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## Appeal Decision

Inquiry held between 4 and 14 October 2016

Site visit made on 12 October 2016

**by M Middleton BA(Econ) DipTP DipMgmt MRTPI**

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

**Decision date: 12 January 2017**

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**Appeal Ref: APP/R3325/W/15/3121541**

**Land at Wayside Farm, Station Road, Ansford, Castle Cary, Somerset, BA7 7PA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Gerry Keay of Waddeton Park Ltd against South Somerset District Council.
  - The application Ref 14/05623/OUT is dated 5 December 2014.
  - The development proposed is the demolition of all existing structures (including the farmhouse and agricultural buildings) and development to provide up to 125 residential units (including 35% affordable housing), associated landscaping, access and infrastructure.
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### Decision

1. The appeal is allowed and planning permission is granted for the demolition of all existing structures (including the farmhouse and agricultural buildings) and development to provide up to 125 residential units (including 35% affordable housing), associated landscaping, access and infrastructure on land at Wayside Farm, Station Road, Ansford, Castle Cary, Somerset, BA7 7PA in accordance with the terms of the application, Ref 14/05623/OUT, dated, 5 December 2014 and the plans submitted with it, subject to the conditions in the attached schedule.

### Procedural Matters

2. This appeal (referred to as Appeal A), which affects land to the west of Station Road, was co-joined with another (Appeal B) that proposes residential development on nearby land to the east of Station Road. The land affected by both appeals, whilst within a direction of growth identified in the South Somerset Local Plan 2006-2028 (LP), is within the open countryside but in circumstances where South Somerset District Council (the Council) cannot identify a five year supply of deliverable housing sites. Issues concerning prematurity, accessibility, impact upon the landscape, traffic and local services, as well as conflict with strategic LP policies affect both of the appeals. However, the Council used different reasons to refuse the two applications. The above matters and others, as well as the reasons for refusal, were discussed at a joint public inquiry. Whilst using similar reasoning to justify the decision in each case, there are differences and I consider it appropriate to write two separate decisions.

3. Third parties raised concern about the loss of views of the tower of Ansford Church, which is a Grade II Listed Building, from Ansford Hill and Station Road, close to the northern part of Appeal Site B. I examined this at the site visit and concluded that there were clear views of the Church from this location and that the development could affect its setting. As the Council had not advertised the proposal, as one affecting the setting of a Listed Building, I adjourned the Inquiry and required it to do so, with any observations to be sent to the Planning Inspectorate by 10<sup>th</sup> November 2016.
4. During the adjournment and whilst examining the evidence, I became aware that Appeal Site A was partly affected by a Mineral Safeguarding Area. On enquiring of the Council, I discovered that the Minerals Planning Authority had not been consulted about the effect of the proposal on the safeguarding designation. I therefore arranged for it to be consulted and agreed that Appellant A could make further representations on this matter. Following the submission of the results of ground investigations, that had been carried out on behalf of Appellant A, the Minerals Planning Authority confirmed that it agreed that there were no economically viable sand and gravel mineral reserves beneath the site.
5. I have taken the representations received in response to both subsequent consultations into account when making my decision. I finally closed the Inquiry on 30 November 2016.
6. Both appeals followed from the failure of the Council to determine the applications within the prescribed period. Subsequent to making the appeal, this Appellant submitted a duplicate application to the Council. This was refused on 16 October 2015, quoting the same putative reasons for refusing the appeal scheme. These concerned, the proposal's detachment from the existing edge of development; the absence of a mechanism that could reasonably secure a phased development with other schemes currently proposed within "the direction of growth"; accessibility to jobs, services and facilities; an inadequate travel plan and the overall level of growth, which would be at odds with the town's status in the settlement hierarchy. Subsequently the Appellant submitted a revised travel plan, which both the Council and the Highway Authority agree overcomes the second part of reason for refusal 2.
7. The application is in outline with all matters, apart from the access, reserved for subsequent approval. It is accompanied by a Design and Access Statement and an illustrative Masterplan, (Drawing No. DC/MT A), dated November 2014. This demonstrates, through a notional layout, how the site could be developed. It includes housing in a landscaped setting across most of the site. The dwellings would be served from a network of cul-de-sacs, leading off a looped distributor road that would be accessed from a junction with Station Road. There would be an access for cyclists and pedestrians, as well as for emergency vehicles, from a track that runs along the site's northern boundary, towards the junction of Station Road with Ansford Hill.
8. Generous areas of managed open space are proposed in the Design and Access Statement, including a large area along the south western edge of the site that incorporates a balancing pond. A "village green" type feature is indicated in the centre of the site, with a landscaped walkway linking this to the primary area of public open space. Another small area of open space, labelled "village

- green” on the Masterplan, is also suggested adjacent to the development’s access from Station Road. An intensively planted belt of trees is indicated along the north-western boundary, adjacent to a railway line. It is agreed that the details shown on this drawing are for illustrative purposes only.
9. The site’s access proposals are shown on drawing ref: 30875/5501/003 Rev A. As well as a conventional road junction, they include two informal pedestrian crossings and the relocation of two bus stops, one of which would be provided with a shelter. The Highway Authority supports this aspect of the proposal and in the absence of objections I do not discuss this matter any further.
  10. The application was also accompanied by drawing ref: 30875-5501-004, which shows a number of proposed pedestrian accessibility improvements along Station Road and Ansford Hill and within the town centre. These are also supported by the Highway Authority, which does not object to the application on highway or transportation grounds, if appropriate conditions are attached to any permission.
  11. During the course of the Inquiry, the Appellant offered to implement works, within highway land, to clear and improve the overgrown pavements as well as to provide additional street lighting, along the lower part of Ansford Hill and along parts of Station Road, if planning permission was granted. This could be secured through an appropriately worded condition. I consider the implications of these works later in my decision.
  12. As well as on an accompanied site visit on 12 October, I visited the appeal site and its locality, including Castle Cary Town Centre and the nearby industrial area, as well as some of the surrounding area and nearby settlements, unaccompanied, on 22 September and 3, 10, 13 and 14 October 2016.
  13. The Appellant submitted a signed Deed of Agreement pursuant to Section 106 of the Town and Country Planning Act 1990 between itself, the land owners, South Somerset District Council and Somerset County Council. In this document the Appellant and the land owners agree, if planning permission is granted, to provide 35% of the total number of dwellings, constructed on the site, as affordable housing and in accordance with conditions set out in the Agreement. The provision of an element of affordable housing, within market housing development, is a requirement of LP Policy HG3, which is supported by paragraph 50 of the *National Planning Policy Framework* (Framework).
  14. They also agree to make financial contributions towards the provision or improvement of local education, community, children’s play, youth and built sports facilities within Ansford/Castle Cary (A/CC), as well as one towards the upgrading of the Westland Entertainment Complex in Yeovil. In addition the application is accompanied by a Travel Plan, the obligations of which the owners covenant with the County Council to observe and perform.
  15. The Deed includes a clause that says that the covenants and obligations shall not apply or be enforceable, if I find in my decision letter that any obligations are unnecessary or otherwise fail to meet the relevant statutory tests.
  16. LP Policy HW1 requires provision/contributions from new housing development towards additional open space, outdoor playing space, local and strategic sports, cultural and community facilities, where a need is generated. This policy is supported by the Framework at paragraphs 203 and 204. In my

judgement those financial contributions that are related to capital expenditure on new or extended facilities, within A/CC and which are necessary to make the proposal acceptable in planning terms, because the existing facilities do not have capacity to meet the requirements of the population that would reside in the appeal development, meet this requirement and are justified.

17. Those that seek contributions towards day to day functions, such as facility maintenance and which are conventionally met from Council Tax or other revenue raising sources, seem to me to be inappropriate. In the discussion at the Inquiry into the Agreements, the Council pointed out that the term 'ongoing maintenance' was meant to refer to establishment costs. Such costs are normally included within the overall capital provision made for a particular scheme. I consequently agree that 'ongoing maintenance' costs that are genuinely directly related to the establishment of capital works, meet the tests. Conversely, the inclusion of any costs that concern regular maintenance, which would normally be met from Council revenue budgets and whose absence would not justify a refusal of planning permission, are inappropriate.
18. The Westland Entertainment Complex is at Yeovil and about 20 km from A/CC. Whilst I do not dispute that some residents of the town occasionally use this facility and some residents of the appeal development probably would as well, in the overall circumstances this is unlikely to be a regular destination for many residents of the appeal site. In the absence of evidence to the contrary, I am therefore not persuaded that the upgrading of this strategic cultural facility is a prerequisite necessary to make this development acceptable in planning terms. There is also no evidence to suggest that in the context of the pooling restrictions set out in Regulation 123 of the CIL 2010, more than allowable contributions to support this upgrading could not be found through the development of the committed large sites at Yeovil, from where such contributions would more appropriately be sourced.
19. I am consequently satisfied that the measures relating to the provision of affordable housing, the education, community, children's play, youth and built sports facilities within A/CC and the travel plan, in so far as they facilitate building alterations or extensions, the provision of equipment or material and engineering works (including establishment), to facilitate increased usage by the residents of the appeal site, comply with the provisions of Paragraph 204 of the *National Planning Policy Framework* (Framework). They are necessary to make the development acceptable in planning terms and meet Regulation 122 of the *Community Infrastructure Levy Regulations* (CIL) 2010. I am satisfied, on the basis of the evidence before me that these contributions also comply with the pooling restrictions set out in Regulation 123 of the CIL 2010.

