



## Appeal Decision

Inquiry held on 20-23 and 28-29 September 2016

Site visits made on 19, 23 and 27 September 2016

**by Neil Pope BA (Hons) MRTPI**

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

**Decision date: 13 October 2016**

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**Appeal Ref: APP/D0121/W/15/3138816**

**Land south of Knightcott Road, Banwell, Somerset.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Mr Jason Lewis of Gladman Developments Ltd against North Somerset Council (the LPA).
  - The application Ref. 15/P/0248/O, is dated 28 December 2014.
  - The development proposed is "...the development of up to 155 dwellings (including up to 30% affordable housing) introduction of structural planting and landscaping, public open space, children's play area, surface water retention basin, vehicular access point from Knightcott Road, allotments, community orchard and associated ancillary works. All matters reserved with the exception of the main site access point."
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### Decision

1. The appeal is dismissed and outline planning permission is refused.

### Preliminary Matters

2. The LPA has informed me that had it determined the application it would have refused planning permission for the following reasons:
    1. *The development represents an unacceptable form and scale of development that will be out of keeping with the rural landscape character and quality of the area and will result in a large urban extension to the village that will harm to (sic) the rural setting, contrary to policies GDP/3 of the North Somerset Replacement Local Plan and CS5, CS12 & CS14 of the North Somerset Core Strategy, policies DM10 and DM11 of the draft Sites and Policies Plan Part 1 Development Management Policies and the objectives of the NPPF paragraphs 64 and 66.*
    2. *The development would result in an extension on the western extremity of Banwell which would not be easily accessible to the full range of village facilities for all sections of the population without adding unnecessarily to local car borne traffic. This would have a detrimental effect on the quality of life and environmental conditions in the constricted village centre which is also a Conservation Area and is therefore considered to be in conflict with the objectives of sustainable development, as set out in the NPPF and Core Strategy Policies CS14, CS32 and CS33.*
    3. *Insufficient information has been submitted to allow a full assessment of the impact of the proposals on the educational capacity of Banwell Primary*
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*School and, as it stands the application cannot readily be considered having regard to the education strategy for the village. In this regard, the applicant has failed to provide sufficient information and evidence to address these concerns and the proposal is therefore contrary to Policies CS25 & 34 of the North Somerset Core Strategy.*

3. I note from the Statement of Common Ground (SoCG) that has been agreed by the two main parties that financial contributions towards the cost of educational infrastructure have been agreed and there is no longer any dispute regarding the above noted third 'reason for refusal'.
4. In July 2016, the LPA adopted the Sites and Policies Plan Part 1: Development Management Policies (DMP) development plan document. DMP policy DM32 supersedes the above noted policy GDP/3.
5. At the Inquiry, the LPA informed me that policy CS33 had been referred to in error in the second 'reason for refusal'. The LPA also clarified that it had not identified any concerns regarding the effect upon the significance of any designated heritage asset, including the Banwell Conservation Area. Nevertheless, both main parties agree that the proposals would affect the setting of the grade II listed Banwell Monument / Tower. I also note from the Heritage Desk Based Assessment (HDBA) that was submitted with the application that the proposal would affect the setting of the grade II listed Bowmans Batch. I have therefore had regard to the relevant statutory duty<sup>1</sup>.
6. With the exception of the means of access into the site, all other matters of detail have been reserved for subsequent consideration. I have treated the submitted development framework plan (masterplan) as being illustrative only.
7. In February 2015, the LPA informed the appellant that the proposal was EIA development under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and an Environmental Statement (ES) would be required. In July 2015, and in response to a request for a Screening Direction, the National Planning Casework Unit informed the appellant that the proposals did not comprise EIA development. In the meantime, the appellant had prepared and submitted an ES to the LPA.
8. The appellant has submitted a completed Unilateral Undertaking (UU) under the provisions of section 106 of the above noted Act (Document 40). If I was minded to allow the appeal and grant planning permission it would be necessary to consider whether this UU satisfies the provisions of paragraph 204 of the National Planning Policy Framework (the Framework).
9. At the Inquiry, both main parties drew attention to an outstanding planning appeal at Sandford where the issue of housing land supply had also been discussed (Ref. APP/D0121/W/15/3139633) and the forthcoming Inspector's Report into the Examination of the remaining remitted policies of the North Somerset Core Strategy (CS). However, my decision is based upon the evidence that was put to the Inquiry and falls to be determined on its own merits. It would not be appropriate to delay it pending other Inspectors' decisions and reports, which will likewise be arrived at on the basis of the evidence put to them.

