



Appeal Decision

Hearing opened on 6 August 2024

Site visit made on 6 August 2024

by David Prentis BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th August 2024

Appeal Ref: APP/E3335/W/24/3338956

New House Farm, Haybridge Hill, Haybridge, Wells, Somerset BA5 1AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Gleeson Land against the decision of Somerset Council.
 - The application reference is 2023/1087/OUT.
 - The development proposed is described as *outline planning application with all matters reserved (except for access) for the demolition of existing farmhouse/agricultural buildings, erection of up to 50 residential dwellings, including affordable housing, green infrastructure, public open space, play area, landscape planting and sustainable drainage systems, package treatment works and new access arrangements from A371 Haybridge Hill.*
-

Decision

1. The appeal is allowed and outline planning permission is granted with all matters reserved (except for access) for the demolition of existing farmhouse/agricultural buildings, erection of up to 50 residential dwellings, including affordable housing, green infrastructure, public open space, play area, landscape planting and sustainable drainage systems, package treatment works and new access arrangements from A371 Haybridge Hill at New House Farm, Haybridge Hill, Haybridge, Wells, Somerset BA5 1AJ in accordance with the terms of the application, reference 2023/1087/OUT, subject to the conditions in the attached schedule.

Preliminary matters

2. The Hearing sat for two days on 6 and 7 August 2024. By agreement with the parties, I carried out visits to the site and locations identified in the evidence on 6 August 2024. In the main these were unaccompanied visits. My visit to the Wells Touring Park was on an access required basis, with a staff member present purely for the purposes of safety and security.
3. Amended plans were put forward with the appeal documents:
 - Parameter Plan 1325.03 dated 18/07/24
 - Site Access Plan 19-074/003 Revision L
 - Proposed Site Access Strategy 19-074/012
4. The changes related to the details of an ecology corridor along the southern boundary, a pedestrian refuge at the site access and a 3m wide footway/cycleway linking to Elm Close in the position of an existing Public Right

of Way (PRoW). These amendments reflected information provided to Natural England (NE) and Somerset Council Highways (SCH) after the determination of the application. They were not opposed by the Council. I consider that these changes are minor and would not alter the substance of the appeal proposal. Moreover, there would be no prejudice to any interested party. I have therefore determined the appeal on the basis of the amended plans.

5. Following discussions with the Council and statutory consultees in the period after the application was determined, further information was submitted which resolved a number of concerns that had been raised by those parties. The Council did not pursue:
 - part of the second reason for refusal (highway safety);
 - the third reason for refusal (Somerset Moors and Levels Ramsar site);
 - the fourth reason for refusal (North Somerset and Mendips Bats Special Area of Conservation);
 - the fifth reason for refusal (surface water drainage); or
 - the sixth reason for refusal (odour nuisance).
6. A final draft of a Unilateral Undertaking (UU) was discussed at the Hearing and arrangements were made for the completed document to be submitted shortly thereafter. The UU would provide for:
 - 40% of the dwellings to be delivered as affordable housing;
 - provision of public open space, together with arrangements for future management and maintenance;
 - establishment of a management company for future management of green infrastructure;
 - a financial contribution to primary school places; and
 - a financial contribution to healthcare facilities.
7. The Council produced a statement, including references to relevant development plan policies, explaining how each of the obligations would meet the requirements of Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. At the Hearing, no party raised any concerns in relation to the obligations themselves or in relation to their compliance with the CIL Regulations. I see no reason to take a different view and have taken the obligations into account accordingly.
8. The development plan includes:
 - the Mendip District Local Plan Part 1: Strategy and Policies 2006-2029 (adopted in 2014) (MDLP1); and
 - the Mendip District Local Plan Part 2: Sites and Policies (adopted in 2021 – post judicial review version) (MDLP2).
9. These plans were adopted for the administrative area of the former Mendip District Council, which now forms part of the administrative area of Somerset Council. The development plan also includes the Somerset Minerals Plan

(adopted 2015) and the Somerset Waste Plan (adopted 2013). However, no party relied on these plans. Nor did any party rely on any emerging plans.

10. At the Hearing, it was noted that the Secretary of State had recently published a written ministerial statement entitled "*Building the Homes we Need*" and that the Government had published a consultation on proposed reforms to the NPPF and other changes to the planning system. Whilst these documents are material considerations, in this case they do not alter the findings that I have reached having regard to the development plan, the National Planning Policy Framework (the Framework) and the evidence before the Hearing.

Main issues

11. The main issues are:

- the effect of the proposal on the character and appearance of the area, including any effects on the identity and distinctiveness of settlements and any landscape and/or visual effects;
- the extent to which the proposal would contribute to the objectives of limiting the need to travel and offering a genuine choice of transport modes; and
- the nature and extent of any economic, social and environmental benefits.

Reasons

The effect of the proposal on the character and appearance of the area

12. The appeal site extends to 2.69ha. It comprises a farmhouse and agricultural buildings, in the northern part of the site, with the remainder of the land being semi-improved grassland. To the south, it is bounded by the back gardens of dwellings fronting Elm Close (B3139). These are built along a ridge, such that the levels fall from south to north across the appeal site, with the lowest point being in the north east corner. The site is bounded to the west by open farmland, to the north by the Wells Touring Park and to the east by an area of woodland. The north east corner has a frontage to the A371, where the existing access to New House Farm is located.
13. The site lies around 1.5km to the west of the centre of Wells, just outside the settlement boundary defined in the development plan. The spatial strategy is set out in Core Policy 1 of the MDLP1, which states that the majority of development will be directed towards the five principal settlements of Frome, Glastonbury, Shepton Mallet, Street and Wells to reinforce their roles as market towns serving their wider rural catchments. Development to meet local needs is to be provided for in identified primary and secondary villages, as well as in other villages and hamlets. Development in open countryside is to be strictly controlled. In the terms of the development plan, the appeal site is in open countryside. The proposal does not fall within any of the types of development that may be acceptable in the countryside under Core Policy 4, so it would be in conflict with both Core Policy 1 and Core Policy 4.