### **Main Issues**

20. It is agreed that the Council does not have a five year supply of housing land. I was told by the Council that the supply was 4.2 years in October 2015, after accounting for any shortfall and incorporating a 20% buffer. The Appellant disputes this, claiming that the supply is no more than 3.6 years (I return to this disagreement later). In such circumstances and regardless of the dispute, paragraph 49 of the Framework says that relevant policies for the supply of housing should not be considered to be up-to-date. Paragraph 14 of the Framework says that where the relevant Development Plan Policies are out of date, planning permission should be granted for sustainable development

unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole or specific policies in it indicate that development should be restricted. There are no restrictive policies that are directly relevant to this proposal.

21. In this context and from all that I have read and seen, I consider the main issues to be:-

Whether the proposal is in accordance with the Development Plan

and if not

whether it is sustainable development within the meaning of the Framework, such that any harm to the local landscape character, the capacity and safety of the local highway network and any other harm attributable to the development, together with any harm resulting from the accessibility and connectivity of the appeal site and A/CC, significantly and demonstrably outweigh the benefits of the proposal; such that the presumption in paragraph 14 of the Framework to favourably consider applications for sustainable development, in areas where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable housing sites and/or their Development Plan housing policies are out of date, applies.

and if so

whether this outweighs any harm to the Development Plan Strategy.

## **Reasons**

### **22. *Planning Policy***

23. Section 38(6) of the *Planning and Compulsory Purchase Act 2004* requires that any application for planning permission must be determined in accordance with the Development Plan (DP), unless material considerations indicate otherwise. The DP for the area now consists of the LP, which was adopted in 2015. It covers a plan period until 2028. The decision notice that the Council issued following its determination of the duplicate application considered the proposal to be contrary to five LP Policies. LP Policy TA4<sup>1</sup> concerns the preparation of travel plans and it is agreed that its requirements are now met.
24. At paragraph 215 the Framework says that due weight should be given to relevant policies in existing plans according to their degree of consistency with the Framework. LP Policy SD1, Sustainable Development, is closely aligned with paragraph 14 of the Framework, seeking to approve planning applications that accord with the policies of the LP. Where the relevant policies are out of date, then planning permission will be granted unless material considerations indicate otherwise and taking account of the sustainability balance set out in the Framework. I consider this Framework compliant policy to be up-to-date and that it should be given full weight.
25. LP Policy SS1 sets out the Settlement Strategy. There are four levels of settlement in a hierarchy and a rural area. Yeovil is a Strategically Significant Town and the prime focus for development. Provision for housing, employment, shopping and other services is also to be made in seven Market

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<sup>1</sup> Wrongly referred to as TP4 in the duplicate decision notice.

Towns to increase their self-containment and enhance their role as service centres. Two tiers of Market Towns were established, based on their level of services, facilities and economic activity. Along with two other towns, A/CC is a second tier 'Local' Market Town. Below the designated Market Towns are other market towns termed Rural Centres where provision for development that meets local housing need, will be made.

26. It is reasonable to assume that additional population, residing in new development within a market town, is likely to increase the usage of its shops and other businesses and support the establishment of new ones, thereby contributing to an increase in its role as a service centre. New housing development without commensurate increases in employment is unlikely to increase its self-containment. The absence of additional jobs would inevitably lead to an increase in out commuting. Other than temporary employment, associated with the development itself, there are no job creating proposals allied to this housing appeal. In such circumstances the proposal could lead to a decrease in self-containment and would be contrary to this aspect of LP Policy SS1. I return to this consideration later.
27. LP Policy SS5 Delivering New Housing Growth makes provision for at least 15,950 dwellings in the plan period (2006-2028). At least 374 are required at A/CC of which 218 remained to be committed in 2012. The policy also says that prior to the adoption of the Site Allocations Plan Document, a permissive approach will be taken when considering housing proposals in the directions of growth at the market towns.
28. LP Policy LMT1 establishes the direction of growth at A/CC. The appeal site is within this direction of growth, which is identified on the Policies Map. The proposal is in accordance with this policy. However, LP Policy SS5 qualifies the permissive approach by pointing out that the overall scale of growth and the wider policy Framework will be key considerations in taking this approach, with the emphasis upon maintaining the established settlement hierarchy and ensuring sustainable levels of growth for all settlements.
29. Even if both appeals were to be allowed and when these and all of the other housing commitments in A/CC were completed (605 additional dwellings), the settlement would still be smaller than Somerton, one of the other two Local Market Towns. It would also be about 600 dwellings smaller and only 76% of the size of Ilminster, the smallest of the four Primary Market Towns. The overall level of growth would not disrupt the established settlement hierarchy.
30. Whether it would ensure sustainable levels of growth, using the narrow definition of sustainable accessibility, is doubtful and to this extent the proposal is contrary to LP Policy SS5. In combination with Appeal B, it would be likely to result in a reduction in A/CC's self-containment and be contrary to this aspect of LP Policy SS1. Although nearly three times the additional housing proposed by the LP, at A/CC to 2028, the overall additional growth at A/CC would represent less than 1.5% of South Somerset's housing requirement for the plan period and only about 3% of the housing requirement at Yeovil, where there has been a serious under provision due to site deliverability problems. The appeal proposal, in combination with the other proposals within A/CC's direction of growth, would not materially distort the proposed overall scale of growth and the wider policy framework and is therefore not contrary to LP Policy SS5 in this respect.

31. In the absence of a five year supply of housing land, LP Policies SS1, SS5 and LMT1, in as much as they refer to the provision of housing, must be considered to be out of date and given reduced weight. As the appeal site is located within the Direction of Growth and LP Policy LMT1 and its supporting text do not specifically impose a limit on the amount of development within that area, this is of no real consequence. The appeal proposal does not offend LP Policy LMT1.
32. LP Policy EQ2 General Development seeks to ensure that development is designed to achieve a high quality, promoting local distinctiveness and preserving or enhancing the character and appearance of the district. Development is to be considered against twelve criteria, most of which can only be judged at the reserved matters stage. These are consistent with similar policies in the Framework that seek to achieve good development and are consequently up-to-date.
33. The Council argued that in the absence of a mechanism to ensure the phased development of the site with other sites to the south, the landscape character of the area would be harmed and the accessibility of the site would be unacceptable and contrary to LP Policy EQ2. In response the Appellant suggested that in these circumstances LP Policy EQ2 must be a policy for the supply of housing. I am not convinced that the Council's argument is valid. Nowhere in LP Policy EQ2 or its supporting text is there any reference to the need for the phasing of development.
34. LP Policy EQ2 is primarily concerned with promoting high quality design in development that is acceptable in principle. Its reference to conserving and enhancing the landscape character of the area and to accessibility should primarily be considered in that context. The Council does not dispute that development is acceptable in principle on this site.
35. Nevertheless, the supporting text does refer to one of its aims as being to protect the natural environment and to conserve the open spaces that are important to everyone. Unfortunately the LP does not identify important open spaces, nor are significant elements in the natural environment defined in this direction of growth (assuming that there are some) either. In consequence, to this limited extent and in the context of the recent Suffolk Coastal and Richborough Estates<sup>2</sup> decision, LP Policy EQ2 should be considered as a policy for the supply of housing in circumstances where its criteria affect the principle of development.
36. LP Policies SS1, SS5 and EQ2 are therefore policies for the supply of housing and Paragraph 14 of the Framework is consequently engaged in the context of this appeal. Nevertheless the decision in the Renew Land Developments Ltd<sup>3</sup> case suggests that whilst the effect of paragraph 14 of the Framework is to weight or tilt the balance in favour of the proposal, the presumption can still yield in the face of significant and demonstrable adverse impacts. Although reduced, the technically out-of-date policies, particularly SS1 and SS5 are still capable of carrying weight.
37. I was referred to the Castle Cary and Ansford draft Neighbourhood Plan, which is about to be the subject of a consultation. Both proposals would be contrary to that plan's proposals for the area. I recognise that members of the local

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<sup>2</sup> Court of Appeal Case No. C1/2015/0583 and C1/2015/0894

<sup>3</sup> High Court Case No. CO/5040/2015

community have devoted a great deal of their time and effort to enable this plan to be prepared. The Neighbourhood Plan has however not made sufficient progress on its road to adoption to be given any weight in the determination of this appeal.