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<sup>1</sup> Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **Main Issue**

10. The main issue is whether a five year supply of housing exists within the District and, if not, whether any adverse impacts of the proposed development, having particular regard to: the effect upon the character and appearance of the area, including the settings of Banwell and the Mendip Hills Area of Outstanding Natural Beauty (AONB) and; the effect upon environmental conditions and the quality of life within Banwell village centre, would significantly and demonstrably outweigh the benefits.

## **Reasons**

### *Planning Policy and Other Relevant Published Documents*

11. The development plan includes the 'saved' policies of the North Somerset Replacement Local Plan (LP) which was adopted in 2007, the CS which was adopted in 2012<sup>2</sup> and the DMP. Both main parties agree that the provisions of the LP are not determinative to the outcome of this appeal.
12. The most relevant planning policies to the determination of this appeal are CS policies CS5 (landscape and historic environment), CS13 (scale of new housing), CS32<sup>3</sup> (service villages) and DMP policies DM10 (landscape) and DM11 (Mendip Hills Area of Outstanding Natural Beauty [AONB]). I consider CS12 (high quality design) and DM32 (high quality design and place making) more relevant to an assessment of detailed proposals / reserved matters rather than applications that seek to establish the principle of development. They are not therefore determinative to the outcome of this appeal.
13. The LPA is in the process of formulating the Site Allocations Plan (Sites and Policies Plan Part 2). A Consultation Draft has been published and the LPA is due to consider matters arising in respect of this emerging Plan in October 2016. I understand that at that meeting consideration will be given, amongst other things, to the inclusion of a site for 44 dwellings at Wolverhill Road, Banwell<sup>4</sup>. I concur with both main parties that as this Plan has yet to reach an advanced stage towards adoption it can only be given limited weight.
14. A Joint Spatial Plan is being prepared by the West of England authorities for the period 2016-2036. Amongst other things, it will identify the overall housing requirement and the district apportionment. My attention has not been drawn to any relevant policies and given the very early stage this Plan has reached it is not determinative to the outcome of this appeal.
15. Whilst not planning policy, I note the provisions of the Mendip Hills AONB Management Plan 2014-2019 (MP). This includes a Statement of Significance which identifies the special qualities of the AONB. These qualities include views towards the Mendip Hills from Exmoor, Quantocks, the Somerset Levels and Moors and Chew Valley and the views out including across the Severn Estuary

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<sup>2</sup> Following a challenge to CS policy CS13, this and some other policies, including CS32 were remitted back to the Planning Inspectorate for re-examination. The Secretary of State approved amended CS policy CS13 in 2015.

<sup>3</sup> The Inspector's report into the LPA's proposed changes to this and the other remitted policies is expected in Autumn 2016. Whilst not forming part of the development plan, this policy has reached an advanced stage towards adoption. If policies for the supply of housing are not out-of-date it can be given significant weight.

<sup>4</sup> The LPA informed me that an appeal had recently been submitted against the failure to determine an outline application (Ref.15/P/2752/O) for 44 dwellings on this site. There were putative reasons for refusal and objections to this scheme, including concerns expressed by Banwell Parish Council.

to Wales and the Somerset Levels to Glastonbury Tor and the Somerset coast. The MP can be given moderate weight in determining this appeal.