Coalescence

14. MDLP1 includes Core Policy 10: Wells City Strategy which allocated housing sites at:

- Land south of Glastonbury Road (CP10A); and
- Land West of Wells (CP10B)

15. These sites have since been developed and are now occupied. Housing at Ebbor Gorge Road, which lies to the east of the appeal site, formed part of the CP10B allocation. That allocation indicated a green gap, designated as local green space, between the housing sites and the settlement of Haybridge. Core Policy 10 explains that the rationale for the green gap is:

"In response to concerns about urban coalescence with nearby Haybridge, the amenity value to which local people attach to the area and the findings of a Habitats Regulations Assessment..."

16. In 2016 there was a planning appeal against the Council's refusal of outline planning permission for up to 220 dwellings at Land North of the A371 and West of Wells¹. The appeal was allowed and planning permission was granted. The gap between Wells and Haybridge was a matter considered by the Inspector, who concluded that:

"The amended plans show that the initial impact on this gap would be significantly less than in the original set of parameter plans which were submitted with the appeal application. On this basis I consider that the settlements would not coalesce following implementation of the scheme, and that the encroachment would not be apparent, subject to the reinforcement of the landscaping and section of proposed woodland which the Council would be able to impose at the reserved matters stage."

17. The current position is that the CP10B allocation has been implemented, creating a new western edge to the built form of Wells. I saw that an area of open space has been laid out between the new housing at Ebbor Gorge Road and Haybridge. The appeal scheme would not intrude into that space, being located to the west of the A371.

18. Moreover, the appeal scheme would not materially impact on the sense of space and separation that has been retained at this point. Existing areas of woodland adjacent to the A371 would reduce the visibility of the site in local views. The parameter plan shows that the proposed housing would be located in the central and southern parts of the site, set well back from the A371 frontage. The northern part of the site would be largely given over to open space, a water treatment plant and a drainage basin. These features would have little impact on views from outside the site.

19. The proposed access would pass through the northern part of the site, opening up a view into the site in which housing may be glimpsed. The proposed highway works would also have an urbanising effect. However, these impacts would only be experienced from a short stretch of the A371, close to the proposed point of access.

20. The Landscape and Visual Appraisal (LVA) did not identify any viewpoints in the Ebbor Gorge Road area, or in the open space, from which the appeal scheme would have a material impact. Nor did the Council's evidence identify any such viewpoints. This accords with what I saw, which was that views towards Haybridge from the western edge of Wells would be unaffected.

¹ APP/Q3305/W/15/3129620

21. The appeal site can be seen in views from Haybridge, southwards along the A371². At present, the houses at Elm Close appear on the skyline. The effect of the appeal scheme would be to increase the number of houses in the view. However, such views are contained by existing built frontages on either side of the road as it passes through Haybridge. There is no appreciation of the gap between Haybridge and the western edge of Wells at this point. The appeal scheme would be seen in the context of existing built development. Subject to sympathetic design and materials, which could be controlled at reserved matters stage, I do not think it would be harmful to the character or the appearance of Haybridge.
22. Development at Elm Close comprises a row of 20th century dwellings which are mostly detached two-storey houses with some bungalows. At present, they appear as a ribbon of suburban style development in a predominantly open setting. This context will change when allocation WL5, on the opposite site of the road, is developed. WL5 now has outline planning permission for residential development and there was no evidence before the Hearing to indicate that the permission is unlikely to be implemented.
23. There would be some locations where the proposed houses would be seen between the existing dwellings. The western end of the proposed development could also be seen from the B3139³ to the west. However, in the main, the proposed houses would not be a significant feature in views along Elm Close because they would be located behind the existing dwellings, at a lower level. The proposal would not therefore have a significant impact on the character and appearance of the street scene.
24. The appeal site can be seen in views from higher ground to the north⁴, at distances of around 1.5km to nearly 3km. From these locations, features such as Elm Close, the Wells Touring Park, Haybridge and the new housing developments west of Wells can be made out. However, the distinction between these elements is less clear than it is in more local views. Rather, the middle ground comprises a patchwork of built form, open ground and woodland, seen against the backdrop of Hay Hill, with an extensive panoramic view beyond. The effect of the appeal scheme would be to change one element of the patchwork from an open field to housing. I comment further on the landscape and visual impacts below. With regard to the Council's concern about coalescence, I do not think there would be a material impact. This is because the settlements in question are themselves not distinct features at this range.
25. The Council argued that the proposal would be in conflict with Core Policy CP10 because it would lead to coalescence. However, allocation CP10B, which contains the only development plan reference to coalescence, is a site-specific policy. The appeal site is not within the area to which the policy applies. It is common ground that there are no site-specific policies that apply to the appeal site. In my view there is no conflict with CP10. That is not to say that coalescence is not a consideration in this appeal. Given that the appeal site comprises a single field between Elm Close and Haybridge, there would inevitably be some coalescence at this point.

