

Town and Country Planning Act 1990

Appeal by Gladman Developments Ltd.

Site at Langaller Lane, Creech St Michael. Somerset

Outline Planning Application with all Matters Reserved, except for Access, for the Erection of up to 200 No. dwellings with Public Open Space, Landscaping and Sustainable Drainage System (SuDS) with Vehicular Access Point off Langaller lane, Creech St. Michael.

Proof of Evidence on Planning Matters

Paul Smith BA(Hons), BSc(Hons), Dip. DesBltEnv MRTPI

On behalf of Taunton Deane Borough Council

Appeal reference: APP/D3315/W/18/3205705

LPA reference: 14/17/0033

1.0 Witness Background

1.1 Paul Smith will say:

I hold degrees in Town and Country Planning and Estate Management from the Universities of Newcastle-upon-Tyne and Reading respectively and a Postgraduate Diploma in Design in the Built Environment from the Cheltenham and Gloucester College of Higher Education (now the University of Gloucestershire).

1.2 I have over 32 years' professional experience part of which was gained in the employ of several local authorities. For the past 19 years I have practiced as a Sole Practitioner whilst representing local planning authorities in a variety of planning appeals. Up to August 2014, I fulfilled the role of a Non-Salaried Planning Inspector. I have been a Corporate Member of the Royal Town Planning Institute since 1987.

1.3 I have been commissioned by Taunton Deane Borough Council ("the Council") to present part of its case at this Inquiry which relates to a planning appeal lodged by Gladman Developments Ltd. ("the appellant").

1.4 The evidence which I have prepared and provide for this appeal reference APP/D3315/W/18/3205705 is true and has been prepared and is given in accordance with the guidance of my professional institute. I can confirm that the opinions expressed are my true and professional opinions.

2.0 Background

2.1. The planning application for the appeal proposal ("the Proposal") was submitted to the Council on 26 September 2017 (**CD1**). The Council refused planning permission under Officer's delegated powers on 17 April 2018 (**CD5.2**).

2.2 This appeal was validated on 4 July 2018.

3.0 Reasons for Refusal

3.1. The application subject to this appeal was refused planning permission (**CD5.1**) for the following reasons:

1. *The proposed development site lies outside the defined settlement limits of Creech St. Michael. It would result in a large scale unplanned extension of the village, preventing a full assessment of the most sustainable options for future growth that would consider a range of factors such as available and planned infrastructure, walking distances to key facilities and provision of services in order to achieve sustainable development.*

The Council recognises the aim to boost significantly the supply of housing, but it considers that delivery rates in Taunton Deane remain healthy and there is a substantial pipeline of future sites to meet five year supply requirements across the Borough. Policies for the supply of housing are therefore not out-of-date and the tilted balance is not invoked. A further 200 dwellings being apportioned to the village would not accord with the role and function set for it by the Core Strategy and would actually see it accommodating more new homes than either of the two Major Rural Centres outlined by the Plan thus undermining spatial policy to a serious extent.

Added to this the development will put pressure on local services which are limited in their ability to be able to cope with such an unplanned large expansion of the village. It is, therefore considered to be contrary to Policies SD1, CP1, CP4, CP6, CP8 SP4, DM1, & DM2 of the Taunton Deane Core Strategy 2012. There are no material considerations that would outweigh these significant and demonstrable harms or the fundamental conflict with the development plan. The proposal it is considered does not fulfil the requirements for Sustainable Development as set out in policy SD1 and the National Planning Policy Framework (2012).

2. *Insufficient information has been provided to demonstrate that the proposed development is not contrary to Section 4 of the National Planning Policy Framework (2012) and Policy DM1 of the Taunton Deane Borough Core Strategy (Adopted 2011 – 2028) since the proposed development is likely to result in a*

severe transport impact that could be prejudicial to the safety, amenity and convenience of highway users.

- 3. The development of this large open unallocated greenfield area outside the settlement boundary of Creech St. Michael it is considered would be contrary to Policies CP8, DM1, DM2, and SP4 of the Taunton Deane Core Strategy 2012, and Policies ENV1, and SB1 of the Taunton Deane Site Allocations and Development Management Plan 2016. The proposed development if allowed would create a significant visual intrusion into this area of countryside changing the character and appearance of the environment surrounding Creech St. Michael, and would lead to a direct loss of the important gap separating Taunton and this outlying village settlement. The coalescence of the village with the greater Monkton Heathfield development planned for the eastern side of the M5 motorway is considered unacceptable in visual terms notwithstanding any proposed open space buffer set out with this application and the Green Wedge buffer which partially separates the Monkton Heathfield development from the Motorway. The site is valued for its own intrinsic sake as part of the countryside surrounding the village and should therefore be protected from sporadic unplanned development.*
- 4. There is no mechanism in place to secure appropriate affordable housing provision, surface water attenuation and management, children's play facilities and any other wider recreational contributions, a public art contribution or an acceptable travel plan as part of the development. The proposal is, therefore, contrary to Policy CP4 of the Taunton Deane Core Strategy and Policies A2, D13 and C2 of the Taunton Deane Site Allocations and Development Management Plan.*

3.2 With regard to Reason for Refusal 1, it is important to note that the appellant now accepts the Council can demonstrate a five year supply of deliverable housing land. Neither appeal party intends to call a witness on housing land supply issues. Therefore, there is agreement that the 'tilted balance' under paragraph 11 of the National Planning Policy Framework is not engaged on the basis that the Council's most important policies for the determination of this appeal are 'out of date' under footnote 7.

3.3 With regard to Reason 3, on 26th November the appellant's highway consultant submitted to the Council a revised Transport Assessment comprising in excess of 250 pages of technical work including traffic modelling. More highway information has been submitted up to 14th December and discussions are on-going between the highway witnesses of both appeal parties.

3.4 I anticipate that the issues relating to Reason for Refusal 4 will be resolved with the submission of completed Section 106 obligations by the appellant.

3.5 In the light of the on-going discussions between the highway consultants of both appeal parties, I reserve the right to produce a Supplemental Proof of Evidence should I need to address planning implications of highway evidence including whether a 'Grampian' planning condition would be an appropriate means to address outstanding issues.

4.0 Structure of Evidence

4.1. Mr. Andrew Leithgoe will provide evidence on the Council's case on landscape matters.

4.2 Mr Jeff Troake will provide evidence on highway matters.

4.3 My evidence commences with the background to this appeal. This is followed by a description of the appeal site and locality, relevant legislation, development plan policies and relevant national planning policy and guidance. This evidence then considers the appeal proposal against planning policy relevant to the Council's Reasons for Refusal. My evidence addresses and ascribes weight to the relevant planning policies and benefits that would arise from the proposed development. My evidence then addresses the relevant Planning Balance and draws conclusions.

5.0 The Appeal Site

5.1 The site is slightly domed and comprises 11.24 hectares of open farmland located between the M5 motorway corridor to the west and the edges of the village of Creech St. Michael to the east and south. It lies entirely beyond the clearly defined limits of the village.

5.2 The site lies approximately 4.3 kilometres from Taunton Town Centre, approximately 500 metres from the edge of the planned Monkton Heathfield Urban expansion beyond a motorway bridge and approximately 800 metres from the village centre.

5.3 Public footpath T10/24 passes through the southern sector of the site to intersect with footpath T10/23. This path extends close to the south-western site boundary towards an underpass beneath the M5. Mr Troake notes footpath T10/23 is unbound, uneven, unlit, in places overgrown with narrow crossing points with no passive surveillance. He does not consider this footpath to be an accessible route. With regard to footpath T10/24, Mr Troake does not consider the virtual footway is appropriate to accommodate increased pedestrian movements that could arise as a direct result as a result of the appeal proposal.