16. The National Character Area (NCA) profile for the Mendip Hills (NCA 141) is a guidance document to inform decision-making. As a 'high level' landscape character assessment undertaken by Natural England this profile can be given moderate weight in determining the appeal. Statement of Environmental Opportunity 1 (SEO1) seeks to: conserve the distinctive combination of historic field boundaries, field and settlement patterns and land uses that have shaped the landscape of the Mendip Hills; safeguard inward and outward views of and to the distinctive hill line and; conserve and enhance the special qualities, tranquillity and sense of remoteness and naturalness of the area.
17. The North Somerset Landscape Character Assessment Supplementary Planning Document (SPD) was adopted by the LPA in 2005. This SPD provides a more detailed assessment of the landscape at the local level. It is intended to further the understanding of the landscape resource of the district and give an indication of areas in need of enhancement and conservation to allow better informed decisions on the future management of the landscape. The appeal site lies within Landscape Character Area (LCA) J2 'River Yeo Rolling Valley Farmland' and is adjacent to LCA E1 'Mendip Ridges and Combes'.
18. The SPD describes the overall character of LCA J2 as moderate and the condition of the landscape is generally good. For LCA E1 the character is strong and the condition of the landscape is good. The landscape strategy for J2 is to conserve the peaceful, rural nature of the landscape with intact pasture and field boundaries and to strengthen the area of weaker character where the landscape is affected by modern infill and ribbon development along roads. The strategy for E1 includes conserving the peaceful rural landscape. I concur with the appellant that this SPD can be given significant weight.

### *Housing Land Supply*

#### Full Objectively Assessed Needs (FOAN)

19. To boost significantly the supply of housing, paragraph 47 of the Framework requires, amongst other things, Plans to meet the FOAN for market and affordable housing in the housing market area (HMA), as far as is consistent with the policies in the Framework. Paragraph 47 also requires LPAs to provide five years worth of housing against their housing requirement with a buffer<sup>5</sup>.
20. CS policy CS13 sets a housing requirement of 20,985 dwellings over the plan period (2006-2026). As acknowledged within the Inspector's report dated March 2015 into the examination of this policy, CS13 does not comply with national guidance in that it is not based on a full objective assessment of housing need in the whole of the recognised HMA. The Inspector recommended that this "difficulty" could be overcome by embedding a commitment to an early review of this requirement into the Plan. He recommended Main Modifications to the Plan to enable CS13 to satisfy the requirements of Section 20(5) of the Planning and Compulsory Purchase Act 2004 (as amended). The CS housing requirement is to be reviewed in 2018.

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<sup>5</sup> 5% to ensure choice and competition in the market or 20% where there has been a record of persistent under delivery of housing.

21. In responding to a request from the LPA, the Secretary of State (SoS) in September 2015 approved CS policy CS13 and informed the LPA that he was *"...satisfied that the inspector's recommendations, set out in his report of 11 March 2015, apply and reflect national policy correctly. I am satisfied that the inspector has taken a pragmatic approach to establishing the housing requirement for North Somerset in the context of national planning policy as a whole and I agree with his recommendations, chiefly that a housing target of 20,985 over the plan period is appropriate."*
22. I am mindful of the various Judgements in respect of objectively assessed needs, especially those in Hunston v SoS CLG [2013] EWCA Civ 1610, Gallagher Homes Ltd v Solihull MBC [2014] EWHC 1283 and Bloor Homes East Midlands Limited v SoS CLG, Hinkley and Bosworth Borough Council [2014] EWHC 754 (Admin), as well as the findings of Inspectors in other appeals elsewhere, including a case<sup>6</sup> in the Cotswolds also involving the appellant.
23. As the housing requirement in CS policy CS13 is not derived from a FOAN there is arguably some merit in the appellant's claim that the LPA cannot demonstrate a five year housing land supply (HLS) in accordance with paragraph 47 of the Framework. If correct, paragraphs 49 and 14 of the Framework would be engaged. However, there is also merit in the LPA's argument that when directing the LPA to adopt a housing requirement without knowing the FOAN the SoS gave reasons for departing from the Framework and for not adhering slavishly to his own policy.
24. The period for challenging CS policy CS13 has expired. It would be surprising if a flaw in using the CS13 housing requirement for the purposes of calculating 5 years HLS and in reaching a conclusion in respect of paragraphs 49 and 14 of the Framework had been overlooked by those advising the development and house building industry in North Somerset. Moreover, no other housing requirement or alternative FOAN has been put to me.
25. It would undermine the plan-led system and the process of Plan examination if those appointed to stand in the shoes of the SoS when determining appeals in North Somerset were to find that the recently adopted housing requirement did not satisfy the objective of paragraph 47 of the Framework. Whilst ultimately this would be a matter for the Courts to decide, there is greater strength in the LPA's argument that the development plan housing requirement is appropriate for measuring housing supply in North Somerset.