² EDP2 is a representative viewpoint

³ EDP5 and 6 are representative viewpoints, noting that EDP5 is restricted by vegetation in summertime

⁴ EDP9, 10 and 13 are representative viewpoints, noting that not all the features referred to above are visible from all three viewpoints

26. For the reasons given above, I have found that the proposal would not intrude on the gap between the western edge of Wells and Haybridge. This gap has been identified as an important consideration, both in the development plan and in the appeal decision referred to above. Moreover, I have found that the proposal would not be harmful to the character or identity of Haybridge or Elm Close. I therefore conclude that the issue of coalescence is not a factor weighing against the appeal.

Landscape and visual impacts

27. The application was supported by an LVA. The proposal would incorporate mitigation of landscape effects, including retention of existing hedgerows and vegetation, new tree and shrub planting and extensive green infrastructure. Even so, it would result in a significant effect on the landscape character of the site itself, with open grassland being replaced with residential development. With regard to wider landscape impacts, the LVA concluded that the effects on the host landscape character areas would be, at the most, minor/negligible. The LVA also considered the effect on the landscape character of the Mendip Hills National Landscape, which it found to be moderate/minor.
28. These conclusions took account of the limited visibility of the appeal site and the fact that, where it is seen, it is seen in the context of existing residential development. They were not disputed by the Council. From what I saw on my visits, I have no reason to disagree.
29. With regard to effects on visual amenity, the LVA identified a major effect on residents of Elm Close, reducing to major/moderate over time as new boundary planting matures. Existing residents would experience a high magnitude of change as a result of residential development on a predominantly open field. However, matters such as the detailed design of dwellings, finished floor levels and planting would be subject to control at reserved matters stage. Potential effects on privacy and outlook would be considered at that stage. The illustrative masterplan shows that the number of dwellings proposed could be accommodated without recourse to an unduly intensive form of development. Subject to satisfactory detailed design and layout, there is no reason why the completed scheme should not maintain satisfactory living conditions for existing residents of Elm Close.
30. The LVA also identified major/moderate visual effects for users of the PRoW that crosses the site. I consider that is a reasonable assessment, given that users would lose the opportunity to walk through an open field. The impact would be mitigated in that much of the PRoW route would be within open spaces, which would maintain the ability to experience views north, to the Mendip Hills.
31. The LVA identified moderate/minor visual effects for users of the West Mendip Way and Monarch's Way. These are sensitive locations, being on themed footpaths within the Mendip Hills National Landscape. On the other hand, the proposal would be seen in the context of Elm Close, Wells Touring Park, Haybridge and the new developments west of Wells. Moreover, with increasing distance, the site becomes an ever smaller element in a broad panoramic view. Whilst the appeal scheme could be identified in these views, I consider that there would be only a minor impact on the character of the views in question.

Conclusions on the first main issue

32. The proposal would conflict with Core Policy 1 and Core Policy 4 in that it would be located outside the settlement boundary of Wells. However, it would not lead to coalescence between the western edge of Wells and Haybridge. Moreover, insofar as there would be some coalescence between Elm Close and Haybridge, this would not be harmful to the character or identity of those settlements.
33. Landscape and visual effects have been taken into account in the design process, as far as they can be at this outline stage. Landscape effects beyond the site itself would be no greater than moderate/minor for any receptor. Whilst there would be major visual effects for residents of Elm Close and major/moderate visual effects for users of the PRow that crosses the site, the visual effects for other receptors would be minor. My overall assessment is that the proposal would not cause significant harm to the character and appearance of the area.
34. MDLP1 Policy DP1 seeks to maintain and enhance local distinctiveness. The mitigation measures within the scheme would contribute to local identity and the proposal would not result in the loss of any scenes or features that are recognised as being distinctive. It would therefore accord with Policy DP1. The proposal would be compatible with the pattern of natural and man-made features in the host landscape character areas, in accordance with Policy DP4.

The extent to which the proposal would contribute to the objectives of limiting the need to travel and offering a genuine choice of transport modes

35. As noted above, the site is around 1.5km from the centre of Wells. The proposals include a new access to the A371, which would provide a pedestrian refuge to assist those wishing to cross the road to use the footway on the opposite side which leads towards the centre of Wells. The proposals would also upgrade the existing PRow across the site to a 3m wide footway/cycleway. This would link to a new 3m footway/cycleway which is to be provided along the southern side of Elm Close as part of the WL5 development. As noted above, this site now has outline planning permission and there is no reason to think that it is unlikely to come forward. This link would provide a convenient, reasonably level, route for those wishing to walk or cycle towards Wells whilst avoiding a sloping section of the A371.
36. The SoCG includes details of walking distances to various facilities, including a convenience store (1km), a primary school (1.3km), supermarkets (1.6km and 1.7km) and a secondary school (1.9km). I saw that the routes generally follow paved footways, which are lit, avoiding unduly steep gradients. Moreover, the centre of Wells, which provides a wide range of services and facilities, can be reached on foot. Trip choices for any individual journey will depend on various factors, such as trip purpose and weather conditions. Nevertheless, whilst the distances may deter some from walking, I consider that walking would be an attractive option for many future residents for at least some of their local travel needs.
37. All of the above destinations would be accessible by cycle. The Council argued that Portway, which leads towards the centre of Wells, is a busy radial route which does not have a dedicated cycle lane. I saw that Portway is a typical two-way urban road, subject to a 30mph speed limit, with adequate width for

vehicles to pass cyclists safely. Whilst traffic levels may deter some less confident cyclists, this is the sort of road that is widely used by cyclists in many towns and cities. Moreover, once past the cemetery, cyclists heading for the centre would have the option of using Coronation Road and Burcott Road, which offer a quieter alternative. Following the development of the WL5 site, cyclists would also have the option of crossing that site to join Burcott Lane/Burcott Road, thereby avoiding Portway altogether.