5.4 Footpath T10/31 extends along the other side of Langaller Lane on an east-west axis.

5.5 Mr. Leithgoe provides in his evidence a more detailed description of the site and landscape on which I rely.

6.0 The Appeal Proposal

6.1 The appellant seeks outline planning permission with all matters reserved except for a means of access, for the erection of up to 200 dwellings of which up to 50 (or 25%) would comprise affordable housing and Public Open Spaces. (“the Proposal”) (CD 1.1). Approval is sought for a single northern vehicular access off Langaller Lane.

6.2 In the submitted Planning Statement (CD1.20) the appellant accepted that whilst the Proposal would “...conflict with the Development Plan in relation to policies concerning development in the open countryside, those policies are restrictive of development and should be accorded limited weight.” (point viii of ‘Executive Summary’). This theme is repeated throughout the document. It also states that the Proposal “...is in conflict with certain policies of the adopted Development Plan. However, it is the case that material considerations exist to justify a departure from the Plan in this instance.” (paragraph 4.1.3).

6.3 In paragraph 6.1.7 of the Planning Statement, in the context of the Section 38(6) of the 2004 Act, the appellant identifies the ‘relevant material’ considerations as being:

- the lack of a five year supply of deliverable housing land;
- the site is suitable for residential development and is not of high environmental value;
- the site is in a sustainable location;
- the retention of the current settlement boundary leaves insufficient land to be made available to meet the objectively assessed needs of Taunton Deane;
- landscape features will be retained to retain a suitable landscape edge and setting and;
- the provision of affordable housing is a significant benefit.

6.4 In the appellant’s Statement of Case dated June 2018, it is stated that “.....the policies where conflict arises are restrictive of development and frustrate the Framework’s objective of boosting the supply of housing” (paragraph 2.24) and that

“...there are very significant material considerations which outweigh the statutory presumption in favour of the Taunton Deane Development Plan.” (paragraph 6.2.2).

6.5 The planning application was predicated on the Council not being able to demonstrate a five year housing land supply and that the ‘tilted balance’ under paragraph 14 of the previous NPPF (now paragraph 11 of the current NPPF) being engaged for this reason.

6.6 The submitted Illustrative Site Plan (**CD1.4 and CD1.5**) incorporates a western landscaped area between the proposed housing and the M5 corridor with a surface water attenuation pond and landscaped area extending along the southern section of the site adjacent the village.

6.7 The sole means of vehicular access would be through the northern site boundary onto Langaller Lane. This access would serve a spine road arranged as a loop from which culs-de-sac would radiate to the edges of the housing areas. New footpaths and cycle ways would extend into the housing areas from the main vehicular access, western landscaped area and southern site boundary to converge at a central Public Open Space and a childrens’ play area. Further, a new footpath and cycle ways would encircle the proposed housing around most of the site perimeter.

6.8 In terms of building scale, housing up to 2 ½ storey would front the northern site boundary and part of the western landscape buffer with housing up to 2 storeys occupying most of the remaining housing area. There is proposed to be a mix of detached, semi-detached and terraced housing.

7.0 Relevant Planning History

7.1 There is no record of a planning application having been previously submitted in relation to the Site.

7.2 However since 2012, four planning permissions for a total of 210 new dwellings have been granted and implemented on land adjoining the village and south of the Site (**CD7.2**).

7.3 The SHLAA (**CD9.6 and 9.7**) was published in April 2018. It identified the appeal site as Site MIN043 (CSM) and viewed it as a “Potentially Developable” site taking into account factors such as physical constraints, potential impacts including upon the landscape, appropriateness and amenity impact (paragraph 2.9).

7.4 The SHLAA referred to the Site MIN043 as being currently unsuitable as it lies outside the boundaries and contrary to adopted planning policy but that it might be suitable in the future if the development is required in the location or settlement (see paragraph 2.19). It is important to note that the SHLAA is a broad sieving exercise and it does not formally allocate land for development (see paragraph 1.3).

8.0 The Main Issues

8.1. Having regard to the Council's Reasons for Refusal, the main issues in the determination of this appeal are as follows:

- whether the Proposal would accord with the development plan housing policies and the effect of the unplanned Proposal on the development plan housing strategy outwith the plan-led system (Reason for Refusal 1);
- the effect of the development of this unallocated area beyond the settlement boundary and the landscape and visual effects of the Proposal including the loss of an important gap separating Taunton and Creech St. Michael (Reason for Refusal 3)
- whether sufficient information has been submitted by the appellant to demonstrate that the proposal development will not result in a severe transport impact (Reason for Refusal 2);and
- whether the Proposal will provide affordable housing, surface water attenuation and management, childrens' play facilities and other recreational contributions, public art or an acceptable Travel Plan commensurate with the Proposal (Reason for Refusal 4).

8.2 The fourth reason for refusal relates to various contributions that are required via planning obligation and/or planning condition over which agreement has not been reached. The Council will withdraw this reason, in part or in its entirety, with the completion of an appropriate Section 106 legal agreement.

9.0 National Planning Policy Framework: July 2018 (NPPF)

9.1 The Revised Framework was published in July 2018.

9.2 Paragraph 8 of the NPPF identifies sustainable development as comprising overarching economic, social and environmental objectives which are interdependent and to be pursued in mutually supportive ways.

9.3 Paragraph 11 of the NPPF identifies that the presumption in favour of sustainable development means in decision-taking, approving proposals that accord with an up-to-date development plan without delay or where there are no relevant development plan policies or the most important policies are out-of-date unless:

- NPPF policies protective towards areas or assets provides a clear reason for refusal, or
- any adverse impacts for doing so would significantly and demonstrably outweigh the benefits.

9.4 The NPPF does not change the statutory status of the development plan as the 'starting point' for decision making (paragraphs 12 and 47). Significantly, where a proposal conflicts with an up-to-date development plan, permission should not normally be granted (paragraph 12). The planning system should be genuinely planned (paragraph 15).

9.5 The NPPF requires policies to identify a sufficient supply and mix of housing sites to identify specific, deliverable sites for years one to five of the plan period (paragraph 67 refers). Planning authorities are required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing land against their housing requirement (paragraph 73 refers).

9.6 Housing should be located where it will enhance or maintain the vitality of rural communities (paragraph 78).

9.7 Planning decisions should aim to achieve healthy, inclusive and safe places which, amongst other things, promote social integration including easy pedestrian and cycle connections within and between neighbourhoods (paragraph 91 a). Social, recreational and cultural facilities and services should be provided (paragraph 92). Access to a network of high quality open spaces and opportunities for sport and physical activity is recognised as important for the health and well-being of communities (paragraph 96).

9.8 In terms of sustainable transport, issues should be considered from the earliest stages of development proposals to address potential impacts of development on transport networks, the environmental traffic impact can be identified, assessed and taken into account and to ensure that patterns of movement, streets and other considerations are integral to the design of schemes (paragraph 102).

9.9 In assessing development proposals, it should be ensured that appropriate opportunities to promote sustainable transport modes can be adopted, safe and suitable site access and any significant impacts on the transport network can be cost-effectively mitigated to an acceptable degree (paragraph 108).

9.10 Development should only be refused permission on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe (paragraph 109). All developments that will generate significant amounts of movements should be required to provide a Travel Plan and be accompanied by a Transport Statement or Assessment (paragraph 111).