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

38. The Council and Appellants differ as to what was the actual five year land supply at the base date (March 2016). The Council consider it to be 4.2 years; Appellant A considers it to be 3.6 years and Appellant B 3.9 years. The differences arise because Appellant A considers the Council's windfall allowance in years one and two to be too high and that a 10% non-implementation rate should be incorporated into the assessment of the land supply. Both Appellants consider the Council's assumed delivery rates on a number of large sites to be too high, in particular Primrose Lane, Upper Mudford, Yeovil; Keyford, Dorchester Road, Yeovil; Tatworth Road, Chard; and on two small sites The Red House, Ansford and Hillcrest School Castle Cary. Appellant A also considers that the site at Victoria Road Yeovil should be discounted and Appellant B the site at Coldharbour Farm, Ilminster.
39. Given its rural nature, the preponderance of barn conversions in South Somerset is likely to be higher than in most Local Planning Areas and I accept that due to Class Q permitted development rights, a number will be built out rapidly. However, barn conversions often require specialist building advice and work and their progress can be slow. In the absence of any available figures and whilst accepting that a limited number could be converted and occupied within a year, I consider the Council's forecasts in years one and two to be over-optimistic by about a factor of two and would expect the majority of the 20 units to be delivered in year two.
40. I agree with the approach taken by the Inspector examining the LP and take the view that a non-implementation rate is not appropriate. The approach adopted by the Council seems to me to be rigorous enough to meet the requirements of Footnote 11 in the Framework. Technical constraints form a part of the Council's assessment and once sites have planning permission and are capable of delivery, if market conditions allow, it is not appropriate to discount sites because some hypothetical builders may wish to reduce build rates below that which the market could sustain. Unlike the Tetbury case referred to, there is no specific evidence as to the rate that planning permissions lapse on small sites or the extent that these sites were not available, suitable or achievable at the time they were given planning permission, if indeed they were not. The Council's explanation that the changes at the sites at Brimsmore Key and Lufton, where the totals were reduced between 2015 and 2016, were because the sites delivered completed dwellings in 2015/16 seems perfectly plausible to me.
41. The email from the developer at Primrose Lane, although suggesting a different completion rate to that put forward by the Council, results in the same overall delivery within the five year period. Work appears to have commenced on-site at Hillcrest School, The Red House and Victoria Road. These are all relatively small brownfield sites that appear capable of delivery in a buoyant housing market. In another context, both Appellants stressed the different nature of the two sites in A/CC, which in their opinion catered for different niche housing markets to those supplied by the volume house builders and at which the



Direction of Growth was being targeted. They were confident that development at Station Road would not prevent these sites from being developed at the same time.

42. Keyford, Tatworth Road and Coldharbour Farm are all large sites awaiting planning permission. Given the sites' complexities, the slow progress in actually preparing a planning application at Coldharbour Farm, determining one at Keyford and signing a Section 106 Agreement at Tatworth Road and the other supporting information submitted by the Appellants, I do not share the Council's optimism. I consider the trajectories submitted by Appellant B to be more realistic. These amendments would reduce the Council's overall five year supply by about 220 dwellings to 4.1 years. The shortfall is significant.

### ***Sustainable development***

43. At paragraph 14 the Framework says that at its heart there is a presumption in favour of sustainable development. At paragraph 6 it points out that the policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development means for the planning system. It further points out at paragraph 7 that there are three dimensions to sustainable development: economic, social and environmental. The three roles are mutually dependent and should not be taken in isolation (paragraph 8). The considerations that can contribute to sustainable development, within the meaning of the Framework, go far beyond the narrow meanings of *environmental and locational sustainability*. As portrayed, sustainable development is thus a multi-faceted, broad based concept. The factors involved are not always positive and it is often necessary to weigh relevant attributes against one another in order to arrive at a balanced position. The situation at the appeal site in this respect is no exception.

### ***Economic role***

44. Economic growth contributes to the building of a strong and competitive economy, which leads to prosperity. Even if only temporary, development creates local jobs in the construction industry, as well as business for and jobs in the building supply industry. These help to support sustainable economic development to deliver the homes, business and infrastructure that the country needs. This is emphasised in paragraphs 17 and 18 of the Framework.
45. The appeal site is available, although there is no indication of a building company wishing to purchase the site to begin house construction in the short term. A condition could ensure that reserved matters are expedited without undue delay and to encourage development to commence at an early date, thereby making a positive contribution to boosting the supply of housing now. However, conditions requiring the early discharge of reserved and other matters cannot guarantee an early start to development.

### **Contribution to housing supply**

46. If only this appeal were to be allowed, there would be provision for about 530 dwellings to be constructed in A/CC during the plan period, when the LP sets a target of 374. Housing provision would be about 42% higher than the target. By comparison only 68 dwellings were completed in the first ten years of the plan period<sup>4</sup>. However, 374 is a minimum dwelling requirement. It does not

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<sup>4</sup> March 2006-March2016

appear to have been arrived at following a technical analysis to assess the housing needs of A/CC or its capacity to accommodate additional residential growth, without undermining its self-containment. It is an arithmetic apportionment, based on a simple division of the overall allocation proposed at the three local market towns and a minimum requirement. Furthermore, it appears to have fluctuated somewhat during the course of the LPs preparation (being at least 500 at one point). Consequently, only minimal weight can be given to it. Nevertheless if both appeals were allowed, there would be provision at A/CC for about 600 dwellings, which is about 62% above the minimal provision. At first sight these increases seem excessive.

47. As a result of the recession and the low level of housing completions, I accept that there is likely to be some latent demand for housing in the local area and given the under supply and recent under achievement in housing delivery within South Somerset District, within the wider area as well. However, the under supply appears to have resulted from a failure to deliver on proposed large sites, primarily at Yeovil, which is about 20 km from A/CC and also at Chard (a Primary Market Town, nearly 50 km away). There has also been some underperformance at Crewkerne (another Primary Market Town, over 30 km away).
48. Although the Council maintains that South Somerset District is one single housing market centred upon Yeovil, given its size and configuration, I have my doubts about its ability to operate in a universally consistent and homogeneous way. In particular, I find it difficult to accept that persons unable to find accommodation in Chard, would as a matter of course choose to relocate to a settlement that is about 50km away. Chard is closer to both Taunton and Exeter than to A/CC, both large towns with a much larger supply of housing than A/CC.
49. The Council's housing trajectory suggests that housing will now be delivered at Crewkerne and Somerton, to a greater extent than planned for and these settlements are closer to Yeovil than is A/CC. However, commuting to Yeovil clearly already occurs from A/CC and in the absence of new dwellings there, I agree that a potential home in A/CC is a better option than no home at all. Notwithstanding this I nevertheless consider that the above argument, re the transferring of unmet needs in one part of South Somerset to another, applies to Yeovil but to a lesser extent than at Chard in the context of A/CC.
50. Allowing for lead-in times, the construction of over 500 additional dwellings, within the five year period, would require annual completions approaching 150 per annum towards the end of the period, when only an average of 7 per annum have been achieved in the last 10 years. However, until three recent permissions were given, on other land within the direction of growth, the committed housing supply in A/CC was about 60. Much of this related to brownfield sites with development issues such as access. Consequently, the historic completion rate cannot be considered to be an indication of potential demand for new housing at A/CC.
51. That the granting of planning permissions for residential development on greenfield land, within the direction of growth, would lead to a boost in the supply of housing, as required by the Framework, is not in doubt. Nevertheless, in the circumstances of these appeals and in the absence of any evidence to the contrary, I have to doubt the proposition that by simply