38. Both the A371 and the B3139 are bus routes, with bus stops that are reasonably accessible from the site. However, the services are not particularly frequent and the service hours would not allow trips requiring an early start or late return. This is likely to limit the usefulness of bus services for some work and leisure trips. Whilst the bus services would provide another travel option, it seems unlikely that they would account for a significant proportion of the travel demand arising from the appeal site.
39. Drawing all this together, I consider that the location of the site, around 1.5km from the centre of Wells, would limit the need to travel because of the range of facilities that would be available to future residents of the appeal site within a relatively short distance. Residents would have a genuine choice of travel modes. The proposal would therefore accord with policies of the Framework which seek to promote sustainable transport. The appeal scheme would also improve access to sustainable forms of transport, by upgrading the PRow to a footway/cycleway linking with a proposed footway/cycleway on the WL5 land. The proposal also includes a travel plan. It would therefore accord with MDLP1 Policy DP9.

The nature and extent of any economic, social and environmental benefits.

40. The Council's latest five year housing land supply position statement was published in November 2023. This showed a 3.24 year supply. At the Hearing, no party argued for any other supply figure. The extent of the shortfall is relevant to the weight to be attached to the delivery of housing at the appeal site. It is also relevant to the approach to decision making, a matter I return to below. The appeal scheme would deliver up to 50 dwellings. This is likely to be within a five year period, thereby making an important contribution to reducing the shortfall that currently exists. I therefore attach significant weight to the social benefit of housing delivery. Moreover, there is also a high level of need for affordable housing in the district, with delivery during the MDLP1 plan period falling well below the plan target. The proposal would deliver 40% of the units (up to 20) as affordable housing. I attach significant weight to this factor.
41. The proposal would also bring economic benefits through the creation of employment on site during the construction phase, together with employment in the supply chain. Once occupied, there would be additional spending in the local economy generated by the new residents. Bearing in mind that the benefits relating to the construction phase would be temporary, I attach moderate weight to the economic benefits.
42. The proposal would bring environmental benefits through the provision of green infrastructure and biodiversity enhancements. However, these features of the scheme are required to mitigate impacts on the North Somerset and Mendip Bats Special Area of Conservation (SAC) and impacts on habitats and other species present within the site. The mitigation measures are described below. I therefore attach only limited weight to these benefits.

43. The proposed sustainable transport measures would be no more than is necessary to mitigate the transport impacts of the appeal scheme. I regard them as a neutral factor in the planning balance.

Other matters

Biodiversity

44. Information to support assessments under the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) was submitted with the application. European sites within 10km of the appeal site were considered. The Mendip Woodlands Special Area of Conservation (SAC) was screened out of further consideration because it was concluded that the proposal would not have a likely significant effect. This conclusion was accepted by the Council and I also agree with it.

Somerset Levels and Moors (SPA and Ramsar)

45. The SPA is designated for overwintering bird populations. The potential effect on the SPA from recreational pressure, human disturbance and loss of habitat was screened out of further assessment due to the distance of the proposed development from the designated site. The Ramsar site is an internationally important wetland habitat qualifying under several criteria, including a network of ditches and waterways that support an assemblage of rare, vulnerable or endangered species and populations of waterfowl and migratory birds. The interest features of the Ramsar site are in unfavourable condition due to excessive phosphates.
46. NE has advised that developments that could cause additional nutrients (particularly phosphates) within the Ramsar Site should be subject to Habitats Regulations assessment. The principal pathways for nutrient enrichment from residential development are through waste water and surface water runoff. The proposal is within the catchment area of the Ramsar site and has the potential to have a likely significant effect. It is therefore necessary to carry out an appropriate assessment under the Habitats Regulations.
47. The appellants submitted a Nutrient Neutrality and Mitigation Strategy, the results of which have been accepted by the Council and NE. The proposals include on-site treatment of foul water discharges by a package treatment plant. Information on the specification and performance of the proposed treatment plant has been provided. Implementation of these measures could be secured by a planning condition. In addition, an agreement has been made to purchase 1.89kg/year of phosphate credits from a strategic mitigation scheme at Manor Farm, Prestleigh, Somerset. This mitigation scheme has been accepted by NE.
48. Subject to these mitigation measures, the proposal would achieve phosphate neutrality. I conclude that the proposed mitigation measures would ensure that there would be no adverse effect on the Conservation Objectives of the Somerset Levels and Moors Ramsar site, either alone or in-combination with other plans or projects, as a result of water quality (phosphate) impacts. There would therefore be no adverse effect on the integrity of the Ramsar site.