#### Persistent Under Delivery (PUD)

26. The Framework does not prescribe any particular period of time for assessing whether or not a LPA has a record of PUD. The Government's Planning Practice Guidance (PPG) advises that a local delivery record is likely to be more robust if a longer-term view is taken since this is likely to take account of peaks and troughs in the housing market cycle. In Cotswold District Council v SoS CLG and Fay and Son Limited [2013] EWHC 3719 (Admin) it was held that the precise period of time is a matter for the judgment of the decision-maker.
27. I note the LPA's argument that the period of the last full economic cycle (1996/7 to 2011/12) should be used for assessing PUD. I also note that the Inspector who conducted hearing sessions in 2016 in respect of the

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<sup>6</sup> APP/F1610/A/14/2213318.

examination of the remitted CS policies had evidence before him on this matter and commented that "*there is no real evidence of persistent under-supply over the whole of the economic cycle and the Council have had to deal with changing housing requirements so it seems to me that the buffer should be 5%.*"

28. However, assessing PUD as far back as 1996 seems unnecessary. During the last ten years there have been improving economic conditions (to 2006), high economic activity (2007/8), a recession (to 2011) and improving economic conditions again since 2011. This is a reasonable period of time for avoiding any undue influence arising from a temporary or short-lived fluctuation.
29. The period preferred by the LPA ignores the most recent period / last five years. This period post-dates the Framework with the Government's emphasis on providing a realistic prospect of achieving planned supply and ensuring choice and competition in the market for land. This should be included as part of an assessment of PUD. Assessing delivery since 2006 also corresponds with the commencement of the CS plan period. There is greater merit therefore in the appellant's argument for assessing PUD over the last ten years.
30. Whilst mindful of the above noted comments made by my colleague, it was also made clear during the examination into the remitted CS policies that there would be no "*detailed s78 type discussion on the subject.*" In contrast, PUD was explored at some length during the Inquiry that I held in September. During cross-examination, the LPA's relevant witness accepted that in the last ten years there had been PUD against the adopted CS housing requirement. On the evidence before me, I find that a buffer of 20% should be applied.

#### Matters of Agreement

31. Both main parties agree that the housing requirement over the CS plan period is 20,985 dwellings as provided for by CS policy CS13 or 1,049 dpa. It is also agreed that the relevant period for assessing HLS is 1/4/16-31/3/21. There is a significant shortfall of 2,497 units and that this must be addressed within the next five years (Sedgefield Method).
32. Pending any re-adoption of the remitted CS policies it is also agreed that the development plan is 'silent' on the question of how housing should be distributed across the district and on the scale and location of housing that should be directed to particular categories of settlement. In addition, the main parties agree that CS policies CS5, CS32 and DMP policies DM10 and DM11 are policies relevant to the supply of housing.

#### The LPA's Supply

33. Calculating HLS is not an exact science and is subject to much professional judgement. The LPA contends that with a 5% buffer it has 5.43 years HLS whereas the appellant argues that the LPA can only demonstrate 3.3 years supply with a 5% buffer and only a 2.9 years with a 20% buffer. Given my findings in respect of PUD, even on its own supply figures, the LPA is unable to demonstrate 5 years HLS. Paragraphs 49 and 14 of the Framework are therefore engaged. This weighs heavily in favour of an approval<sup>7</sup> but does not mean that policies relevant to the supply of housing should be disregarded.

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<sup>7</sup> [Woodcock Holdings v SoS CLG and Mid Sussex District Council \[2015\]](#), EWHC 1173.