- granting more and more planning permissions, more and more houses will be built in the short term.
52. The more likely scenarios are that the sites take a long time to build out, leaving future residents living on a building site for longer than they would care to or that there is insufficient interest from the building industry to progress the development of five adjacent sites at the same time so that they do not all progress, at least in the short term. The granting of planning permissions for these two schemes in addition to those recently granted by the Council are, in my view, unlikely to add significantly to the rate of housing delivery at A/CC in the next five years, if indeed any more are delivered. They would be unlikely to boost the supply of housing in South Somerset now, although they could contribute significantly in the years thereafter.
53. There is already planning permission for over 300 dwellings in A/CC, on sites that have yet to commence. The Council's housing trajectory suggests that about 80 dwellings per annum would be completed in 2018-19 and 2019-20, with numbers falling off thereafter, in line with the completion of some of the committed sites. Given the local circumstances and the distances to the settlements with the most profound deficits, my experience suggests that the market would be unlikely to sustain annual completions in excess of this, particularly in view of the concentration of available sites at Station Road and the consequent lack of locational choice. Nevertheless, rolled forward over the five years from 2017, the Council's completions assumptions would produce over 350 dwelling sales by 2022. This suggests that granting planning permission for these sites now would not significantly boost the five year supply of housing and that there is consequently not support from paragraph 47 of the Framework for these schemes.
54. Ignoring the not unsubstantial backlog now built up at Yeovil, the LP was meant to provide for the construction of at least 340 dwellings per annum, within and around that settlement. Even assuming that all of the disputed sites perform as well as the Council anticipates and I agree with both Appellants that some sites are unlikely to, the trajectory suggests that Yeovil will not begin to meet its annual minimum requirement, let alone begin to reduce its backlog, before 2026. By then the district backlog, which was about 1,000 dwellings in 2016, is likely to be even higher. At 80 per annum, from 2018 onwards, 640 dwellings could be marketed by then at A/CC. This is no more than a continuation of the Council's assumed maximum annual output from this settlement during the current five year period but more than the total number of dwellings that would be committed if both appeals were allowed.
55. Allowing these appeals would not resolve the housing land shortage in South Somerset. That is only likely to be achieved through a comprehensive allocation of additional sites, which following the abandonment of the Site Allocations Plan, now appears to be some years off. Their development would nevertheless make a useful contribution to supply in the medium term, when the trajectory suggests difficulties are still likely to be experienced. Despite my reservations, in the full circumstances of this appeal, I consider that minimal weight should be given to the contribution to housing land supply that this development could make in the medium term (after 2021).

## Self-containment

56. A/CC's self-containment is far from clear. The CS (para 7.105) says that the urban area's jobs in 2010 were estimated at about 1,200 and that this number largely matched the town's economically active population, which is supposedly half that of the town's total population. That was estimated to be 3,421 in 2010. This analysis is arithmetically incorrect as half of the town's population would have been 1,710 and not about 1,200.
57. The CS goes on to say that travel to work data shows that 54% of the population (presumably working population) 'out commutes'. The 2001 Census travel to work data suggests that 1461 persons were in employment and verifies that 54% of this working population travelled more than 5km to work. This is the source of the 46% self-containment figure for A/CC found in the South Somerset Settlement Role and Function Study (SSSRFS), which was produced in 2009 to assist the definition of the market towns and used to inform the Local Plan's adopted Settlement Hierarchy.
58. The job growth information discussed below suggests that self-containment has improved since 2001. Unfortunately no one was able to provide travel to work data from the 2011 census that related to A/CC, to confirm this. The occupational data from the Censuses says that 1397 persons were in work in 2001, rising to 1490 in 2011. If the 46% self-containment figure is still correct, then the information suggests that about 800 persons out-commuted in 2011 (more than 5km) and that there was then an inflow of about 400 persons. This appears to have grown significantly since 2001 when analysis of the census suggests that in-commuting was only 1.8% (about 25 persons).
59. However, I was told at the Inquiry that there had been significant job growth at the Torbay Road industrial estate and elsewhere during that period, including the relocation of The Royal Canin pet food factory from Yeovil to A/CC. Either there is now a significant level of in-commuting to A/CC or its self-containment must have significantly improved from the 46% found in 2001.
60. The LP encourages the provision of 273 additional jobs (2006-2028) at A/CC, partly through the development of 18.97 hectares (ha) of industrial land, of which 8.9 hectares needed to be provided at the time of its adoption. The Royal Canin pet food factory used 9 ha of land when relocating in 2008, when it was reported to be employing 167 persons. I was told that this has increased to about 250 today. The Local Plan suggests that this could grow further and that a neighbour, Centaur Services, also has expansion plans. Nothing was said at the Inquiry to contradict the LP's expectations in this context.
61. An analysis of planning permissions, undertaken by the Council, suggests that about 250 jobs would be created if all of the current employment commitments and proposals, within 10 km of A/CC, were implemented. A significant proportion of these appear to be within 5km of Castle Cary Town Centre. Further jobs would also be provided if the remaining 8.9 hectares of additional employment land, identified as a requirement in the local plan, were to come to fruition. 2.0 hectares of employment land have recently been granted planning permission, along with 165 dwellings on land off Torbay Road.
62. However, it is unlikely that all of the jobs identified, from the analysis of commitments and proposals, will become a reality. Nevertheless, the

establishment of even a proportion should increase the settlement and its immediate hinterland's self-containment.

63. In addition, in 2001 14% of the residents of A/CC worked between 5km and 10km of their home. As a consequence, only 40% of the working population travelled more than 10km to work. In a rural area such as South Somerset, a travel to work journey of up to 10km is not a particularly unusual or undesirable distance. Overall, the statistical evidence suggests that A/CC and its immediate hinterland is already self-contained to a greater extent than the LP suggests and that there is likely to be an increase in the number of jobs in the coming years that would support a higher population, without undermining this.
64. Although lower, given the rural location, the statistic that 60% of the employed population work within 10km of their home, compares favourably with the South Somerset figure of 67%, which is heavily influenced by the dominance of Yeovil and also compares very favourably with the English average (60%). According to the SSSRFS, A/CC's self-containment, then assumed to be still at 46% within a 5km radius, was noticeably higher than that at the other Local Market Towns and similar to that at Crewkerne and Illminster, which were designated as Primary Market Towns and given higher minimum dwelling targets. The evidence suggests that A/CC's self-containment has improved since then.
65. The above suggests to me that self-containment at Ansford/Castle Cary in comparison to Yeovil and Chard is weak but that as a result of job growth the settlement could accommodate further housing growth to a greater extent than at the other market towns, whilst at the same time maintaining an acceptable level of self-containment. This would be particularly so if the Torbay Road industrial estate was encouraged to expand further, along the lines advocated in the LP.
66. Having said that, if all the committed dwellings were completed and occupied, there would most likely be more new residents in work, than additional jobs created, in the local area. Consequently there would have to be additional commuting beyond 5 km, leading to a reduction in the town's self-containment.
67. However, additional residential development has already been allowed at other market towns, both on appeal and by the Council, without resulting in the provision of a five year supply. Commitments and completions at Illminster, Langport and Somerton are already 151%, 125% and 130% of the requirements. The Inspector determining the Langport appeals<sup>5</sup> did not find material conflict with the settlement strategy of the LP when considering a proposal that would have taken the committed supply of housing at that settlement to 145%. Out-commuting from the other Local Market Towns in 2001 was 59% at Langport and 62% at Somerton, compared to 54% at A/CC. Even Illminster, which is a Primary Market Town and consequently has a higher housing requirement, only had out-commuting of 52%.
68. In addition I was told that the pet food factory chose to relocate to A/CC, rather than to a location further away from Yeovil, in order to retain as much of its existing workforce as possible. Whilst A/CC is close enough for that element of the original workforce who live in and around Yeovil to commute, the

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<sup>5</sup> Appeals ref: APP/R3325/W/15/3136302 & 3136307, Land north of Kelways, Wearne Lane, Langport, Somerset

likelihood is that with the passage of time and a change in the composition of the workforce, a greater proportion would choose to live in or closer to A/CC if there was additional accommodation of the right kind.

69. The number of cars parked at the railway station suggests that a significant number of persons use it for park and ride but the 2011 Census says that only 1.3% (about 20 persons) of the working population at A/CC used the train as a means to travel to work. This suggests that many people travel to the station by car from further afield. Were appropriate housing to be provided close to the station then there is every likelihood that some of these would move to A/CC in order to reduce their commuting times and car parking expenses. The appeal site is less than a km (about a 10 minute walk) from the railway station.
70. Bringing all this together suggests to me that the economic circumstances of A/CC would allow it to significantly expand its housing and population beyond that already committed but without seriously undermining its level of self-containment, as assumed in the LP. Nevertheless, a 62% increase above the minimal dwelling figure would undoubtedly reduce its current level of self-containment. This needs to be balanced against the significant shortfall in housing land supply going forward into the medium term, the Council's failure to regularly meet its annual housing target and the likelihood that without additional planning permissions at market towns this situation is likely to continue beyond five years.