North Somerset and Mendip Bats SAC

49. The SAC is designated for its semi-natural dry grasslands and scrubland, forests of slopes, screes and ravines, caves (not open to the public), Lesser horseshoe bat (LHB) and Greater horseshoe bat (GHB). The potential effects of air quality and recreational pressure were screened out of further assessment due to there being no major roads close to the protected sites and also having regard to the distance of the proposed development and the availability of alternative sites to visit. However, the landscapes around the SAC are considered important to providing foraging habitat to maintain the favourable conservation status of the LHB and GHB populations. Site surveys identified the presence of LHB and GHB within the appeal site. It is considered that the site is likely to be used by bats associated with the SAC. The proposal therefore has the potential to have a likely significant effect and it is necessary to carry out an appropriate assessment under the Habitats Regulations.
50. Measures are proposed to mitigate the potential effects on LHB/GHB associated with the SAC. They include a Construction Ecological Management Plan relating to impacts during the construction phase. Habitat protection and creation measures would be secured through a Landscape and Ecological Management Plan. These would include a 10m wide dark corridor along the northern boundary and 5m corridors along the other site boundaries. These corridors would link habitats within the site to adjoining woodland to the east and open countryside to the west. The dark corridors would be designed to provide invertebrate food sources for LHB/GHB and wildflower grassland would be managed to maximise the abundance of moths, thus maximising the quality of the habitat as a foraging resource. NE has commented that, provided that the dark zone is subject to light spill below 0.5 lux and habitats within commuting corridors are maintained appropriately, the proposed development would not result in severance of commuting corridors used by SAC bats.
51. The design of lighting would include measures to ensure that the levels of light required to make the habitat accessible to bats would be achieved. In addition, a replacement roost would be provided to mitigate the loss of a night roost within an existing farm building.
52. Potential in-combination effects have been considered in relation to residential development underway to the east of the A371 and in relation to the WL5 land. Both schemes would include avoidance and mitigation measures, including habitat creation and retention of hedgerows.
53. The avoidance and mitigation measures for this appeal scheme could be secured by planning conditions. I consider that the measures would ensure that there would be no adverse effect on the Conservation Objectives of the North Somerset and Mendip Bats SAC, either alone or in-combination with other plans or projects. Accordingly, there would be no adverse effect on the integrity of the SAC. The proposal would accord with Policy DP6, which seeks to protect bats and to ensure that compliance with the Habitats Regulations can be properly assessed.

Other effects on biodiversity

54. The proposals would result in the loss of grassland habitat to housing. The Ecological Impact Assessment submitted with the application identifies that this is mainly species-poor semi-improved grassland, with some amenity grassland.

There is a risk of disturbance or harm to amphibians, mammals and birds. Measures to avoid and/or mitigate these impacts would include retention of hedgerows, site clearance to be subject to a Dormouse Mitigation Licence (controlled by NE), updated surveys of badger setts, demolition of buildings to be subject to a Bat Mitigation Licence (controlled by NE), new landscape planting to incorporate wildflower meadow and bat mitigation measures as described above.

55. A Construction and Ecological Management Plan would set out measures to ensure habitat and species protection during the pre-construction and construction phases. A Landscape and Ecological Management Plan would be produced to determine how retained and proposed habitats would be managed in the long term. These documents would be subject to approval by the Council, under planning conditions.
56. The timing of the appeal application was such that the mandatory requirement⁵ to achieve a 10% net gain in biodiversity is not applicable. Nevertheless, the Biodiversity Net Gain (BNG) assessment submitted with the application shows that the scheme could achieve a 34% gain in habitat units and a 105% increase in hedgerow units. This would be achieved through the creation of grassland with a higher biodiversity value, together with new tree, scrub and hedgerow planting. I conclude that the proposal would accord with MDLP1 Policy DP5 which (amongst other matters) seeks to ensure that development does not have an unacceptable adverse impact on biodiversity.

Highway safety

57. A new access onto the A371 would be created, replacing the existing access to New House Farm. This would be a priority junction with a right turning lane to protect vehicles turning into the site and a pedestrian refuge to assist pedestrians and cyclists wishing to cross to use the footway leading towards Wells on the opposite side of the road. SCH has no objection to the proposed access in terms of highway safety or capacity. I saw that a good level of visibility could be achieved and note that visibility splays could be secured by a planning condition.
58. Interested parties expressed concerns about speeding traffic in the area. However, at the Hearing, the appellant's transport witness explained that the junction design was based on speed surveys which had established the 85th percentile traffic speed, which is the approach recommended in the relevant guidance. Moreover, the design has been subject to a safety audit. Access is to be determined at this stage. I am satisfied that the submitted plan provides sufficient detail for the planning application stage. No doubt a further safety audit would be carried out in relation to more detailed matters before the access is constructed. That is the approach that is usually taken and does not imply that the proposed access would be unsafe. I conclude that the proposal would make provision for safe and suitable access, in accordance with Policy DP9 and the Framework.

Surface water drainage

59. Interested parties raised concerns about flood risk, drawing attention to increasing incidences of surface water flooding in the locality in recent years.

⁵ The Environment Act 2021

The site itself is in Flood Zone 1 and is therefore at low risk of flooding. The application was subject to an objection from the Somerset Internal Drainage Board Consortium (SIDBC) in relation to the rate of surface water runoff that had been used in the design of the proposed drainage system. This objection was reflected in the 5th reason for refusal. The appellant subsequently submitted an amended flood risk assessment which contained additional attenuation measures supported by updated calculations. These measures are designed to ensure that all of the surface water, up to and including the water from a 1 in 100 year design storm with 45% allowance for climate change, would be attenuated within the storage features indicated.

60. This information was accepted by the SIDBC, resulting in the withdrawal of their objection and the 5th reason for refusal. Final details of a surface water scheme would be the subject of approval by the Council, under a pre-commencement condition. The Council and the appellant agree that the proposal would accord with MDLP1 Policy DP23, which seeks to ensure that all development will incorporate water management measures to reduce surface water runoff and ensure that flood risks are not increased. I see no reason to disagree.