34. In exercising my planning judgement I must also consider the extent of the shortfall and attach appropriate weight to it<sup>8</sup>. It is therefore also necessary to consider the sources of supply that were interrogated during the Inquiry.
35. The LPA's supply includes a calculation of 500 units from 'large site windfall and broad locations'. This allowance was added to the supply in August 2016 and is intended to allow more flexibility to be introduced within and adjacent to settlement boundaries. The PPG does not limit the categories of site that may be included in a HLS assessment and North Somerset is an attractive place for builders to build. There is evidence which reveals pressure to build new housing in and around many towns and villages in North Somerset. There is also likely to be pressure for student accommodation in Weston Super Mare following Weston College's new university campus status.
36. However, national planning policy requires a supply of specific "*deliverable*" sites in accordance with the provisions of footnote 11 of the Framework. Under cross-examination, the Council's relevant witnesses accepted that its large windfall allowance could not be considered "*deliverable*". Furthermore, by including an allowance for such sites, there is a risk of introducing double counting into an assessment of HLS. I concur with the appellant that in the absence of clear and transparent evidence in respect of this category of sites it would be inappropriate to include an allowance of 500 units in the HLS.
37. The LPA in its calculation of HLS has included an allowance of 150 units under an empty homes category. The LPA has an Empty Homes Delivery Plan and the PPG allows for such a category to be included in an assessment of HLS where an LPA possesses a strategy. However, under cross-examination, the LPA's relevant witnesses accepted that there was no evidence before the Inquiry to justify its assessment of 150 deliverable units from this source. On the basis of the evidence before me, the allowance of 150 units from this source should be discounted.
38. The appellant has also questioned the LPA's assessment of strategic sites. Whilst the delivery rates are very challenging, unlike those representing the appellant, officers from the LPA are in regular contact with those developing these sites. This includes meetings with the landowners and developers of the Weston Villages in the form of a Joint Delivery Review Board (JDRB) and where, amongst other things, housing delivery is monitored and trajectories agreed and revised. The notes and minutes of the JDRB amount to clear and transparent evidence. There is also substance to the LPA's argument that developers involved with the JDRB have interests elsewhere in the district and would have little to gain from exaggerating the trajectories.
39. In the absence of any compelling evidence to the contrary, such as correspondence with those involved in developing these sites, in the main, there is greater force in the LPA's argument on the delivery from the strategic sites. I also note that the thrust of the appellant's argument in respect of the LPA's trajectory has previously been submitted to the Inspector examining the remitted CS policies. Nevertheless, the LPA's contention at the Inquiry that the delivery rates for parts of some strategic sites (where an application has yet to be made or reserved matters approved) should be moved back and increased beyond those given in the trajectory is not evidence-based and is seriously questionable. I concur with the appellant that this is the antithesis of the

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<sup>8</sup> Phides Estates (Overseas) Ltd v SoS CLG [2015] EWHC 827 (Admin).

trajectory approach and lacks credibility. Accordingly, a figure of about 300 units should be discounted from the LPA's assessment.

40. As for the other disputed categories, I agree with the LPA's assessment of supply. I have found above that the Site Allocations Plan (Sites and Policies Plan Part 2) has yet to reach an advanced stage and carries limited weight. There are also outstanding objections which need to be considered through the examination process. However, sites should not be discounted merely because of objections and the inclusion of the emerging allocations appears to have been carefully researched by the LPA. On balance, reliance can be placed upon them for the purposes of assessing HLS.
41. The LPA's application of a 9% lapse rate for small sites is based on past trends. This is to be preferred to the appellant's figure of 24%, which its relevant witness accepted was arrived at as a result of a largely academic exercise.
42. The unimplemented LP allocations could be an indication of problems with delivery. However, on the basis of what I heard at the Inquiry, the LPA's predicted yield appears realistic. There is no clear evidence these allocations would not come forward within the next five years.
43. I recognise that there is a finite supply of agricultural buildings within the district that would be suitable and available for conversion under the permitted development rights regime. Nevertheless, these represent a large source of potential supply. It is not unrealistic to expect these to continue to contribute to the source of supply. The LPA's evidence on this matter is more convincing.
44. Having regard to my findings above and based on the evidence put to the Inquiry, the LPA is only able to demonstrate about 4.2 years supply. This shortfall carries considerable weight.

#### *Character and Appearance*

45. The appeal site forms part of the open countryside immediately to the west of the village of Banwell and to the east and south east of the hamlet of Knightcott<sup>9</sup>. The three fields that make up the site are used as pasture<sup>10</sup> and have hedgerow boundaries<sup>11</sup>. The gradient rises in a southerly direction towards the lower slopes of Banwell Hill<sup>12</sup>. A public footpath crosses the site in a south westerly direction from the A371 (Knighcott Road) to High Street. The southern side of High Street is the boundary of the adjacent AONB. The wider landscape setting includes the M5 motorway to the west and the flatter land to the north comprising the Somerset Moors and Levels.
46. The main parties agree that the appeal site forms part of the setting of the AONB. I am therefore mindful of the relevant duty<sup>13</sup> regarding this nationally important landscape. However, the site does not form part of the AONB or any other designated landscape. Paragraph 115 of the Framework is not therefore engaged. Instead, and whilst not cited within the 'reasons for refusal', there is

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<sup>9</sup> The core of Knightcott is identified as a separate settlement on the LPA's Historic Landscape Characterisation map. Whilst this map is not planning policy, the group of residential and commercial properties at Knightcott form a distinct and separate entity from the village of Banwell. I note that the HDBA refers to the "small settlement of Knightcott" and the LPA's Archaeology Officer (AO) described it as a "secondary settlement" to Banwell.