9.11 Paragraph 125 requires design policies to be developed so that they reflect local aspirations and are grounded in an understanding and evaluation of each other areas' defining characteristics. Paragraph 126, amongst other things, requires decisions to ensure development is sympathetic to local character and history including the surrounding built environment and landscape setting, to maintain a strong sense of 'place' and are visually attractive. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area (paragraph 130 refers).

9.12 Planning decisions should contribute to and enhance the natural and local environment recognising the intrinsic character and beauty of the countryside (paragraph 170 b) refers). A definition of the environmental objective of the planning system includes the contribution to protecting and enhancing of the natural, built and historic environment (paragraph 8 c).

9.13 With regard to the weight to be applied to development plan policy, paragraph 213 of the NPPF states that existing policies should not be considered 'out of date' simply because they were adopted prior to the publication of the NPPF. Due weight should be given to these policies according to their degree of consistency with the revised framework.

Specific Comments on the Proposal in Relation to the Framework

9.14 In relation to paragraph 12 of the Framework, the development plan is not allocated for housing in the development plan.

9.15 In relation to paragraph 73, as of 1st April 2018 the Council can demonstrate at least 9.27 years of supply of deliverable housing sites.

9.16 In relation to paragraph 170 b), the Proposal would be substantial in scale and would lie entirely beyond the village confines. Mr Leithgoe's evidence is that, amongst other things, the proposed development would be seriously harmful to the local landscape.

10.0 The Development Plan

10.1 The development plan comprises the following documents:

- 10.1.1. Taunton Deane Core Strategy (2012) [TDCS] (**CD7.1**)
- 10.1.2. Taunton Deane Site Allocations and Development Management Plan (2016) [SADMP] (**CD7.2**)
- 10.1.3. Taunton Town Centre Area Action Plan (2008)
- 10.1.4. Somerset Minerals Local Plan (2015)
- 10.1.5. Somerset Waste Core Strategy (2013)

10.2. The TDCS and SADMP are the most relevant documents to the appeal proposal.

Taunton Deane Core Strategy (2012) (TDMS) (CD 7.1)

10.3 The TDCS was adopted before the publication of the Revised National Planning Policy Framework in July 2018. This fact alone does not render its policies 'out of date'. Therefore, I give weight to each relevant policy below according to the degree of their consistency with the NPPF.

10.4 **Policy SD1** reaffirms the presumption in favour of sustainable development. The policies in the Core Strategy provide a clear framework to guide development to achieve sustainable growth in the Borough. This policy accords closely with paragraphs 11 and 15 of the NPPF.

10.5 **Policy CP4** seeks to maintain a flexible supply of housing by making provision for at least 17,000 new homes phased over the plan period of 2008-2028 with at least 3500 new homes up to 31 March 2016 and at least 4500 new dwellings between April 2016 and 31 March 2021.

10.6 Paragraph 3.70 of the TDCS identifies how the Council will monitor housing land supply and in particular the 5 year deliverable supply of housing land. The TDCS confirms that the annual review of the SHLAA and the Housing Land

Availability Summary will provide an appropriate mechanism to facilitate this in addition to allocations of sites through the Site Allocations Plan which was subsequently adopted.

10.7 Policy CP4 requires housing to be delivered consistent with the settlement hierarchy set out in Policy SP1 (see below). Amongst other things, Policy CP4 aims to deliver about 4000 new affordable housing units applying a target of 25% of new housing being in the form of affordable units.

10.8 Policy CP4 accords closely to Section 5 of the NPPF which seeks to significantly boost the supply of housing through the plan-making process.

10.9 **Policy SP1 ‘Sustainable Development Locations’**, amongst other things, adopts a sequential approach prioritising the most accessible and sustainable locations and maximising opportunities to make best use of previously developed land, where possible. Development will be focused on the most sustainable locations with Taunton Urban Area acting as the strategic focus for growth and the focal point for new development accommodating at least 13000 new homes. Wellington will act as the secondary focus for growth within the Borough developing its role as a market town serving a wider rural hinterland and accommodating at least 2500 new homes. This policy accords closely to paragraph 67 of the NPPF which requires planning policies to identify a supply of specific, deliverable sites for years one to five of the plan period and developable sites or broad locations for growth for years 6 to 10 of the plan.

10.10 Two ‘Major Rural Centres’, Wiveliscombe and Bishops Lydeard, are to provide the focus for essential facilities within rural communities including an appropriate balance of housing provision, small-scale employment and other local services. In these centres, allocations of up to 200 new net additional dwellings were to be made through the Site Allocations and Development Management DPD **(CD7.2)**.

10.11 Creech St. Michael was designated as one of five 'Minor Rural Centres' where an appropriate balance of market and affordable housing is to be located as small-scale allocations, sites within the development boundary and exceptional affordable housing sites. The SADMP made allocations for a combined total of at least 250 new additional dwellings spread across the five 'Minor Rural Centres'(see below for details).

10.12 Paragraph 4.6 of the Justification for Policy SP1 identifies 'Minor Rural Centres' as displaying a broad range of services but lacking sufficient facilities to justify their designation as 'Major Rural Centres'. Footnote 1 explains that the definition of Taunton includes several named outlier settlements but excludes Creech St. Michael.

10.13 Importantly, outside of these and other settlements named under Policy SP1 proposals will be treated as being within open countryside to contribute towards meeting the wider aims of sustainability.

10.14 Policy SP1 in relation to the overall strategy for the pattern, scale and quality of development accords fully with paragraph 20 of the NPPF. In relation to 'Minor Rural Centres', Policy SP1 accords with paragraph 28 of the NPPF which relates to the adoption of non-strategic policies which include allocating sites, conserving and enhancing the natural and historic environment and setting out other development management policies.

10.15 **Policy SS1** allocated an area known as Monkton Heathfield as a new sustainable neighbourhood comprising a phased delivery of around 4,500 dwellings of which 25% were to be affordable with a mixed-use district centre, employment land, primary and secondary schools. The allocation was to include, amongst other things, a multi-purpose 'green necklace' of landscape and public open space with a 'Green Wedge' designated on the land between the development sites and the western side of the motorway corridor (see page 80 of **CD7.1**). This policy, amongst other things, also accords with paragraphs 20 and 23 of the NPPF.

10.16 **Policy CP1** requires development proposals result in sustainable environment and to demonstrate that the issue of climate control has been addressed by, amongst other things, reducing the need to travel through locational decisions. **Policy CP6** requires development to contribute to reducing the need to travel, improve accessibility jobs, services and community facilities.

These policies accord with Section 9 of the NPPF 'Promoting sustainable transport'.

10.17 **Policy CP8**, amongst other things, does not permit development that would harm the natural environment of the settings of rural centres unless other material factors are sufficient to override their importance. Unallocated green field land outside settlement boundaries is protected and where possible enhanced.

Development within such areas is strictly controlled to conserve the environment assets and open character of the area. Development outside of settlement boundaries is permitted where, amongst other things, it will protect, conserve or enhance landscape and townscape character whilst maintaining green wedges and open breaks between settlements.

10.18 Policy CP8 accords closely with paragraph 11 of the NPPF which stresses the plan-led approach of the planning system and paragraph 170 which requires decisions to contribute and enhance the natural and local environment by, amongst other things, recognising the intrinsic character and beauty of the countryside.

10.19 **Policy CP7 'Infrastructure'**, amongst other things, requires developer contributions towards the provision of social infrastructure by negotiating appropriate planning obligations. This policy accords with paragraph 34 of the NPPF which addresses developer contributions.