Wells Touring Park

61. The owner of the Wells Touring Park explained that the tranquil nature of the touring park was one of the features valued by customers. Concern was expressed that the attractiveness of the park would be undermined by the appeal scheme, causing harm to the business and the tourist economy of Wells. There was also concern about the security of a storage compound on the southern edge of the park, where farm buildings are currently built up to the boundary.
62. The park provides holiday lodges and static caravans, together with pitches for touring caravans and camper vans. Those visiting the park would be aware of the proximity of houses in Haybridge, some of which back on to it. Even so, the park has an attractive rural feel, in particular due to the views of the Mendip Hills to the north. The part of the park that would be closest to the proposed housing is the south west corner, which was being used for touring pitches at the time of my visit. The boundary was enclosed by a tall hedge, such that the appeal site was screened from view.
63. The indicative masterplan shows a 10m ecology/landscape buffer along the northern boundary of the appeal site in this location. For reasons given above, this would be a dark zone. Any dwellings would be set well back from the common boundary. Detailed siting and design of the houses, and the landscaping of the ecological buffer, would be controlled by the Council at the reserved matters stage. Subject to satisfactory details being achieved, I do not consider that the proposal would harm the experience of those visiting the touring park. I agree that it would be important to provide appropriate boundary treatment in place of the farm buildings that would be demolished. That is a matter that could be covered by a planning condition.

Impacts on living conditions

64. Adjoining residents raised concerns about impacts on living conditions during the construction process. A resident of Elm Close submitted that the cumulative impact of the appeal scheme and the development of the WL5 land would

amount to a breach of their rights under Article 8(1) of the Human Rights Act 1998, namely the right to respect for their private and family life and their home.

65. Outline planning permission has been granted in respect of the WL5 land. It is therefore likely that WL5 could come forward either at the same time as the appeal site, or before or after it, or with an overlapping construction period. There is thus the potential for cumulative impacts, or a longer overall construction period, or some combination thereof. Even so, construction impacts are temporary. Moreover, in this case the Council and the appellant have agreed that a Construction Management Plan (CMP), to manage and mitigate impacts such as noise, vibration, dust and construction traffic, should be submitted for the approval of the Council. The Council and the appellant agree that, with such a plan secured by a pre-commencement condition, the proposal would accord with MDLP1 Policies DP7 and DP8 which together seek to protect the amenity of neighbouring occupiers and to avoid unacceptable adverse environmental impacts.
66. I have found that the Council would be able to control the detailed design and layout of the development at reserved matters stage, such as to maintain satisfactory living conditions for the neighbouring residents. Taken together with the CMP, which would mitigate impacts during the construction phase, this would ensure that there would not be unacceptable harm to their living conditions. The development would not conflict with Policies DP7 and DP8. The grant of planning permission would not unacceptably interfere with the rights of neighbouring occupiers to enjoy their homes and family lives. In all the circumstances, it is proportionate to allow the appeal.

Effect on local services

67. Interested parties raised concerns about the effect of the proposal on local services. The unilateral undertaking would provide proportionate contributions to healthcare facilities and primary school places. The Council has not identified any other impacts on social infrastructure that would require mitigation in order to make the proposal acceptable in planning terms.

Conclusions on other matters

68. Interested parties have raised a range of issues, through written representations and at the Hearing. These have been discussed above. My overall assessment is that these matters have been properly addressed in the application documents and, where appropriate, any impacts could be mitigated through the imposition of planning conditions. None of the other matters discussed in this section add materially to the case against the appeal.

Conditions

69. The Council and the appellant agreed a schedule of suggested conditions, which I have reviewed in the light of Planning Practice Guidance. Subject to some minor changes in the interests of clarity and consistency, the conditions I have imposed are, in substance, the same as those that were discussed at the Hearing. Some conditions require matters to be approved before development commences. These are necessary to manage impacts that would arise during construction and/or to resolve details that would need to be settled at an early stage.

70. Condition 3 limits the number of dwellings approved to 50, to ensure that the development is consistent with the effects that have been assessed. Condition 4 requires that development be in accordance with the approved plans, in the interests of clarity and certainty. Condition 5 requires the landscape details to be consistent with the submitted Landscape and Ecology Strategy Drawing, in the interests of the character and appearance of the area and in the interests of biodiversity. The details should include boundary treatments, in the interests of amenity and community safety. Condition 6 requires details of finished floor levels to be approved, in the interests of the character and appearance of the area and the living conditions of neighbouring residents.
71. Condition 7 requires details of cycleway and footway connections to be approved, in the interests of sustainable transport and highway safety. Condition 8 requires details of estate roads and footways to be approved, and Condition 9 requires that dwellings be provided with satisfactory access prior to occupation, in the interests of amenity and highway safety. Conditions 10 and 11 require implementation of the proposed access and associated visibility splays in accordance with the plans, in the interests of highway safety.
72. Condition 12 requires a Construction Management Plan to be approved, in the interests of the living conditions of neighbouring residents and sustainable development. Conditions 13 and 14 require a Construction Ecological Environmental Management Plan and a lighting scheme to be approved. These conditions are necessary in the interests of protecting biodiversity, including mitigating impacts on bats associated with the North Somerset and Mendip Bats SAC. Condition 15 requires approval of a surface water drainage scheme, in the interests of managing flood risk and protecting water quality.
73. Condition 16 requires approval of a Sustainability Strategy Statement, in the interests of sustainable development. Condition 17 requires development to be carried out in accordance with the submitted Nutrient Neutrality Assessment and Mitigation Strategy, in the interests of mitigating impacts on the Somerset Levels and Moors Ramsar site. Condition 18 requires approval of a Biodiversity Enhancement and Management Strategy, which is to be generally in accordance with the ecological reports submitted with the application. This is necessary in the interests of biodiversity. Condition 19 requires approval of a Residential Travel Plan, in the interests of sustainable transport.