<sup>10</sup> In the recent past these fields were used for arable farming.

<sup>11</sup> The HDBA notes that many of the hedgerows within the site could form part of a pre-1845 field system and may qualify as Important Hedgerows under the 1997 Hedgerow Regulations.

<sup>12</sup> The site is about 27m AOD at Knightcott Road and 50m AOD at High Street. Banwell Hill is about 118m AOD.

<sup>13</sup> Section 85(1) of the Countryside and Rights of Way Act 2000.

- dispute as to whether or not the site forms part of a "*valued landscape*" to which the first bullet point of paragraph 109 of the Framework applies.
47. All landscapes have some value and being part of the extensive setting of the AONB does not, by itself, convey any additional value upon the appeal site. There is no definition of "*valued landscape*" within the Framework. However, following the Judgement in Stroud District Council v SoS CLG and Gladman Developments Limited [2015] EWHC 488 (Admin) the site must possess demonstrable physical attributes which would take it beyond mere countryside.
  48. In considering the physical attributes of the site my attention has been drawn to Landscape Institute's 'Guidelines for Landscape and Visual Impact Assessment' (GLVIA) third edition. This does not comprise planning policy or Government guidance but it can assist in identifying valued landscapes. It has been referred to by both main parties within their landscape assessments.
  49. For undesignated landscapes, GLVIA advises that the start point in establishing its value would be landscape character assessments and associated planning policies and/or strategies and guidelines which could give an indication of particularly valued aspects of the landscape. I also note from GLVIA that a strategy of landscape conservation is usually a good indicator of this. A range of factors are set out in GLVIA to help identify valued landscapes.
  50. The appellant and the LPA agree<sup>14</sup> that CS policy CS5 is consistent with the Framework. This policy includes a requirement to protect and enhance the character, distinctiveness, diversity and quality of the landscape by the careful, sensitive management and design of development. In so doing, close regard is to be paid to the character of the NCAs and the LCAs in the 2005 SPD.
  51. DPD policies DM10 and DM11 are expressed to give effect to CS policy CS5. Policy DM10 includes a requirement for development to not have an unacceptable adverse impact on the designated landscape character of the district as defined in the 2005 SPD. Under policy DM11, development which would have an adverse effect on the landscape, setting and scenic beauty of the AONB, including views into and out of the AONB will not be permitted unless there are exceptional circumstances<sup>15</sup>.
  52. The key characteristics for NCA 141, as set out in the NCA profile, include: a chain of prominent limestone hills extending inland from the coast and rising up sharply from the surrounding lowlands and; villages concentrated along the springline at the foot of the scarp slopes. These key characteristics are evident with the gradient of the appeal site rising away from the Moors and Levels towards the lower slopes of Banwell Hill and with Banwell sitting along the springline at the base of the hill. Whilst road traffic noise can be heard within the site, there is a sense of visual tranquillity when walking the footpath.
  53. For LCA J2 the key characteristics include: a transitional area with gently rolling landform; rural pastoral landscape; irregular medium sized fields of medieval enclosure; full hedgerows and frequent hedgerow trees; scattered farmsteads plus large villages on higher ground at the base of ridges and along major routes; historic village centres plus modern infill and ribbon development; network of A roads, minor roads and winding rural lanes. The key characteristics of LCA E1 include: high ridges of limestone with gentler lower

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<sup>14</sup> The appellant's position changed during the Inquiry but in the end agreement was reached in respect of CS5.

<sup>15</sup> The appellant has not claimed any exceptional circumstances exist.