#### Other economic considerations

71. The site is close to Castle Cary Town Centre, which has a wide variety of small shops and other businesses. Additional population, residing in the appeal development, would undoubtedly generate more expenditure to support these businesses. In contributing to economic vitality, the proposal is supported by paragraph 55 of the Framework, which encourages housing development in rural areas where it will enhance the vitality of rural communities.
72. There would be short term benefits to the local economy through increased expenditure in the form of wages and material purchases during the construction period. New jobs would be created for the duration of the development but not all of these would be based or recruited locally. Nevertheless, these economic benefits of the development, as discussed above, in a minor way weigh in favour of the proposal in the sustainability balance.
73. The site is grade 3b agricultural land. Whilst the Framework says that local planning authorities should take account of agricultural land quality in their decisions, this site is not the best and most versatile agricultural land. The Framework promotes the use of poorer quality land, in preference to that of a higher quality, when significant development of agricultural land is involved. The land within the direction of growth ranges from grade 1 to grade 3. The appeal site is of the lowest grade and it is agreed that in order to meet its housing requirements there is a need to develop on greenfield land within South Somerset. This consideration weighs in favour of the appeal proposal in a minor way.
74. Together the above economic considerations attract minor weight in favour of the appeal proposal in the overall sustainability balance.

## *Social role*

### Affordable housing

75. The proposal would contribute to the supply of both market and affordable housing. South Somerset has a need for affordable housing. In accordance with LP Policy HG3, the Section 106 Agreement says that 35% of the dwellings to be built within the development would provide this type of accommodation. Up to 44 units would be supplied at a time when the Council is failing abysmally to meet the established need. The 2009 Strategic Housing Market Assessment established a net annual affordable housing need in South Somerset for 659 dwellings. Only 299 have been provided in the last five years and none of these were in A/CC. I should therefore give significant weight to the contribution made to the provision of affordable housing by the appeal proposal.

### Infrastructure improvements

76. The Section 106 monies would provide funding to extend the capacity at the local primary school, either at its existing site or on a new site close to the appeal site, as well as funding other community and recreational infrastructure projects in the local area. Whilst these aspects of the proposal would primarily meet need generated by the new residents and are necessary to enable the development to be acceptable in planning terms, the improvements to primary school provision and other local recreational infrastructure would also improve facilities for the benefit of existing residents and in the circumstances they do attract some minor weight in the sustainability balance.

77. The provision of well laid-out areas of public open space with play facilities and within the development, as suggested on the notional layout plan considered by the Council, would also enable the residents to walk to this facility. They would consequently only need to use those further away to access team sport facilities.

### Connectivity

78. There are over 30 service bus departures on weekdays destined for Yeovil, Wincanton, Street and Shepton Mallet from A/CC. However, a high proportion of these do not use Station Road, where there are hail and ride bus stopping facilities. There are also train services, to Yeovil, Bristol, Weymouth, Taunton and Reading from Castle Cary station, which is only a short walk from the northern edge of the site and along pedestrian routes that would be improved. However, given the distances and frequencies, particularly bus services that stop outside of the site, I am not persuaded that they would be a preferred movement option for a majority of persons residing at the appeal development.

79. Nevertheless, when compared with many rural locations, the bus services are adequate and the number of cars parked at the station on a daily basis suggests that although comparatively infrequent, the rail services are nevertheless well used. The successful implementation of the Travel Plan could improve the usage of public transport from this site. Furthermore, this proposal would improve the bus stopping facilities on Station Road and promote the diversion of some services through Churchfields to Station Road, thereby improving the site's accessibility to bus transport, as well as that of the Churchfields estate.

80. The centre of the village, where many facilities are concentrated, including the nearest convenience shop, is about 1km from the site entrance. The secondary school is a similar distance to the east. With the proposed diversion of bus services it would be feasible to travel to this school by public transport on inclement days as well as to walk and cycle. Although, given the distances, some residents would undoubtedly drive to local facilities, I would nevertheless expect a not insignificant proportion of residents of the appeal site to walk to these local facilities, particularly once the proposed improvements to the pavements along Station Road have been implemented.
81. At the Inquiry the Council was concerned about the site's accessibility to other development sites and facilities elsewhere in A/CC. Whilst in an ideal world there would have been an overall master plan for the direction of growth that identified the areas that were to be developed and for which purposes, and setting out an overall movement and landscape strategy, A/CC does not have that luxury. The LP did not require the development industry to prepare one and the Council although not preparing one itself, did not require the promoters of the three schemes that it has already approved, to prepare one either.
82. The creation of a landscaped footpath/cycleway link from the core of this site to Station Road, close to its junction with Victoria Park, would do much to improve the site's linkages with the town centre and other facilities and encourage residents to walk or cycle there. However its implementation is now largely the responsibility of the Council, through its consideration of reserved matters applications at this site (if approved), the Torbay Road site, the Station Road West site and at the land to the south of this appeal site (assuming that proposals for its development eventually materialise). All that this appellant can do, is provide a network within the appeal site to appropriate points along the southern boundary. It would then be the Council's responsibility to ensure that there is eventually an attractive means for sustainable movement across the other land, within the direction of growth, to the south.

#### Pedestrian accessibility

83. Whilst there is a footpath along the eastern side of Station Road, parts of it are significantly overgrown with grass and by the adjacent hedgerow, such that the walkable space narrows to less than a metre at a number of points and the surface has deteriorated. Such a situation is far from ideal for persons with prams and pushchairs or for disabled persons. I agree that without the proposed footpath improvements, there could be a severe highway safety issue were this appeal proposal to be implemented.
84. The Appellant proposes to improve the footpath along the eastern side of Station Road between its junction with Torbay Road and Castle Cary Station and along the northern side of Ansford Hill between its junctions with Station Road and Lower Ansford. Improvements to the Street Lighting along Station Road would also be carried out if planning permission was given and the development implemented. Conditions could ensure their implementation. The Highway Authority considers the proposed improvements to the footpaths to be an acceptable solution to the problem. In addition the proposed new footpaths would also improve highway safety for existing pedestrian users along both Station Road and Ansford Hill.



## Social cohesion

85. A/CC appears to be a socially cohesive settlement. As well as the facilities referred to above, there appears to be a thriving local community with numerous activities taking place, throughout the week, in a variety of locations. I understand the local concerns about the rate of development. The Council has recently approved three developments off Station Road. In combination with other local commitments and both appeal proposals, over 500 dwellings could be built in that area within a relatively short period of time. This could lead to an undesirable bulge in children seeking school places and undue pressure on other facilities. However, the responsible authorities have all accepted that there would be no harm if improvements that could be implemented by the Section 106 monies, provided by the development, were carried out.
86. Nevertheless, a large number of new residents, however well motivated and when moving into the town in a short period of time, would be more difficult to absorb than a low number or even a high number over a longer period. There would undoubtedly be some harm to social cohesion but in the context of the overall size of the town (about 3,420 persons), the appeal proposal would not be a major component. There is no evidence that A/CC suffers from crime and disorder or that there is a fear of crime among the local population. I can therefore give the overall consideration of social cohesion no more than minor weight against the proposal in the sustainability balance.
87. Overall I conclude that in the context of social sustainability the appeal proposal should attract moderate weight.

## *Environmental role*

### Countryside landscape

88. The Framework at paragraph 49 seeks to ensure that the need for housing does not take second place to other policy considerations and the courts have ruled that where paragraph 49 applies a tilted balance in favour of proposals should apply<sup>6</sup>. Nevertheless, that does not mean that those other considerations, including the protection of the countryside, should be disregarded altogether.
89. The importance of recognising the countryside's intrinsic character and beauty is one of the Framework's core principles, as set out at paragraph 17, and paragraph 109 seeks to ensure that valued landscapes are protected and enhanced. The protection of the environment, in its widest sense, is one of the three 'dimensions' of sustainability, as set out in paragraph 7.
90. The appeal site does not lie within any designated area of special landscape value. Nevertheless, that does not mean that the local countryside landscape has no value or that it is not valued by local people. Nothing in the Framework suggests that non designated countryside may not be valued or protected. Indeed many everyday landscapes are treasured by people and are as much a part of the identity of communities as are outstanding landscapes. Having said that, all landscapes are likely to be valued by someone and there is no dispute that some areas of countryside will have to be built upon if South Somerset's development needs are to be met.