10.20 **Policy SP 4 'Realising the Vision for the Rural Areas'** states, amongst other things, that growth in the rural areas is more limited with the creation of balanced and sustainable mixed-use communities achieved through a focus firstly on the 'Major Rural Centres' and secondly on 'Minor Rural Centres'. The key features of this vision, amongst other things, will be to provide small-scale local opportunities for employment growth, to deliver at least 1500 net additional dwellings and to enable a 'step change' in the delivery of affordable housing.

10.21 Policy SP4 accords with the sequential approach of Policy SP1 and with Section 5 of the NPPF in particular paragraph 78 which, amongst other things, promotes sustainable development in rural areas and requires policy to identify villages to grow and thrive.

10.22 **Policy DM1 'General Requirements'** requires all development to meet detailed criteria including not unacceptably harming the appearance and character of an affected landscape or settlement. Policy DM1 requires all development to meet detailed criteria. Paragraph 6.6 requires Policy DM1 to be read in conjunction with other Core Strategy policies such as Policy CP8 to protect the character of the environment. This policy accords with paragraphs 170 and Section 5 of the NPPF which requires planning policy and decisions to contribute to and enhance the natural and local environment

10.23 **Policy DM 2 'Development in the Countryside'** limits support for development beyond settlements to that related to community and business uses, holiday, tourist, agricultural, forestry and related development, replacement dwellings, affordable housing, the conversion of existing buildings and essential utilities infrastructure.

10.24 Paragraph 6.11 explains that Policy DM 2 seeks to control development outside settlements to protect and enhance the quality of local landscapes and to promote sustainable patterns of development and allowing for economic growth and diversification.

10.25 Policy DM2 accords with paragraph 170 of the NPPF.

10.26 Having regard to the high degree of consistency between these policies of the development plan and the revised framework, I consider that substantial weight should be given to these policies of the adopted TDCS.

10.27 The appeal parties agree that the Council can demonstrate a five year housing land supply. Therefore, TDCS policies relating to the supply of housing and

those most important for the determination of this appeal are not 'out of date' under paragraph 11 of the NPPF.

Taunton Deane Adopted Site Allocations and Development Management Plan (December 2016) (SADMP) (CD7.2)

10.28 The Site Allocations Plan was adopted in December 2016. The Site Allocations Inspector's Report dated 17 November 2016 (CD7.4) stated:

"All in all, I am content that the Plan distributes its housing allocations appropriately, in a manner that accords with that set out in the Core Strategy Policy SP1 and the SA. I find no unsoundness on this issue"

(paragraph 39, page 9).

10.29 **Policy SB1** seeks to maintain the quality of the rural environment and to ensure a sustainable approach to development. It defines proposals outside of the boundaries of settlements as lying within open countryside and assessed against TDCS Policies CP1, CP8 and DM2 unless it accords with a specific development plan policy or is necessary to meet a legislative requirement.

10.30 Paragraph 2.2.1 of the Justification clarifies that other than the protection of the natural environment Policy SB1 assists in meeting other core planning principles such as shaping patterns of development to reduce the need to travel, reducing pollution and CO2 emissions. Paragraph 2.1.2 explains that the designation of settlement limits or boundaries provide clarity for the application of Core Strategy Policies SP1 and DM2 and Policy SB1. Paragraph 2.1.3 states that settlement boundaries assist in protecting the integrity of the countryside, providing compact settlements, preventing sprawl and sporadic development and reducing visual impact on the countryside.

10.31 Spatial **Policy MIN2** allocated land on the west edge of Creech St. Michael for around 40 dwellings. Spatial **Policy MIN3** allocated land on the northern edge of the village and abutting the current appeal site for around 55 dwellings. Spatial **Policy MIN4** allocated land for around 44 dwellings on land on the western village

edge. All of these allocations were to deliver a 25% affordable housing contribution or a total of approximately 33 affordable houses.

10.32 Policies SB1, MIN2, MIN3 and MIN4, amongst other things accord with paragraph 28 of the NPPF which addresses non-strategic policies setting out more detailed policies for specific areas, neighbourhoods or types of development.

10.33 The housing allocations and the settlement boundary are shown on Inset Map 7 of the SADMP (**CD7.2**). These allocations were the subject of planning permissions in 2014/2015 for a total of 134 dwellings approved during the formulation of the SADMP and have all been subsequently built-out (Council references: 14/12/0036, 14/13/0006 and 14/12/0043 respectively).

10.34 **Policy ENV1** requires development to minimise the impact on trees, woodlands, orchards, parklands and hedgerows of value. This policy accords with paragraph 170 of the NPPF which requires policy to contribute to and enhance the natural and local environment.

10.35 **Policy A2** requires all development proposals which would generate a significant amount of movement to include a Travel Plan. The policy accords with Section 9 'promoting sustainable transport' in particular paragraph 111.

10.36 **Policy C2: 'Provision of recreational open space'** requires the increased demand for recreational open space arising from new residential development responds to the relevant standards. The expected standards are set out in Appendix D to the SADMP. This policy accords closely with Section 8 of the NPPF including paragraph 92 and 96.

10.37 **Policy D13 'Public Art'** requires all development in excess of fifteen dwellings to contribute towards the provision of Public Art and public realm enhancements through commissioning and integrating it into the design of the buildings and public realm. Paragraph 1.8.32 states that developers are required to demonstrate compliance with the adopted Public Art and Design Policy (June 2007) and integrate Public Art into overall masterplanning at the earliest possible stage.

Policy D13 accords with paragraph 92 of the NPPF which requires the provision of social, recreational and cultural facilities.

10.38 Given the high degree of consistency between these policies and the NPPF, I consider that substantial weight should be given to Policies of the SADMP. In the light of the Council being able to demonstrate a five year housing land supply, policies of the SADMP most important to the determination of this appeal are not 'out of -date' under paragraph 11 of the NPPF.

Creech St. Michael Neighbourhood Development Plan 2018 – 2038
Submission Version (NDP) (CD9.13)

10.39 The Creech St. Michael NDP has reached an advanced stage towards it being finalised and 'made', or adopted. The Submission Version of the NDP has been submitted to an Examiner.

10.40 The NDP acknowledges the three housing allocations of the SADMP on the north-western confines of the village under SADMP Policies MIN2 (Sweetings Close), MIN3 (Hopkins Field) and MIN4 (Larksfleet) for 40 dwellings, 55 dwellings and 44 dwellings respectively.

10.41 The NDP proposes to designate all land along the eastern side of the M5 as a 'Green Wedge' under NDP Policy CSM11. This policy seeks to resist development in the Green Wedge where it would conflict with the purposes of its designation including the prevention of the coalescence of settlements, the maintenance of the open character of a green lung and protecting areas of landscape importance and visual amenity. The objective of this policy is to establish functional separation of the Monkton Heathfield urban extension and Creech St. Michael.

10.42 The formulation of the NDP accords with paragraphs 29 of the NPPF which promotes neighbourhood planning as a means of giving communities the power to develop a shared vision for their area.

10.43 The appellant has objected to the Submission Version of the NDP (NDP reference: EX14). **(CD9.15)**. Specifically, the appellant challenged a conclusion that additional affordable housing is not required in the Parish and the proposed designation of two tracts of land as 'Local Green Space' and a 'Green Wedge' including the current appeal site. Further, the appellant promotes the Site as a potential housing site.

