

**PINS REF: APP/R3325/W/20/3259668**

**LPA REF: 19/01840/OUT**

**APPEAL BY WYKE FARMS LIMITED AND**

**ANDREW HOPKINS CONCRETE LIMITED**

**LAND NORTH OF ANSFORD HILL, ANSFORD,**

**CASTLE CARY**

**OPENING SUBMISSIONS ON BEHALF OF THE LPA**

1. At its northern edge, Castle Cary is defined by a ridgeline that drops into the valley below. The settlement itself sits behind the ridgeline in a plateau. That plateau is terminated by a steep north-facing scarp marking an abrupt change in elevation from the high ground to the valley floor along which the River Brue runs. The appeal site forms the western end of this scarp, which is a highly distinctive and uninterrupted landform feature which frames and defines the Brue Valley.

2. The strong natural boundary created by the ridgeline is currently well treed with some visible development. However, the existing development does not tell of the settlement that sits in the plateau. It could be a single row of development along a ridgeline, something not uncommon in the surrounding landscape. There is no development that breaches that ridgeline and descends down the valley side. This development would be the first development to do so on this northern slope into the Brue Valley.
3. Currently, the landscape of the Brue Valley has an overwhelmingly attractive rural character. These characteristics elevate the small area above the ordinary or everyday, making it, in accordance with the latest guidance, a valued landscape in policy terms. The appeal site forms an integral part of the Brue Valley landscape, it therefore forms part of a valued landscape and benefits from the protection afforded by NPPF §174(a).
4. The landscape is not devoid of development, but it is a well-settled and ‘domesticated’ landscape with numerous small villages and hamlets, scattered groups of houses, businesses and infrastructure, including the station and rail lines, the busy A371 road and overhead powerlines. Nonetheless, there is no sense of proximity to an urban area.
5. Into this valued landscape this proposed development will cause a wide range of adverse effects, many of which are at the higher level of significance. This is a scheme that will cause very significant landscape and visual harm. When in the landscape and considering the effects of this scheme it is abundantly clear that the landscape of the site and surrounding area will be significantly harmed, as will the visual experience because of the visual prominence of the site.

6. Put simply this is an important site to the setting of Castle Cary/Ansford; it is an integral part of the Brue Valley landscape; and, this development would cause unacceptable harm to both of those. The scheme contravenes local plan policy EQ2, NP policy DP1 and NPPF §174. The scale of the landscape and visual harm significantly and demonstrably outweighs the benefits of the development.
7. It is agreed that the tilted balance applies in this case. However, that does not mean that consent is automatic, or that the development plan can be put to one side. There are still key elements of planning judgement in the exercise of that balance.
8. The starting point remains the development plan. In this case the proposal is outside the developable area of Castle Cary, it is within the countryside in policy terms – and most definitely not within a rural settlement. As a result of being in the open countryside, the development contravenes policies SS1, SS5 and LMT1. In the absence of 5YS, those policies are out of date. That does not mean that they are of no weight.
9. In determining the weight to be afforded out of date policies, the decision maker should take into account the extent to which the policies fall short of providing a 5YS and the prospect of development soon coming forward to make up the shortfall.
10. At 4.6 year supply, the shortfall is 292 units. In this case there is a strong and credible case that the shortfall will be shortlived and that this site, with its significant landscape and visual harms, is simply not needed to maintain a 5YS.
11. The sites that will very soon enter the supply is as a result of the Council's heroic efforts to address the issue of phosphates.

12. On 17 August 2020, all the planning authorities in Somerset received an advice note from Natural England (NE) concerning the unacceptable levels of phosphates in the Somerset Levels and Moors Ramsar site. This effectively put a block on most development coming forward within the catchment area of the Somerset Levels and Moors Ramsar site, unless issues of drainage had already been approved.
13. Since receiving the advice note from NE, South Somerset District Council has dedicated significant resources to resolving the phosphates issues, including work on progressing interim measures to ‘unlock’ the delivery of development sites.
14. Pending the adoption of the Nutrient Neutrality Supplementary Planning Document (SPD), the Council has been working hard to find an interim solution. One such solution is the Somerset Catchment Market Nutrient Credit Scheme (scheme) which has been developed by Wessex Water Entrade (EnTrade).
15. EnTrade are planning two market rounds to sell the credits. The first will be before the end of 2021 and the second by April 2022. The sale of these credits will ‘unlock’ enough development to make up the small shortfall in supply. EnTrade have calculated that there is capacity for 878 houses to be unlocked in round 1 and 1491 in round 2, totalling 2369 between November 2021 to April 2022. A further 2604 are forecasted to be unlocked from 2022/23 onwards.
16. The Council currently has a backlog of full, outline, reserved matters and discharge of condition planning applications in the system which are held up awaiting a Phosphate solution. This includes a scheme of 685 units and 65 bed care home with outline resolution to approve at committee, 200 units with outline approvals awaiting reserved matters and 374 units and a 24 bed care home requiring reserved matters where the principle of development is established.

Even when adopting a cautious approach, if in November 2021 credits equivalent to 356 units are taken up this would address the current shortfall in HLS.

17. Many of these sites are at a more advanced stage than the appeal site, having been through the reserved matters stage, which would make a more immediate contribution to the HLS. This is therefore a material consideration of very significant weight in the determination of the appeal.
18. So whilst the Council cannot currently display a 5YS, that shortfall will be addressed in the not too distant future without the need for the appeal site.
19. As a result, and in line with the decision at the recent Templecombe appeal, it is the Council's view that full weight should be given to policies SS1 and LMT1. The landscape policies in EQ2 and DP1 should also be given full weight. Conflict with these policies should each be given significant weight. As too should the conflict with NPPF §174(a).
20. These harms plainly suffice to significantly and demonstrably outweigh the benefits of this unsustainable scheme and the appeal should be dismissed.

*Philip Robson*

*9 November 2021*

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