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<sup>6</sup> High Court Case No. CO/5040/2015

91. More fundamentally, the definition of A/CC's direction of growth in the LP implies that some development could occur at the appeal site at some point in time. The results of the Peripheral Landscape Study informed the LP and it must be assumed that the landscape implications of development at this site and at other sites, within the direction of growth, were fully appraised and objectively assessed in arriving at the proposal illustrated on the Policies Map.
92. Notwithstanding that, the effect of the proposal on the character and appearance of the countryside and the setting of the town was a central part of the Council's case at the Inquiry. The Council thought that the development of the appeal site, at this point in time, would be detrimental in terms of its extension of the built environment and in terms of the setting of the town, particularly when viewed from Lodge Hill to the south-east.
93. However, the acceptance of a fundamental change in the environmental character of this area was established when the Council defined the extent of the direction of growth in the LP. Whilst I can understand its desire to prevent isolated development, detached from the edge of built development, from occurring, no evidence was offered to support the contention that this was now likely to happen. The recent approvals, on the part of the Council, provide for continuous urban development along Station Road from Torbay Road to the south-eastern boundary of the appeal site.
94. Looking at the area from Lodge Hill, the development will be seen along with the rest of the settlement's built development and including that recently approved but not yet built. The panorama from Lodge Hill is extensive, extending across the Somerset Levels to the north-west, with landmarks such as Glastonbury Tor clearly visible and acting as a focus for the viewer's experience. The appeal site would be seen as a modern housing development but in the context of development within the whole direction of growth to the west of Station Road, including existing dwellings, immediately to the east of this site and not as a residential outlier.
95. The outer limits of A/CC would clearly have moved to the north-west once the development was completed but this must have been perceived when the direction of growth was defined. Following the implementation of the landscaped belt along the site's north-western boundary and adjacent to the railway line, the site would be well contained by vegetation, within its extensive wider landscape setting. The site was hardly discernable from the viewpoints that I was taken to, north of the appeal site. Consequently, although I agree that the landscape will change, in the context of this appeal, the change can only attract minimal weight against the proposal.
96. With careful attention to the site's layout and landscaping at the reserved matters stage, housing development at the appeal site could create a form of built development that was not at odds with the settlement's character or be seriously harmful to its setting and the character and appearance of the local countryside. The development would impact upon an element of the view from Lodge Hill but this could be mitigated by the landscaping suggested adjacent to the railway line. Although there would clearly be a reduction in openness, for the reasons discussed above, the harm to LP Policy EQ2 need not be other than very minor. In such circumstances and having regard to the LP policy for the direction of growth, overall I can only give very minor weight to the harm to

the character and appearance of the countryside that would result from the implementation of the appeal proposal.

#### Traffic

97. There is local concern about congestion in the centre of Castle Cary and its impact upon the vitality of local shops and businesses. However the Highway Authority is satisfied that the additional traffic generated by all of the approved and proposed developments, close to Station Road, would not give rise to highway safety implications or disrupt the free flow of traffic to an extent that justifies objection to the proposal. The Framework says at paragraph 32 that development should only be prevented on transport grounds where the residual cumulative impacts of development are severe. There is no evidence to suggest that that would be the case at A/CC, if the appeal proposals were allowed. Whilst there would be increased vehicle numbers travelling through the centre, these would be most pronounced at peak periods and at times when most shops and businesses located there are not open to the public.
98. I note the concerns about the nature, condition and use of the B5153 at Clanville and am aware that two Inspectors have dismissed appeals for development in that area<sup>7</sup>. However, the concerns were about a noticeable increase in heavy goods vehicles using a narrow stretch of road, whilst visiting a proposed concrete batching plant that would be accessed via that road. The proposed Waste Transfer Station, which is also of local concern, would likewise attract similar vehicles on a regular basis.
99. However, other than during the construction phase, the appeal development would not generate other than minimal amounts of heavy goods traffic. I accept that the vehicular traffic generated by a succession of new developments off Station Road would not be insignificant. However, there is no empirical evidence to suggest that heavy goods vehicles visiting the appeal site or other vehicles, originating there, would travel via the B5153 through Clanville rather than by other routes into and out of A/CC.
100. Furthermore there is no evidence to suggest that the appeal proposal itself or in combination with other proposals would result in severe congestion or highway safety concerns. Additionally the Highway Authority, who attended the Inquiry to answer questions, does not object to the proposals. I consider the highway implications of this proposal to be neutral in the sustainability balance.

#### Accessibility

101. Employment and facilities at A/CC are not sufficient to sustain the local population. Consequently a proportion of the economically active residents of the appeal site, like from the rest of the town, would travel elsewhere for work, as well as for comparison shopping and they would also be likely to visit the larger supermarkets in Wincanton and Shepton Mallet for many of their convenience purchases.
102. A development of 125 new homes, in addition to about 350 others (275 if Appeal B is not allowed), would generate significant movement. However, there are regular bus services to the higher order centres around A/CC, which are likely to be the principal destinations. The information before the Inquiry

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<sup>7</sup> Appeals ref: APP/R3325/A/13/2210452 & W/15/3024073, land at Camp Road, Dimmer, Castle Cary, Somerset

suggests that there are eight buses on each weekday to Yeovil and Shepton Mallet, seven to Wincanton and six to Street. There are also nine trains each weekday to and from Yeovil.

103. Wincanton, to where many bulk convenience shopping trips would be made, is only about five miles away. In the context of rural Somerset this is not an excessive distance and A/CC is an accessible settlement, with better opportunities for encouraging residents to use public transport for some of their journeys than is the case at many other places in the area. Within the context of A/CC, once the pedestrian improvements, referred to above, have been implemented, this could be a relatively accessible site, being within walking and cycling distance of village facilities and close to bus stops as well as a main line railway station. Some of the new properties could well be occupied by the numerous persons who appear to drive to Castle Cary station, from further afield, on a daily basis.
104. I accept that residents of the appeal site would make many journeys by the private car and paragraph 34 of the Framework says that decisions should ensure that developments that generate significant movement are located where the need to travel can be minimised and the use of sustainable transport modes can be maximised. In paragraphs 93 and 110 it encourages radical reductions in greenhouse gas emissions but at paragraph 29 it also recognises that opportunities to maximise the use of sustainable transport in rural areas will be different to those in urban areas.
105. LP Policy TA1 encourages low carbon travel; the appeal proposal would provide and distribute travel packs to future residents. The implementation of the travel plan presents an opportunity to encourage new residents to take a sustainable approach to their movement. The proposal would also fund measures to facilitate the diversion of Service 1 through the Churchfields and Victoria Park areas, as well as to Station Road and past the appeal site. This would be of benefit to existing residents, as well as to new ones.
106. Overall, in the context of rural South Somerset and the CS's desire to concentrate a significant amount of development in its market towns, I find that the site has locational advantages in the sustainability balance and that this environmental consideration attracts minor weight in favour of the appeal proposal in that context.

#### Mineral deposit

107. Part of the site is within a Mineral Safeguarding Area, as defined by Policy SMP9 of the Somerset Minerals Plan because the British Geological Map of the area suggests that the land is underlain by River Terrace Deposits. During the adjournment, the Appellant submitted the results of a geotechnical investigation that had been undertaken on its behalf. This suggests that there are no economically workable sand and gravel deposits beneath the site. Following further consultation with the Mineral Planning Authority, it concluded that the site was consequently covered by the exemption list set out in Table 6 of the adopted Somerset Minerals Plan and that the proposal consequently did not offend Policy SMP 9 of that plan.

## Other environmental considerations

108. On balance there would be net gains to ecology, on a site that currently has little in the way of flora and fauna at the present time. The hedges around and within the site are to be protected and retained wherever possible. Bat boxes could assist in the protection and growth of the local bat population. Artificial nest boxes would also help to maintain and improve the local population of other birds. Other improvements in ecology could be achieved by facilitating the use of some of the amenity open space by wildlife and the planting of trees in parts of these areas and within the areas to be developed, followed by their effective management. These improvements, which are supported by LP Policy EQ4, could be ensured through conditions and would weigh in favour of the proposal in a minor way.
109. LP Policy EQ2 seeks to create high quality development, promoting local distinctiveness and preserving or enhancing the character and appearance of the district. It sets out ten criteria against which development proposals will be considered. This is an outline application with the details of its layout and design reserved for subsequent approval by the Council. The information contained in the Design and Access Statement, the illustrative Master plan and the supporting documentation suggests that subject to the appropriate discharge of the reserved matters and other conditions, a high quality development could be achieved at the appeal site that satisfied these aspects of LP Policy EQ2. With careful attention being given to the detail, I can see no reason why this development should not reflect the better examples of layout and vernacular architecture to be found in the area, thereby respecting its character and appearance.
110. It is agreed that through the discharge of appropriate conditions, the development could be of a design, layout, scale and mass compatible with the locality and that it could respect and enhance the local environment. If the detailed design and layout were pursued, in accordance with these objectives, the result would be a development that was of a high quality, safe, sustainable and inclusive, in accordance with the requirements of the relevant DP policies. There is no evidence to suggest that the development would not be designed to a high quality using the sustainable design principles outlined in LP Policy EQ1.
111. Overall I conclude that there would be some very minor harm to the character and appearance of the local countryside, as a result of the appeal proposal. The comparative locational advantages of the site weigh, to a small extent, in favour of the proposal in the environmental balance, as do the highway safety and ecological improvements. Consequently there would be long term environmental benefits and this consideration attracts minor weight in favour of the proposal in the overall sustainability balance.