10.44 Paragraph 48 of the NPPF allows weight to be given to relevant policies in emerging plans according to the stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with the NPPF. By virtue of the unresolved objections that exist to policies of the NDP relevant to the appeal proposal, I give limited weight to the NDP at the present time. Only when the Examiner has published her report in early 2019 am I likely to give more weight to the NDP.

Community Infrastructure Levy (CD9.12)

10.45 In April 2014, the Council introduced a set of charges through the Community Infrastructure Levy (CIL) to secure contributions towards the cost of new infrastructure essential to support new development and applied to many of the housing allocations set out in the adopted Site Allocations and Development Management Plan.

10.46 The Council has calculated that based upon the current rates of the Community Infrastructure Levy the receipt of the appeal proposal with index linking is £ 2.5 million increasing to £3 million with index linking.

10.47 This sum of money could be applied to education, strategic transport improvements, community development such as sports and recreation, community halls, arts and culture and green infrastructure and strategic surface water and flood risk mitigation works.

11.0 Council's Case

11.1 Section 38(6) of the Planning and Compulsory Act 2004 requires that the determination of a planning application must be made in accordance with the development plan unless material considerations indicate otherwise.

Whether the Proposal would accord with the development plan housing policies and the effect of the unplanned Proposal upon the development plan housing strategy outwith the plan-led system (Reason for Refusal 1)

11.2 The Proposal would entail the significant encroachment upon open countryside by a substantial number of dwellings and other extensive built development entirely beyond the built limits of Creech St. Michael.

11.3 The Site has not been allocated for any purpose in the development plan and it lies entirely beyond the settlement boundary defined on Inset Map 7 of the SADMP (CD 7.2). Therefore, it would constitute a significant, unplanned extension to this village in that it would occur beyond the plan-making process.

11.4 Three housing allocations made in the SADMP also entailed the development of green field sites beyond the village although they accorded with the description of 'small-scale' allocations in accordance with TDCS Policy SP1.

11.5 The plan-led approach adopted by the Council in formulating its development plan enabled it to adopt a sequential approach towards the location of development to the most accessible and suitable locations amongst and at rural settlements. Such a sequential approach is advocated under TDCS Policy SP1. It facilitated the comprehensive consideration and testing of the relative merits of different potential sites for housing including the available and planned infrastructure, walking distances to local facilities and the provision of services. It resulted in the allocation of housing land at the optimal locations in accordance with the spatial strategy. This strategy and resultant allocations and policy were scrutinised during the lengthy plan-making process and found to be sound.

11.6 In the case of the three housing allocations at Creech St. Michael, each was adopted following the grant of planning permissions before the SADMP had been adopted after the Council had satisfied itself that their location and scale were sustainable and accorded with the adopted Core Strategy, emerging housing policy and the Framework.

11.7 The inappropriateness of the Proposal with regard to the adopted development plan spatial strategy is manifest.

11.8 Creech St. Michael is one of five 'Minor Rural Centres' designated in the development plan (**CD 7.1** and **CD7.2**). Core Strategy Policy SP1 earmarked these villages to host a combined total of at least 250 new dwellings located in small- scale allocations, sites within these villages or exceptional affordable housing sites. The Proposal constitutes none of these circumstances. This relatively modest quantum of development earmarked for Minor Rural Centres is reflective of their role within the settlement hierarchy and the relative scope of their facilities and services.

11.9 Subsequently, housing allocations totalling around 289 dwellings were made in the SADMP at sites at the five 'Minor Rural Centres'. In addition to the delineation of the settlement boundary, SADMP Policies MIN2, MIN3 and MIN4 allocated three parcels of land at Creech St. Michael for a total of around 139 dwellings, or one half of the total housing allocation for all Minor Rural Centres. The Creech St. Michael allocations are now fully implemented.

11.10 The Proposal is of such magnitude that, together with the development plan allocations, it would result in Creech St. Michael hosting approximately 339 new dwellings considerably more than the 139 planned for in the development plan. It would result in Creech St. Michael accommodating considerably more houses than each of the 'Major Rural Centres' of Wiveliscombe and Bishops Lydeard (total allocations of 200 and 150 dwellings respectively). It would result in the 'Minor Rural Centres' accommodating up to 489 dwellings, well in excess of the total of 350 dwellings allocated to Wiveliscombe and Bishops Lydeard combined.

11.11 This scale of the development at the Site would contradict the spatial strategy of TDCS Policy SP1 which identified the level of services and facilities, public transport links and size of the two Major Rural Centres as justifying them hosting “significant” housing and employment growth (paragraph 4.5 of the policy Justification). In contrast, the development plan identifies Minor Rural Centres as lacking sufficient facilities to warrant recognition as Major Rural Centres (paragraph 4.6).

11.12 The Creech St. Michael Neighbourhood Development Plan Submission Version (**CD9.13**) identifies the village as having a shop and Post Office, a public house, a hairdresser, veterinary practice, day care nursery, an undertaker, local garages, medical centre with pharmacy and a primary school of some 250 pupils and two pre-schools. In addition, there is a village hall, church and recreation grounds including play equipment, sports pitches, a multi-use games area and pavilion with changing rooms.

11.13 I recognise that the completion of an appropriate legal agreement and the making of financial contributions under the Community Infrastructure Levy toward affordable housing and the augmentation of community facilities and services would help meet some of the increased demands upon local services that could be reasonably attributed to the Proposal.

11.14 However, the Proposal would result in considerably more new housing being accommodated at Creech St. Michael than was planned for in the development plan and more than is planned for the ‘Major Rural Centres’ which possesses relatively more facilities, and amenities and services.

11.15 As a result, the Proposal would increase significantly the scale of this village well beyond the point at which a balanced and sustainable mixed-use rural community is achieved as identified in TDCS Policy SP4.

11.16 Therefore, this substantial and extensive Proposal would be markedly at variance with the development plan-making process and its spatial strategy in terms

of the quantum and location of new housing and direct conflict with the plan-led approach strongly advocated in the Framework.

11.17 Consequently, the Proposal would not accord with Core Strategy Policy SD1 which presumes in favour of sustainable development or Policies CP1 and CP 6 which require locational decisions to reduce the need to travel. It would not accord with Policies CP4 which requires housing to contribute to sustainable mixed communities or Policies SP1 and SP4 which embody the development plan spatial strategy toward the rural areas. Nor would it accord with Policies DM1 which requires the most effective and efficient use of land where this is in a sustainable location and Policy CP8 which strictly controls development within unallocated greenfield land outside of settlement boundaries.

11.18 With regard to Policy DM2, it relates to development outside settlement boundaries. However, it addresses only the eight supported classes of development cited in the policy which does not include the Proposal. Therefore, this results in no conflict arising between the Proposal and Policy DM2 although it is material that Proposal does not benefit from the support of Policy DM2.

11.19 The attention of the Inspector is respectfully drawn to a relevant appeal decision at Ashflats Lane, Stafford (reference APP/Y3425/A/14/2217578) relating to the importance of the plan-led system (**CD 8.9**).

11.20 At the decision date of this appeal, the development plan was recently adopted and set a minimum housing target. It was a two-part development plan with a recently- adopted Core Strategy with a Site Allocations Plan yet to be adopted. In the current appeal, the Core Strategy and Site Allocations plan are both adopted.

11.21 In the Ashflats Lane appeal (set out at paragraph 107 of the decision), the presence of a minimum target for housing delivery over the plan period should not be interpreted as an intention that the development plan sanctioned the unfettered release of substantial green field site beyond the clearly articulated strategy for development.

