Council's landscape consultant is that "the visual impact ranges between moderate and major adverse" and he has concluded that there are "very substantial" adverse effects on those persons using the public footpath to the east of the site and "substantial" adverse effects on those residents living beside the site and users of East Street and Temple Lane. He acknowledges that "the harms will reduce as the distance between the viewer and the scheme increases". In addition, he concludes that the proposal would cause a moderate adverse degree of harm to landscape character.

- 11.16 Having regard to the landscape consultant's recommendations, on balance the Council has judged the development proposal would have a substantial to very substantial visual impact depending on the proximity of viewpoints and, in overall terms, would have a moderate impact on the landscape character of the area. This is considered to be a proportionate weight given to the impact of the development proposal on a site which has no national or local statutory designation but which does have a some value in terms of landscape setting when viewed from public vantage points, particularly from the east and north east along the public footpath and County highway (East Street / Temple Lane).
- 11.17 Given the sloping topography of parts of the site, it is unlikely that indicative landscaping proposals would adequately screen the proposed development when viewed from the highway and public right of way to the north east and east of the site without compromising the general character and appearance of the area. The impact of development in overall terms, including not only new housing, roads, residential paraphernalia on parts of the southern and eastern slopes of the site, but also the extent of engineering works to create attenuation basins and footpath with earthworks would erode the existing rural, agricultural setting of this part of the village to a degree which is deemed by the Council to be unacceptable and contrary to Local Plan Policy EQ2 and paragraph 170 of the NPPF.
- 11.18 The Council is of the firm opinion that it can demonstrate in excess of a five-year housing land supply and therefore the 'tilted balance' under paragraph 11 of the NPPF is not engaged. As such the various benefits of the proposal which have been identified and acknowledged in this Proof of Evidence are not considered to outweigh the harm to the rural character of parts of the site and the wider landscape.
- 11.19 Should, however, the Inspector reach the conclusion, based on all the evidence presented by the Council and the appellant, that the Council cannot adequately demonstrate that it has at least a five years housing land supply, the 'tilted balance' becomes engaged. Paragraph 11d) states that permission should only be granted where applicable policies are out-of-date, unless other policies referred to in the NPPF that protect areas or assets of particular importance (including those relating to designated heritage assets as referred to in footnote 6), provide a clear reason for refusing the development proposal. In this scenario, where the proposed supply of housing would be given greater weight when carrying out the heritage balance, the Council would maintain that the identified harm to the setting of the grade II* listed building would still weigh against the public benefits of the proposal and that the overarching statutory duty to consider the desirability of preserving the setting of the listed building would remain a matter of considerable importance and weight to justify refusing permission in this instance.

12 CONCLUSION

- 12.1 At the time of determining the application, the Council acknowledged that it was unable to demonstrate a five year housing land supply. Paragraph 11 of the NPPF states that plans and decisions should apply a presumption in favour of sustainable development and grant permission when decision taking where the policies which are most important for determining the application are out-of-date (this includes circumstances where there is no five-year supply of deliverable housing sites with the appropriate buffer), and therefore less weight can be afforded to policies that affect the supply of housing. Paragraph 11 was considered to be a significant material consideration with regard to the 'tilted balance' in favour presumption of sustainable development.
- 12.2 Due regard was given to the balance of perceived benefits of the proposal against the perceived adverse impacts. The settlement was considered to be a sustainable location that could support a reasonable level of housing growth and granting permission would contribute positively to the Council's supply of market and affordable housing, with the accompanying social and economic benefits. The residents of the new dwellings would support local businesses through their expenditure, there would be contributions to Council Tax and there would be temporary economic benefits during the construction phase in that construction jobs would be generated together with associated expenditure in the local economy. Although these economic benefits that would arise during the construction period would be temporary, nevertheless it was considered that such material considerations should be given great weight.
- 12.3 Balanced against the acknowledged benefits were the adverse impacts of the proposed development both on landscape setting and also on the setting of the nearby designated heritage asset. As existed at the time of the application's determination and referred to in the reason for refusal, the perceived adverse impacts were considered to outweigh the acknowledged benefits of the proposal towards meeting the Local Planning Authority's housing supply (including affordable housing provision), and other social and economic benefits, having due regard to paragraphs 11.d) ii. and 12 of the National Planning Policy Framework.
- 12.4 Since that decision, the Council is of the opinion that it has the equivalent to just over six years housing land supply. The appointed Inspector is determining this appeal *de novo* and the Council contends that the 'tilted balance' under Paragraph 11 of the NPPF no longer applies and that full weight can now be given to the relevant housing policies. The need to provide further housing over and above this figure is not considered to be a public benefit that weights in favour of the proposal when balanced against the perceived harm caused to the landscape and the setting of the designated heritage asset.
- 12.5 Overall, the Council considers that the appeal proposal would lead to a scale of housing development in Templecombe, and therefore the Rural Settlements tier, that is significantly in excess of that required for the settlement as set in Policy SS5 of the adopted South Somerset Local Plan (2006 – 2028). Allowing the proposed development would undermine the settlement strategy as defined in Policy SS1 of the

adopted Local Plan. Furthermore, by introducing a scale of development not commensurate to that of the settlement, the proposal is in conflict with Policy SS2 and on that basis is also contrary to Policy SS1, which only allows exceptions to the restrictive national countryside policies as identified in Policy SS2, and to Policy SS5 where the provision for housing is limited to certain stated criteria including being in accordance with the Rural Settlements policy.