### *Sustainability conclusion*

112. The Framework is clear, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is rare for any development to have no adverse impacts and on balance many often fail one or more of the roles because the individual disbenefits outweigh the benefits. Although there are some disbenefits to this proposal, none are so substantial as to outweigh the respective benefits in each of the three strands of sustainability.

113. I find that the proposal would overall positively benefit each of the threads of economic, social and environmental sustainability. The adverse impacts of granting planning permission do not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. It is therefore my judgement that the appeal proposal would, on balance, deliver sustainable development within the meaning of paragraphs 18-219 of the Framework. The provisions of Para 14 apply and the proposal is in accordance with LP Policy SD1.

### ***Planning balance and overall Conclusion***

114. The proposal is outside of the defined Development Area of A/CC but within a Direction of Growth. The amount of housing development that would be committed in A/CC and the resultant scale of growth, if the appeal were to be allowed, would be such that the settlement would be unlikely to maintain its existing level of self-containment. This would be contrary to LP Policies SS1 and SS5 and the proposal would consequently distort the wider policy framework. However, in taking a permissive approach to development in this area of growth, while ever there is not an adopted Site Allocations Development Plan Document, LP Policy SS5 gives some support to the proposal. I have nevertheless also found that the proposal would be contrary to LP Policy EQ2 in some respects.

115. However, in the absence of a five year supply of housing land, the above policies are out of date and therefore in the context of this appeal, attract minor weight. In addition I have found that on balance the proposal is sustainable development within the overall meaning of paragraphs 18 to 219 of the Framework and that the proposal therefore complies with LP Policy SD1. Nevertheless, on balance, I consider it not to be in accordance with the Development Plan as a whole.

116. Whilst accepting that the implementation of this development could lead to increased commuting from A/CC and reduce its self-containment, thereby causing some harm to the DP strategy, in a situation where the DP housing policies are not up to date, and South Somerset appears to be in a position where it is likely not to have a five year supply of housing land for some years, I consider the harm to the DP to be outweighed.

117. The other material considerations, to which I have been referred, including the representations from local people and the extensive array of other appeal and court decisions that I have not specifically quoted in this decision, do not indicate that planning permission should be refused. For the reasons discussed above I therefore find that the appeal should be allowed.

### **Conditions**

118. The Council's seventeen suggested conditions were considered and expanded in the context of the discussion at the Inquiry, the Framework and the advice in the NPPG. Not all of the conditions were agreed in principle by the parties.

119. They now include reduced time limits for commencement, as well as specification of approved plans and approval of reserved matters that are routinely applied to outline planning permissions. To enable the developments to meet Development Plan policies that seek to achieve sustainable

development, conditions concerning the site's access, drainage (including surface water management), ecological and environmental protection and enhancements, on-site roads and footpaths and contamination were suggested, as well as the phasing of the development. The Council also requested a phasing condition, to enable the development at this site to be synchronised with that at other sites off Station road. A condition to secure the implementation of off-site footpath and lighting improvements was also put forward and agreed.

120. I have considered the need for these conditions in the context of the six tests contained in paragraph 206 of the Framework and the advice contained in the NPPG. Although discussed at the Hearing, as the site's alleged ability to significantly contribute to housing provision, within the short term, is not a justification for allowing this appeal, it is not appropriate to reduce the time limits for the submission of details and the commencement of development from the norm.
121. The means of access to the site is clearly shown on drawing ref: 30875/5501/003A. The highway Authority has its own powers to control the construction details of works within the public highway and also within development sites through adoption procedures. It is not therefore appropriate for the Appellant to be required to submit details of the proposed construction of roads and footpaths to the Local Planning Authority. Similarly, the Water Authority has its own powers to control the construction and connection of foul sewers to its network. It is not necessary for the Local Planning Authority to approve their design or to supervise their implementation.
122. Bats are a protected species and in the absence of verified evidence to the contrary, I consider it appropriate for the site to be surveyed for their presence at the appropriate times. This would enable the detailed design of the development to mitigate against any potential harm that could be caused to their presence.
123. It is also not appropriate to link the progress of development at this site to that at other sites within the Direction of Growth. The framework requires the supply of housing to be boosted now. Such a restrictive condition would be contrary to this objective.
124. The remainder of the conditions are necessary in order to ensure that the development is of a high standard, creates acceptable living conditions for existing and future residents within the development and area as a whole, is safe and sustainable, minimises the impact on the environment and complies with the relevant DP Policies.

*M Middleton*

INSPECTOR

## Schedule of Conditions

1. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
2. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
3. Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") of the development shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
4. The development hereby permitted relates to the site shown on Location Plan, drawing number 140804 L 01 01 (18 December 2014).
5. The development hereby approved shall not be commenced until a detailed surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. Such a scheme shall include:
  - Measures to prevent the run-off of surface water from private plots onto the highways.
  - Measures to limit the surface water run-off generated by the 1 in 100 year (+ 30% for climate change) critical storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
  - Provision of compensatory flood storage on the site to a 1 in 100 year (+ 30% for climate change).
  - Measures to address all rainfall events up to and including the 1 in 100 year (+30% for climate change).
  - Details of the timetable for implementation
  - An arrangement for the future responsibility and maintenance of the implemented surface water drainage system

The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied

6. In this condition "retained tree" means an existing tree which is to be retained in accordance with the approved plans and particulars; and paragraphs (i) and (ii) below shall have effect until the expiration of 1 year from the date of the occupation of the last dwelling.
  - i) No retained tree shall be cut down, uprooted or destroyed, nor shall any retained tree be topped or lopped other than in accordance with the approved plans and particulars, without the written approval of the local planning authority. Any topping or lopping approved shall be carried out in accordance with British Standard 5837 2012 (Tree Work).
  - ii) If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.
  - iii) The erection of fencing for the protection of any retained tree shall be undertaken in accordance with plans and particulars to be



approved by the local planning authority before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written approval of the local planning authority.

7. Bat surveys shall be undertaken in accordance with industry best practice and shall include bat activity surveys during the period April to October as well as surveys of potential tree roosts. The results shall be submitted to the local planning authority, along with any appropriate mitigation proposals, as part of any reserved matters application.
8. Prior to the commencement of the development hereby approved details of measures for the enhancement of biodiversity, which shall include the provision of bat, swallow and swift boxes and a time scale for delivery of all such measures, shall be submitted to and approved in writing by the local planning authority. The biodiversity enhancement measures shall be implemented in accordance with the approved details unless otherwise approved in writing by the local planning authority.
9. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling, before it is occupied, shall be served by a properly consolidated and surfaced footpath and carriageway, to at least base course level, between the dwelling and existing highway.
10. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc.).
11. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
  - iv) the parking of vehicles of site operatives and visitors
  - v) loading and unloading of plant and materials
  - vi) storage of plant and materials used in constructing the development
  - vii) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - viii) wheel washing facilities
  - ix) measures to control the emission of dust and dirt during construction
  - x) a scheme for recycling/disposing of waste resulting from demolition and construction works

12. The reserved matters application(s) shall include provision for footpath, cycle-path and vehicular links to the boundaries with the adjoining land in the direction of growth as identified by policy LMT1 of the South Somerset local Plan 2006-2028. Unless agreed otherwise in writing, such links shall be fully provided to the boundary prior to the occupation of the 75<sup>th</sup> dwelling on the site.
13. The access to the site shall be formed generally in accordance with the details shown on drawing 30875/5501/003A. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level within the visibility splays shown on the approved plan. Such visibility splays shall be provided prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.
14. The development hereby permitted shall not begin until a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the local planning authority. The scheme shall include all of the following measures, unless the local planning authority dispenses with any such requirement specifically in writing:
  - i) A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175 : 2011 Investigation of Potentially Contaminated Sites – Code of Practice.
  - ii) A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites – Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.
  - iii) A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any ongoing monitoring should also be outlined.
  - iv) If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.
  - v) A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology shall be submitted to the local planning authority. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included in the report, together with the necessary documentation detailing what waste materials have been removed from the site.”
15. No development shall take place until a detailed scheme of footway width maintenance and street lighting improvements has been submitted to and approved by the local planning authority to the eastern footway of

Station Road southbound from the site access to the junction with Torbay Road and northbound from the site access to the entrance of the railway station car park and to the northern footway of Ansford Hill from its junction with Station Road to the railway station footpath, all works to be within the limits of the adopted highway and as shown on drawing number 30875-5501-007. The approved scheme shall be implemented prior to the occupation of the first dwelling.