11.22 In relation to the Framework, at paragraph 45 of the Ashflats Lane decision letter, the Inspector noted that: *“...despite its emphasis on housing delivery, the Framework promotes an explicitly plan-led system and the [Plan for Stafford Borough] has just been adopted following thoroughgoing independent examination. It is the single most important articulation of planning policy locally”*.

11.23 Further, the Inspector states at paragraph 108:

“..the presumption in favour of sustainable development articulated in paragraph 14 of the Framework, again, does not endorse the unfettered release of greenfield sites that are technically unobjectionable. Sustainability is measured against the Framework as a whole and, at its heart, the core principles include that development should be genuinely plan-led.”

11.24 At paragraph 109, the inspector opined that whether or not a development is genuinely plan-led is an important facet of sustainability reflecting the statutory position that application should be determined in accordance with the development plan unless material considerations indicate otherwise.

11.25 I also respectfully draw the Inspector’s attention to another appeal decision relating to a housing scheme at Oundle, Northamptonshire (reference: APP/G2815/A/13/2209113) (**CD 8.10**) in which the Inspector stated:

40. The relevant Development Plan policies in this case are Policies 1 and 2 of the Rural North, Oundle and Thrapston Plan (adopted 2011), which restrict new housing development to sites within the identified Settlement Boundaries of the district’s towns and villages. The proposed development would conflict with these policies, because the appeal site lies outside the Oundle Settlement Boundary.

41. I have not found any other material considerations of sufficient cumulative weight to overcome this conflict with Development Plan policies. The appellant has rightly pointed out that there is an acute and continuing shortfall in the nationwide provision of housing, and that the NPPF contains a presumption in favour of sustainable development. However, paragraph 14 of the NPPF provides guidance on

how the presumption in favour of sustainable development should apply to decision-taking, and only advises departure from determining proposals in accordance with adopted policies in situations where the Development Plan is absent, silent, or relevant policies are out of date. That is not the case here. In any event, I am not convinced that building housing on a previously undeveloped greenfield site, outside any settlement boundary, in circumstances where the Council can demonstrate a supply of housing land sufficient to meet its needs for the next 5 years, could reasonably be described as “sustainable development”.

11.26 I agree with the fundamental points raised by the Inspector which reiterated the plan-led principle of the planning system and Section 38(6). In significantly boosting the supply of new housing, the Council has adhered to these principles in allocating land for around 139 dwellings at Creech St. Michael in the SADMP in accordance with the spatial strategy of the TDCS. I do not consider the subsequent revision of the Framework fundamentally changes the relevancy of this decision.

The Effects of the substantial unallocated Proposal beyond the settlement boundary including the loss of an important gap separating Taunton and Creech St. Michael (Reason for Refusal 3)

11.27 The substantial and extensive proposal would occur upon a large greenfield area entirely beyond the built confines and settlement boundary of Creech St. Michael in an area between the village and the Monkfield Heathfield Urban Extension. The Site has not been allocated for housing in the development plan.

11.28 My colleague, Mr Leithgoe, provides the substantive evidence on the landscape and visual impact of the Proposal.

11.29 Mr Leithgoe considers the Site occupies an important gap between Creech St Michael and Monkton Heathfield and its role in the landscape to separate the two settlements can be clearly defended within TDBC Policy CP8.

11.30 He identifies sensitive views from a network of well-maintained and well-used footpaths around and crossing the appeal site which contribute to the character of

the area. He finds the appellant's reliance on new planting to mitigate adverse effects to be misguided as it will be several decades before planting around the western perimeter of the site and elsewhere makes any contribution to providing an appropriate setting for 200 houses.

11.31 Mr Leithgoe considers that the proposed highway visibility splays will result in the loss of up to 70 trees subject to the detailed design of the access. He considers these trees should be given a higher classification than is ascribed by appellant and that the submitted LVIA underestimates the significance of the loss of these trees as any planting in mitigation will take 25 to 30 years to achieve a compensatory size.

11.32 In the absence of the boundary vegetation along Langaller Lane, an open prospect across the appeal site will become the principal view between Creech St Michael and Monkton Heathfield. When travelling westbound, having passed the appeal site at the M5 overbridge, the view of Monkton Heathfield lies ahead. The sense that the two settlements are coalescing will increase.

11.33 Mr Leithgoe considers the highway and footpath works required at North End and the upgrading of footpaths at, and beyond, the site would suburbanise the locality changing it irreversibly to a semi-urban setting. An assessment of the proposed improvement of the footpath south of the Site indicates harm will be caused to the rural character of the area.

11.34 Mr Leithgoe contends that the magnitude of the proposals, combined with the sensitivity of the receptors, will lead to impacts greater than suggested by the appellant. Mitigation by landscape provision will not reduce these impacts. In the case of destroying the gap between the settlements, these impacts are irreversible.

11.35 As I have explained above, the Site has not been allocated for housing purposes in the development plan nor does it constitute limited development that respects and reflects the rural character of the rural areas as promoted under Policy SP4.

11.36 The Proposal is not one of those classes of development in the countryside supported under Policy DM2. Whilst this results in no conflict arising between the Proposal and Policy DM2, it is material that the Proposal does not benefit from the support of Policy DM2.

11.37 Nevertheless, the Proposal would not accord with TDCS Policy DM1 as it would unacceptably harm the appearance and character of the landscape. Nor would it accord with TDCS Policy CP8 as it would not protect, conserve or enhance landscape character or maintain an open break between settlements.

11.38 The Proposal would also be contrary to SADMP Policy SB1 which seeks to ensure a sustainable approach to development as well as maintain the quality of the rural environment. The Proposal does not accord with a specific development plan policy, it is not necessary to meet a requirement of environmental or other legislation and is not, by virtue of its scale, extent and composition, designed and sited to minimise landscape impacts. Similarly, the Proposal would not minimise impact on trees and would be harmful to the rural character of the area and not accord with Policy ENV1.

11.39 The sensitivity of the Site has resulted in its being designated in the emerging NDP as part of a potential 'Green Wedge'. However, I accept that at the time of producing my evidence this proposed designation can be given only limited weight in the decision making process.

Insufficient Highway Information (Reason for Refusal Two)

11.40 On 26th November, the appellant's highway consultant submitted to the Council a revised Transport Assessment followed by the submission of further information. Since then, the appellant's consultant has submitted further information and discussions between the Council's highway consultant and that of the appellant have been on-going and are unresolved at the time of my evidence being produced.

11.41 Therefore, I am not in a position to comment on whether the Council is now satisfied that sufficient highway information has been provided by the appellant or

upon any planning implications that may arise from the proposed highway works and arrangements. However, from the information provided to date, the delivery of the highway proposals appears to require various statutory procedures to be carried out under legislation other than planning and/or requires planning permission. The appellant is not a Statutory Undertaker and therefore these works do not constitute 'Permitted Development' under the Town and Country Planning (General Permitted Development Order) 2015. These works may also need to be the subject of a 'Grampian' planning condition, where appropriate, subject to the on-going discussions.

Provision of Affordable Housing, Play Facilities, Public Art and Travel Plan (Reason for Refusal Four)

Affordable housing

11.42 The appellant proposes 25% of all housing units to be affordable.

Children's play facilities

11.43 SADMP Policy C2 requires provision for childrens' play as part of the Proposal.

11.44 The consultation response received from the Council's Community Leisure Officer outlined the quantum, location and composition of these play facilities.