Conclusion

74. I have concluded that the proposal would accord with MDLP1 Policies DP1 (local distinctiveness), DP4 (landscape), DP5 (biodiversity), DP6 (bat protection), DP7 (amenity), DP8 (environmental protection), DP9 (transport) and DP23 (flood risk). The appeal site is not within the area to which site-specific policy CD10 applies and there are no other site-specific development plan policies that apply. On the other hand, the proposal would conflict with Core Policy 1 (spatial strategy) and Core Policy 4 (rural areas). As the spatial strategy is fundamental to what the plan seeks to achieve, I consider that proposal is in conflict with the development plan as a whole, notwithstanding its compliance with the policies that I have identified.
75. It is therefore necessary to see if there are considerations that indicate a decision other than a decision in accordance with the development plan. One such consideration is the Framework. At the Hearing, it was common ground

that the approach to decision making set out in paragraph 11(d) of the Framework is engaged by virtue of the housing land supply position.

76. The adverse effects of the proposal include conflict with the spatial strategy, due to it being located outside the development boundaries defined in the development plan. However, I attach only limited weight to that conflict because the development boundaries are not delivering the amount of housing that is needed. There would also be some landscape and visual harm. In the main the effects would be localised. The effect on longer views from the National Landscape would be minor. Whilst there would be some coalescence between Elm Close and Haybridge, this would not be harmful to the character or identity of those settlements. My overall assessment is that the proposal would not cause significant harm to the character and appearance of the area and I have not identified conflict with the relevant policies of the development plan. I therefore attach only limited weight to the landscape and visual harm.
77. For the reasons given above, I attach significant weight to the benefit of housing delivery, significant weight to the benefit of affordable housing delivery and moderate weight to the economic benefits. I attach only limited weight to the provision of green infrastructure and biodiversity enhancements. I conclude that the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
78. My overall conclusion is that the application of the approach to decision making set out in paragraph 11(d) indicates that permission should be granted. This conclusion outweighs the conflict with the development plan that I have identified. The appeal should therefore be allowed.

David Prentis

Inspector

APPEARANCES

<i>For the Appellant</i>	
Geoff Armstrong	Armstrong Rigg Planning
Tamsin Ramm	EDP
Richard Harrison	Odyssey
<i>For the Council</i>	
Simon Trafford	Somerset Council – Development Manager
Andre Sestini	Somerset Council – Planning Policy Manager
<i>Interested parties</i>	
Mr Wilton	Wells Touring Park
Jane Wilson	Local Resident
Cllr Konrad Hoogesteger	St Cuthbert Out Parish Council
Cllr Martin Cooke	St Cuthbert Out Parish Council
Alan Cosslett	Local Resident
Rachel Wood	Local Resident
Ivor Tetley	Local Resident

DOCUMENTS

1	The Council's CIL Compliance Statement (with appendices)
2	Plans for site WL5
3	Draft unilateral undertaking
4	Summary of key planning obligations
5	Plans bundle – Figures 1 to 4
6	Potential crossing scheme associated with site WL5
7	Statement of Rachel Cosslett
8	Suggested travel plan condition

Schedule of conditions

1. The development hereby approved shall commence either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the latest.
2. Details of the appearance, landscaping, layout and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before the commencement of development and the development shall be carried out as approved. Application(s) for approval of the reserved matters shall be made to the Local Planning Authority no later than three years from the date of this permission.
3. The development hereby approved shall comprise not more than 50 dwellings.
4. The development hereby approved shall be carried out in accordance with the following approved plans:
 - Site location plan - 1325.01
 - Parameter plan - 1325.03 – dated 18/07/24
 - Site access plan - 19-074-003 Revision L
 - Proposed site access strategy – 19-074/012
 - Brue and Axe Catchment Area Phosphorous Credits Certificate of Allocation (1.89 kg/TP/year of Credit) - dated 22 January 2024
5. The landscaping details referred to in Condition 2 shall provide full details and specifications of both hard and soft landscape works which shall be submitted to and approved in writing by the Local Planning Authority. Such details shall be submitted concurrently with the other reserved matters, shall include boundary treatments and shall be in general accordance with Landscape and Ecology Strategy Drawing No. edp5900_d014g.
6. The reserved matters application shall include details of finished floor levels of all dwellings. Thereafter the dwellings shall be constructed in accordance with the approved details.
7. The reserved matters application shall include details of footpath and cycleway connections within the site, including up to the site boundaries to Elm Close and the A371. The footpath and cycleway connections shall be delivered to the boundaries of the site in accordance with the approved details, shall be available for use by pedestrians and cyclists prior to the occupation of any dwelling and shall be permanently retained as such thereafter.
8. Except for enabling works (construction access, ground clearance, demolition works, ground investigations, erection of fences or hoardings or other temporary means of enclosure, temporary display of site notices or advertisements, pegging out of roads or paths, security works, remediation works, ecology works, archaeology works and the formation surface water drainage) no development shall commence until details of the proposed

estate roads, footways, footpaths, tactile paving, cycleways, bus stops/bus lay-bys, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include plans and sections indicating the layout, levels, gradients, materials and methods of construction. Development shall be carried out in accordance with the approved details.

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 dwelling hereby approved shall be occupied until the new access shown on approved drawing number 19-074-003 Revision L has been constructed in accordance with that drawing.
11. No dwelling hereby approved shall be occupied until the visibility splay shown on approved drawing number 19-074-003 Revision L has been provided in accordance with that drawing. There shall be no on-site obstruction exceeding 600mm above ground level within the visibility splay. The visibility splay shall thereafter be permanently retained as such.
12. No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The CMP shall include:
 - a) the working methods to be employed on site during the demolition and construction (and preparation associated with construction) of the site;
 - b) measures (including screening) to be taken to minimise emissions of dust, fumes, odour, noise and vibration;
 - c) proposals for the safe disposal of waste materials confirming that no burning of site generated waste will occur;
 - d) a map to identify which route(s) is/are to be used by construction vehicles to access the site;
 - e) the parking of vehicles of site operatives and visitors;
 - f) loading and unloading of plant and materials;
 - g) storage of plant and materials used in constructing the development;
 - h) other measures to control the emission of dust and dirt deposition during construction including any wheel washing facilities; and
 - i) delivery and construction working hours, which shall not permit noise generating activities outside of the following hours:

Monday to Friday 08:00 to 18:00
Saturday 08:00 to 13:00

At all other times, including Sundays, Bank and Public Holidays there shall be no such noise generating activities.