16. The proposed off-site pedestrian and bus facility improvements shown on drawing number 30875-5501-004 shall be implemented prior to the occupation of the 75<sup>th</sup> dwelling on the site.

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Richard Banwell	Instructed by Ian Clarke of South Somerset District Council
He called	
Robert Archer Dip LA, CMLI	Landscape Architect
Keith Lane BA, MTP, MRTPI	Policy Planner
Adrian Noon BA, Dip UP	Town Planner
Lynda Pincombe BA	Community Health and Leisure Manager
Stephen Fox BSc	Horticultural Officer
Ceri Owen BA	Horticultural Technician
Colin McDonald MA FCIH	Housing Manager
Charlie Field	Property Estates Manager

### FOR THE APPELLANT: (APPEAL A)

Michael Bedford	Instructed by Mark Scoot of Amethyst Planning
He called	
Neil Thorne BSc, MSc, MILT, MIHT, MTPS	Peter Brett Associates Transport Engineer
Chris Britton BSc, MLA, CMLI	Chris Britton Landscape Associates Landscape Architect
Mark Scoot BSc, Dip TP, Dip Surv, MBA, MRTPI, MRICS	Amethyst Planning Town Planner

### FOR THE APPELLANT: (APPEAL B)

Giles Cannock	Instructed by Desmond Dunlop of D2 Planning Ltd
He called	
Chris Miles BSc, CMILT, MCIHT, AMICE	WYG Environment Planning Transport Ltd Traffic and Transportation Engineer
Clare Brockhurst BSc Dip LA, FLI	Tyler Grange Landscape Architect
Desmond Dunlop BA, MRTPI	D2 Planning Ltd Town Planner

### SOMERSET COUNTY COUNCIL

Helen Vittery Dip CSM	Highways Development Manager
Jon Fellingham BA	Planning Liaison Officer
Albert Ward	Travel Plan Officer

INTERESTED PERSONS:

Henry Hobhouse	District Councillor
Chris Edwards	Ansford Parish Council
Pek Peppin	Castle Cary Town Council
David Holt	Castle Cary Town Council and Ansford Parish Council Neighbourhood Plan Group
Barry Lane	Castle Cary Town Council and Ansford Parish Council Neighbourhood Plan Group
Vicki Nobles	Care4Cary
Helen Cleaveland	Care4Cary
Colin Kay	Local resident

DOCUMENTS SUBMITTED TO THE INQUIRY

- 1 Correction to Section 8 of Mark Scoot's Proof of Evidence
- 2 Supplementary Evidence from Neil Thorne addressing third party concerns and comments on the capacity and suitability of the local highway network to accommodate all of the additional traffic generated by the committed and appealed proposals off Station Road
- 3 Rebuttal evidence to the Proof of DS Dunlop, submitted by the Council
- 4 Statement submitted by Chris Edwards on behalf of Ansford Parish Council
- 5 Statement submitted by Pek Peppin on behalf of Castle Cary Town Council
- 6 Statement with Appendices submitted by David Holt on behalf of Castle Cary and Ansford Neighbourhood Plan Group
- 7 Statement with Appendices submitted by Vicki Noble on behalf of Care4Cary
- 8 Statement with annotated map submitted by Helen Cleaveland on behalf of Care4Cary
- 9 Statement submitted by Barry Lane
- 10 Castle Cary and Ansford draft Neighbourhood Plan
- 11 Ansford/Castle Cary, Housing affordability ratios, submitted by the Council
- 12 Email exchange between Keith Lane and Nigel Timmis concerning dwelling delivery timescales at Upper Mudford, Primrose Lane, Yeovil
- 13 Email exchange between Keith Lane and John Bishop concerning dwelling delivery timescales at Ketford, Yeovil
- 14 Email exchange between Keith Lane and Stuart Carvel concerning dwelling delivery timescales at land north of Tatworth Road, Chard
- 15 Ansford/Castle Cary, South Somerset, South West and England, Employment by occupation 2001, 2011 and changes 2001-11, provided by the Council
- 16 South Somerset, South West and Great Britain, Employment by occupation 2015, provided by the Council
- 17 Ansford/Castle Cary, South Somerset and England, Employment by industry 2011, provided by the Council
- 18 Ansford/Castle Cary, Mode of travel to work 2001 by age group, provided by the Council

- 19 Ansford/Castle Cary, South Somerset and England, Travel to work by distance bands 2001, provided by Appellant A
- 20 Details of employment commitments at Torbay Road industrial estate, provided by the Council
- 21 South Somerset, Method of Travel to Work by Settlement 2011, provided by Appellant A
- 22 South Somerset, Self-Containment by Settlement 2001, provided by Appellant A
- 23 Employment commitments within 10km of Ansford/Castle Cary, October 2016, provided by the Council
- 24 Undecided planning proposals with employment within 10km of Ansford/Castle Cary, October 2016, provided by the Council
- 25 Approved employment proposals at Torbay Road Industrial Estate, provided by the Council
- 26 Daily telegraph article of 08/10/16 about the future of GKN, Yeovil, submitted by Barry Lane
- 27 Email from Peter Lennard to South Somerset Planning, providing comments from the Governors of Castle Cary Community Primary School on the options of expanding the existing Primary School or moving to a new school at Torbay Road, submitted by Vicki Nobles
- 28 Ansford/Castle Cary, Agricultural land classification 1992, provided by the Council
- 29 Country Life article of 08/06/2016 about residential development in the countryside, submitted by Barry Lane
- 30 Report to South Somerset Waste Board meeting of 21/10/16, concerning proposed New Waste Transfer facilities at Dimmer and Walpole, provided by the Council on behalf of Vicki Nobles
- 31 Notes of a pre-application meeting between Silverwood Holdings, Castle Cary Town Council and South Somerset Planning Department, concerning proposals to develop land to the south of Station Road (Station Road West site), submitted by Silverwood Holdings
- 32 Newspaper notification that Appeal B affected the setting of a Listed Building and inviting comments to be made to the Planning Inspectorate, provided by the Council
- 33 Listed Building Entry, Church of St Andrews , Tuckers Lane, Ansford, Somerset
- 34 Accompanied site visit programme, with map of route to be taken, provided by the Council
- 35 Additional route to drive on site visit to Sparkford via North Barrow and South Barrow, submitted by Mr Lane on behalf of Vicki Nobles
- 36 Map of viewpoints to be visited and from which the appeal sites can be seen, provided by Appellant A
- 37 Appeal decision Ref:- APP/F0114/A/14/2217216 land at Cappards Road, Bishop Sutton, submitted by the Council on behalf of Vicki Nobles
- 38 Suggested conditions, Appeal A
- 39 Suggested conditions, Appeal B
- 40 Residential Travel Plan, Appeal A
- 41 Section 106 Agreement, Appeal A
- 42 Unilateral Undertaking, Appeal B
- 43 Statement of CIL Compliance by Somerset County Council, acting as the Local Education Authority
- 44 Statement of CIL Compliance by South Somerset District Council, acting as the provider of Sport and Recreation Facilities

- 45 South Somerset District Council, Community, Health and Leisure Services Planning Obligations
- 46 Advertisement inviting comments on the effect of the Appeal B proposal on the setting of St Andrew's Church, which is a listed Building
- 47 Observation from Historic England on the setting of the Listed Building
- 48 Heritage Impact Assessment submitted by the Appellant
- 49 Conservation Consultation Response (South Somerset District Council) on the setting of the Listed Building
- 50 Consultation letter to Somerset County Council inviting comments on the implications of the Appeal A proposal for the Mineral Safeguarding Area
- 51 Consultation response from Somerset County Council
- 52 Letter from Geo Consulting on behalf of Appellant A to Somerset County Council, discussing an attached Geotechnical Investigation
- 53 Letter from Somerset County Council, agreeing that there is no economically viable sand and gravel mineral reserve beneath the site and confirming that the proposal does not offend Policy SMP 9 of the Somerset Minerals Plan

#### PLANS SUBMITTED TO THE INQUIRY

- A Layout of Appeal A proposal showing locations of possible pedestrian links into the sites to its south
- B Illustrative Master plan, Land at Torbay Road
- C Planning Layout, land West of Station Road
- D Planning Layout, Wells Farm

#### PHOTOGRAPHS SUBMITTED TO THE INQUIRY

- 1 View over Castle Cary and Ansford from Lodge Hill with Appeal A site and approved development sites at Station Road indicated, provided by the Council
- 2 HGV turning the corner onto Castle Cary Station bridge, whilst travelling in a southerly direction, provided by Vicki Nobles
- 3 HGV turning the corner onto Castle Cary Station bridge, whilst travelling in a southerly direction, provided by Vicki Nobles