Public Art

11.45 The Council's Community Leisure Officer recommends a contribution to be made by the appellant toward Public Art and public realm enhancements through commissioning and integrating it into the design of buildings and public realm. This would be in accordance with SADMP Policy D13 and the Council's adopted Public Art and Design Policy.

11.46 Most developers satisfy this policy by demonstrating how Public Art has been incorporated into a development scheme by, for example, the inclusion of special boundary treatments, railings and surface treatments. Given that this contribution need not involve a financial contribution by the appellant and can be achieved on site the Council considers on balance that it need not be part of the Section 106 agreement but rather the subject of a planning condition.

Travel Plan

11.47 At the time producing my evidence, the appellant has yet to submit a completed Section 106 legal agreement securing the required affordable housing, childrens' play facilities or Travel Plan.

11.48 Nevertheless, should the appellant submit a completed legal agreement meeting fully its requirements, the Council will withdraw its fourth Reason for Refusal.

12.0 Benefits of the Appeal Proposal

12.1 I acknowledge that public benefits would arise from the Proposal.

Supply of open market housing

12.2 The Council can demonstrate well in excess of a five year supply of deliverable housing land. Nevertheless, I accept that the on-going requirement for a planning authority to maintain a five year land supply requires that it continually considers granting planning permission for new housing.

12.3 I note, however, that land around Creech St. Michael has been developed in recent years for approximately 139 dwellings. Further, there is scope under policies of the SADMP for further housing development to occur within the village that aims over the life of the development plan to generate additional open market housing.

12.4 Therefore, I give very limited weight to the benefit of this proposal helping to ensure that the Council maintains a five year housing land supply both in terms of the Creech St. Michael or the Borough as whole.

Provision of affordable housing

12.5 The appeal proposal would entail the provision of 25% affordable housing units or up to 50 affordable houses. This provision of affordable housing is capable of being a factor of significant weight in the decision-taking process. The Creech St. Michael Parish Housing Needs Survey dated August 2017 (see **CD9.13**) concluded that there was a low level of affordable housing need and that it is not considered necessary to provide any additional affordable housing at that time.

12.6 In any event, the Proposal would lie in reasonable proximity to the Monkton Heathfield Urban Extension approximately one-half of which lies within the Parish. This development will result in the erection of a significant number of affordable houses to meet local housing need.

12.7 To support this approach, I respectfully draw the Inspector's attention to a planning appeal for housing at the village of Alderton in Gloucestershire in which the Inspector stated:

44. Whilst the affordable housing provision would be a social benefit it is not necessary, nor in my view desirable, for the affordable housing needs of the wider area all to be provided in Alderton, as I would anticipate the Beckford Road scheme to meet some of this need with the provision of the remainder taking place elsewhere, in response to the policies in the JCS when adopted, or through the development management or neighbourhood planning process."

(CD8.11)

Economic benefits

12.8 The appellant's submitted *Socio-economic Sustainability Statement (CD1.19)* concludes that approximately 172 full time jobs and 187 indirect full-time jobs would arise from the construction of the proposed dwellings. However, these jobs would occur only over six years and the building-out of the Monkton Heathfield Urban Extension continues to generate direct and indirect employment to a greater scale. I attribute moderate weight to this benefit.

12.9 The Proposal would increase considerably the number of residents of Creech St. Michael. Therefore, local spend at local businesses and patronage of community facilities and services would increase. The appellant puts the increase in household expenditure from the Proposal at £5.526 million per annum. However, the implementation of the SADMP housing allocations at the village has already increased local spend. Further, given the limited retail and leisure facilities in this village, it is reasonable to assume that the great majority of this expenditure would be made at nearby Taunton and Monkton Heathfield. Therefore, I attribute moderate weight to this benefit of the proposal.

Potential highway enhancements

12.10 I acknowledge that some enhancements to the local road and footpath network would occur. However, for these enhancements to be reasonably required of the development, they must be commensurate with its scale and nature. Nevertheless, I recognise that such improvements might also benefit existing road users and for this reason I give limited weight to this potential benefit.

Ecological enhancements

12.11 The scope for new planting and creation of habitats as part of the proposal would potentially be to the benefit of biodiversity albeit at the loss of this undeveloped site to development. I attribute limited weight to this benefit.

Creation of new public open space, play facilities and Public Art

12.12 The Proposal would provide additional Public Open Space, play facilities and a Public Art contribution commensurate with the scale of development proposed in accord with adopted policy. Therefore, I attribute limited weight to this factor.

12.13 Given the restricted access between existing housing in the village and the appeal site, I consider that the degree by which existing residents would benefit from these new facilities would be modest.

New Homes Bonus

12.14 The appellant calculates that the appeal proposal would contribute approximately £600 000 under the New Homes Bonus scheme over a five year period post completion. However, I am unaware of these monies being earmarked by the Council for a specific purpose or project. Therefore, I attribute no weight to this factor.

Council Tax

12.15 The additional Council Tax receipts generated by the Proposal calculated by the appellant to be £1.2 million over ten years would go to fund the services provided to the new households. Therefore, I attribute no weight to this factor.

Community Infrastructure Levy (CIL)

12.16 The Council calculates that the Proposal would generate £2.5 million under the CIL (increasing to £3 million with index linking). These monies will go toward off-site community facilities such as education and community facilities and strategic transport improvements. The sum generated under CIL is a pre-requisite of the Proposal commensurate with its scale and nature. Such CIL monies have also been generated by the SADMP village housing allocations.

12.17 Nevertheless, I accept that existing residents may benefit in some way from the enhanced community facilities funded by the CIL and therefore I give limited weight to this benefit.

13.0 The Planning Balance

13.1 Section 38(6) of the Planning and Compulsory Act 2004 requires that the determination of a planning application must be made in accordance with the development plan unless material considerations indicate otherwise.

13.2 I accept that the appellant is able to overcome Reason for Refusal 4 by submitting an appropriately-worded completed Section 106 legal agreement. It is on this assumption that I address the Planning Balance

13.3 The appellant accepts that the Council can demonstrate in excess of a five year housing land supply. Consequently, under paragraph 11 of the Framework, the Council's most important policies for the determination of this appeal should not be considered 'out-of-date'. Therefore, the 'tilted balance' of the paragraph 14 d) of the revised Framework is not engaged by any shortfall in the Council's housing land supply.

13.4 The 'tilted balance' of Paragraph 11 of the revised Framework is capable of being engaged where there are no relevant development plan policies. The development plan contains a raft of up-to-date policies addressing housing strategy at the strategic and local levels as well as policies addressing landscape protection, highway matters. the provision of affordable housing and community facilities. Therefore, I do not find there is an absence of development plan policies.

13.5 Consequently, I do not consider that the 'tilted balance' of paragraph 11 of the revised NPPF is engaged under any circumstances and consider that Policies of the TDCS and SADMP cited by the Council in its reasons for refusal and other relevant policies should be given substantial weight.

13.6 There remain sound planning grounds for the Council to continue to oppose the proposed development. Having regard to plan-led approach of national planning policy and that the Council has significantly boosted the supply of housing at Creech St. Michael by allocating land for approximately 139 dwellings, this factor is of considerable importance.

13.7 My colleague, Mr. Leithgoe demonstrates in his evidence that the Proposal would have a seriously harmful effect on landscape character and appearance. The Proposal would result in the loss of an undeveloped gap that exists between Creech St. Michael and Taunton of which the Monkton Heathfield development forms part.