The development shall thereafter be carried out in accordance with the approved CMP.

13. No development shall take place (including ground works or vegetation clearance) until a Construction Ecological Environmental Management Plan (CEEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEEMP: Biodiversity shall include:
- a) risk assessment of potentially damaging construction activities;
 - b) identification of biodiversity protection zones;
 - c) physical measures and sensitive working practices to avoid or reduce impacts during construction, which may be provided as a set of method statements for reptiles, nesting birds, dormice and badgers;
 - d) the location and timing of sensitive works to avoid harm to biodiversity features;
 - e) the times during construction when specialist ecologists need to be present on site to oversee works;
 - f) responsible persons, lines of communication and written notifications of operations to the Local Planning Authority;
 - g) the role and responsibilities on site of an Ecological Clerk of Works or similarly competent person;
 - h) use of protective fences, exclusion barriers and warning signs; and
 - i) ongoing monitoring, including compliance checks by a competent person during construction and immediately post-completion of construction works.

The approved CEEMP: Biodiversity shall be adhered to throughout the construction period.

14. No development shall commence until a lighting scheme has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be generally in accordance with the submitted Lighting Impact Assessment (Revision 3, dated 18.03.24) and the Vertical Plane Report (March 2024) and shall:
- a) identify those areas/features on site that are particularly sensitive for greater horseshoe bats and that are likely to cause disturbance in or around their resting places or along important routes used to access key areas of their territory, for example, for foraging;
 - b) show how and where external lighting will be installed (through the provision of lighting contour plans illustrating Lux levels in accordance with Step 5 of Guidance Note 08/23 *Bats and artificial lighting in the UK*) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent greater horseshoe bats using their territory or having access to their breeding sites and resting places. The design shall also include any amenity and or security lighting where needed;
 - c) show the use of shields and other methods of reducing light spill such as the installation of physical barriers; and
 - d) ensure that no new external lighting, other than that shown on the approved plans, shall be installed within the boundary of the application site unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

The approved lighting scheme shall be implemented before the occupation of the development hereby permitted and shall thereafter be permanently retained as such.

15. No development shall commence until a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a programme of phasing, implementation and maintenance for the lifetime of the development. Development shall be carried out in accordance with the approved scheme. Thereafter, the surface water drainage scheme shall be permanently retained as approved.
16. No dwelling hereby approved shall be occupied until a Sustainability Strategy Statement (SSS) has been submitted to and approved in writing by the Local Planning Authority. The SSS shall demonstrate how the development will, in line with a timetable, incorporate reasonable and practical sustainability measures through the siting, layout and design of the dwellings hereby permitted, and through maximising appropriate opportunities for the use of sustainable constructions techniques, renewable energy on site and water efficiency measures (including rainwater harvesting or other methods of capturing rainwater). The development hereby permitted shall be undertaken in accordance with the approved SSS and shall thereafter be maintained as such.
17. The development hereby approved shall be carried out in accordance with the Nutrient Neutrality Assessment and Mitigation Strategy (Appendix D) and the letter from RMA Environmental of 30 January 2024 (Ref: RMA/LC2168_1 – New House Farm Wells – Additional PTP Information), which includes the installation of a Klargester Biodisc Package Treatment Plant or an alternative that has first been submitted to and approved in writing by the Local Planning Authority that achieves the same design criteria.

The Package Treatment Plan shall be installed and operational prior to the occupation of any dwelling hereby approved and shall thereafter be permanently retained as such.

If the Package Treatment Plant needs to be replaced in the future, any replacement Package Treatment Plan shall include either ferric-based chemicals with 0.30 mg/l concentration or less or a biological treatment (with no chemical dosing) with 0.80 mg/l concentration of phosphorous per litre of effluent discharged or less.

18. No development shall commence until a Biodiversity Enhancement and Management Strategy (BEMS) has been submitted to and approved in writing by the Local Planning Authority. The BEMS shall provide for biodiversity net gain and shall align with the approach set out in the Ecological Impact Assessment (EAD Ecology, May 2023), Technical Note: Further Ecological Information (EAD Ecology, February 2024), Lighting Impact Assessment (The Lighting Bee, March 2024) and Vertical Plane

Report (The Lighting Bee, no date) and agreed with Natural England (Natural England letter dated 9 April 2024).

Development shall be carried out in accordance with the approved BEMS and the site shall thereafter be managed in accordance with the approved BEMS for the lifetime of the development.

19. No development shall commence until a Residential Travel Plan (RTP) has been submitted to and approved in writing by the Local Planning Authority. The RTP shall be generally in accordance with the RTP prepared by Odyssey (March 2023) and shall include:
- a) measures to encourage sustainable travel patterns;
 - b) a scheme for the management and implementation of the RTP;
 - c) targets for modal shift;
 - d) implementation timescales;
 - e) details of marketing and proposed incentives; and
 - f) arrangements for monitoring and review.

The RTP and any subsequent revisions to it following monitoring and review shall thereafter be implemented as approved.

End of schedule