13.8 I consider that the Council's objections to the principle of development allied to its seriously harmful effect upon the character and appearance of the site and landscape justify this appeal being dismissed. The lack of sufficient highway evidence submitted by the appellant to demonstrate the acceptability of the Proposal in highway terms adds weight to this conclusion.

13.9 I acknowledge that some benefits would arise from the appeal proposal although I give these benefits moderate, limited or no weight.

13.10 It is significant, however, that the similar benefits to the village have already been secured through the implementation of three village extensions and would continue to be achieved through the implementation of the nearby Monkton Heathfield development.

13.11 Taking into account the sum of these benefits and adverse effects of the appeal proposal, I consider that the appeal proposal would not constitute sustainable development when considering the National Planning Policy Framework or accord with the development plan when read in the round. I am unaware of any material considerations that justify this clear and substantial breach of the development plan.

13.12 Nevertheless, for the sake of comprehensiveness, I have also considered the appeal proposal against the 'tilted balance' in paragraph 11 of the Framework without prejudice to my view that the tilted balance is not engaged under any circumstances.

13.13 I consider that the lasting and substantial adverse impacts of the appeal proposal in principle and landscape terms would significantly and demonstrably outweigh the potential benefits of this proposal. The lack of sufficient highway evidence adds weight to this conclusion. Consequently, I consider that the presumption in favour of sustainable development should not apply even if the ‘tilted balance’ of paragraph 11 is engaged.

13.14 Despite the Council’s likely withdrawal Reason for Refusal 4 following the submission of a completed legal agreement, I consider that there remain sound planning reasons for the Council to continue to oppose the appeal proposal on principle, landscape and highway grounds.

13.15 It is for these reasons that the Inspector is respectfully requested to dismiss this appeal.

14.0 Conclusions and Summary

14.1 This Inquiry relates to the Council’s refusal of outline planning permission for the erection of up to 200 dwellings with Public Open Space, landscaping and sustainable drainage system with a new vehicular access off Langeller Lane, Creech St. Michael.

14.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all proposals be determined in accordance with the development plan unless material considerations indicate otherwise.

14.3 The Council raised objection to the appeal proposal on four grounds. Reason for Refusal 1 relates to the principle of the proposal beyond the settlement limits of Creech St. Michael outwith the plan-making process.

14.4 Reason for Refusal 2 relates to the insufficiency of highway information provided by the appellant to demonstrate that the proposed development would not

have a severe transport impact prejudicial to the safety, amenity and convenience of highway users

14.5 Reason for Refusal 3 relates to the location of the Proposal beyond the settlement boundary of Creech St. Michael, its significant visual intrusiveness and effect on the character and appearance of the countryside and the loss of an important gap between Taunton and this village.

14.6 Reason for Refusal 4 addresses the lack of completed legal agreements relating to the provision of affordable housing, surface water attenuation and management, childrens' play facilities and other recreational contributions, public art or an acceptable Travel Plan.

14.7 I acknowledge that a suitably-worded completed Section 106 legal agreement and, in relation to Public Art, a planning condition would overcome Reason for Refusal 4.

14.8 Therefore, the Council's case at this Inquiry is based upon Reasons for Refusal 1, 2 and 3 relating to matters of principle, highway matters and landscape effect.

14.9 The appeal parties agree that the Council can demonstrate a five year housing land supply. Consequently, under paragraph 11 of the National Planning Policy Framework, the Council's most important policies in the determination of the appeal proposal are not 'out of date'. Therefore, the 'tilted balance' of paragraph 11 of the Framework is not engaged on this basis.

14.10 Further, development plan policies address its spatial strategy, the landscape effect of development and highway matters. Therefore, there is no absence of relevant development plan policy. Consequently, I do not consider that the 'tilted balance' of paragraph 11 of the Framework is engaged for any reason.

14.11 In my evidence I have demonstrated that under the National Planning Policy Framework, economic, social and environmental roles should not be undertaken in

isolation because they are mutually dependent. To achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. My evidence and that of my colleague Mr. Leithgoe demonstrates that the appeal proposal would not represent sustainable development contrary to the Framework. The view held by the Council's highway consultant that the appellant has not demonstrated the Proposal would not have severe transport impacts adds weight to this conclusion.

14.12 My evidence is that the proposal to erect up to 200 dwellings on a site entirely beyond the settlement limits of Creech St. Michael in its own right and outwith the plan-making process would not accord with the development plan or national planning policy which, amongst other things, requires the planning system to be genuinely plan-led.

14.13 The evidence of Mr Leithgoe, amongst other things, is that building on this unallocated greenfield area and planting trees would not accord with development plan and national planning policy and that it will take several decades before new planting makes any contribution to providing an appropriate setting for 200 houses. Mr Leithgoe considers the sense of Taunton and Creech St. Michael coalescing would increase as a result of the Proposal and that the loss of the important gap between these settlements would be irreversible. He considers that the proposed highway and footpath works would suburbanise the rural locality. I do not consider that the fundamental flaws of the Proposals can be resolved at the Reserved Matters stage of the planning process.

14.14 At the time of producing my evidence the differences between the appeal parties with regard to highway matters had not been resolved and therefore Reason for Refusal 3 remains part of the Council's case.

14.15 In terms of benefits, the Proposals would entail the provision of a 25% affordable housing contribution in accordance with adopted policy to which I give moderate to significant weight and open market housing to which I give limited weight.

14.16 The appeal proposal would make a contribution to the local economy by an increase in local spend, use of community facilities and services and medium-term direct employment arising from the erection of the new dwellings to which I give moderate weight.

14.17 The appeal proposal would make a contribution to childrens' play facilities, public art and potential enhancements to the local highway network. Although a pre-requisite and commensurate to the scale of development proposed, these additional facilities would be accessible to varying degrees to existing residents to which I give limited weight.

14.18 The Proposal would generate substantial sums of money from the New Homes Bonus. However, these monies would not be directed by the Council to a specific purpose or project. Although Council Tax would be levied from the proposed houses this would fund the services provided to the new households. As a result, I consider that the New Homes Bonus and Council Tax are not material and should be given no weight.

14.19 The monies generated by the Community Infrastructure Levy would be substantial although it is a pre-requisite of the Proposals commensurate with its scale and nature. Nevertheless, existing residents may indirectly benefit from the enhancement of community facilities to which I give limited weight.

14.20 I acknowledge the benefits that would arise from the Proposals. However, the weight that can be given to these benefits is tempered by the erection in recent years of housing estates at the village providing 139 dwellings and the on-going development at the nearby Monkton Heathfield development a large proportion of which lies within the Parish. These allocations in any event will entail the erection of affordable houses and generate financial contributions to community infrastructure, facilities and amenities.

14.21 I do not consider that the potential benefits of the Proposals would outweigh the serious harms that would arise from the Proposal identified by myself and Mr. Leithgoe. Consequently, I consider the Proposals would not accord with the

development plan or the National Planning Policy Framework when considered in the round and that there exist no material considerations to justify this breach. Therefore, the Proposals would not constitute sustainable development. The Council's outstanding highway objections to the Proposal add to the Council's principle and landscape objections.

14.22 However, for the sake of comprehensiveness I have also considered the appeal proposal against the 'tilted balance' in paragraph 11 of Framework despite me considering it is not engaged under any circumstances. I consider that the lasting adverse impacts arising from the Proposals would significantly and demonstrably outweigh the benefits. Therefore, the Proposals would not constitute sustainable development even were the tilted balance to be engaged.

14.23 It is for these reasons that the Inspector is respectfully requested to dismiss this appeal.