- slopes; lower slopes under pasture in fields bounded by hedgerows and; 20<sup>th</sup> century infill and ribbon development around some villages.
54. Many of the above noted key characteristics of LCA J2 and E1 are also evident in and adjacent to the appeal site. Some of these, such as the modern infill, ribbon development and main roads are very unlikely to be factors that are capable of contributing to a valued landscape. On the other hand, factors such as the rural pastoral qualities and the transition between the Levels and the limestone ridges indicate to me that these are of particular landscape value and important physical attributes.
55. In support of the application the appellant commissioned a detailed Landscape and Visual Impact Appraisal (LVIA). Both this and the evidence of its landscape witness include an assessment of the site against those factors identified in GLVIA to assist in identifying valued landscapes. The LPA has not undertaken its own LVIA but has commented upon the appellant's Appraisal.
56. The appellant's landscape witness considers the overall landscape quality (condition) to be fair. This is different to the finding in the LVIA. Having experienced the appeal site and surroundings on several occasions and noted amongst other things, the current agricultural use, adjacent woodland and built development<sup>16</sup>, as well as the intactness of the landscape, I concur with the findings in the LVIA that accompanied the application, the SPD and the LPA's landscape witness that the landscape quality (condition) is good. I note that this is the highest category in the SPD.
57. In assessing scenic quality, both the LVIA and the appellant's landscape witness consider the landscape to be pleasant and attractive in parts but not highly attractive and of scenic quality. However, as I saw during my visits, notwithstanding some urban influences, there are very attractive views of Banwell Hill when walking the public right of way that crosses the site. Whilst there are many other public views of Banwell Hill, those from within the site appear to be unmatched in revealing close views across this open pastoral landscape at a point where the land rises up from the Moors and Levels towards the lower slopes of this limestone hill and with near, uninterrupted views of the steeply sloping wooded hillside above. This very alluring rural scene and close impression of this part of the AONB is of considerable quality.
58. From the southern end of the footpath there are extensive views across the appeal site to the north overlooking the Moors and Levels and towards the Severn Estuary. This part of the site affords an appreciation of the wider landscape context and contributes to the scenic quality. In addition, the unspoilt open attributes of the site, its agricultural use and historic boundary hedgerows provide a pleasing visual break between Banwell and Knightcott. This adds to the appearance / scenic quality of this part of the landscape and is an attractive component of the rural setting of Banwell.
59. Neither the site nor the immediate landscape contains rare or unusual features. I also agree with the appellant that the hedgerows growing within the site are somewhat commonplace<sup>17</sup> within the landscape. Nevertheless, I concur with the LPA that the contrast between the lower lying Levels and the increase in

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<sup>16</sup> The low profile of the neighbouring mainly single storey dwellings in Knightcott Gardens and the generally robust boundary hedge softens the impact of this residential estate. This is not an instance of a hard urban edge.

<sup>17</sup> I note from the AO's response that one field boundary is presumed to be one of the earliest features in the area.

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- gradient towards the base of Banwell Hill and the steeply sloping land above represents a transition in the landscape and is locally distinctive. I have also noted above the perceptual attributes of the site in terms of visual tranquillity.
60. There is nothing of substance to demonstrate that the site and its immediate landscape make any significant contribution to nature conservation or heritage interests or associations with notable people such that it would add to the value of the landscape. Although the presence of a public right of way across the site does not in itself make the site a valued landscape, as I noted during my visits, this path appears to be popular with those out enjoying the rural scene, including dog-walkers. I am also mindful of the representations made by local residents and the Parish Council. The recreational value of this path adds some limited weight to the LPA's argument on this matter.
61. Given the above, the appeal site has significant attributes regarding its landscape quality, scenic quality and representativeness. The footpath also has some recreational value. Mindful of the landscape strategies for LCA J2 and E1 as set out in the 2005 SPD, the sum of these physical attributes indicate to me that the site is more than mere countryside and is very far from ordinary. The site also has perceptual attributes. I agree with the LPA that it forms part of a valued landscape to which paragraph 109 of the Framework applies.
62. Neither the SPD nor the development plan defines ribbon development or village infill. In my experience, the former usually relates to buildings erected along the frontages of existing highways with direct access to the highway, whilst the latter tends to involve the filling of a small gap in an otherwise built-up frontage. The appeal scheme would not fit my understanding of these terms. However, in the context of remitted CS policy CS32 it would not be small-scale. The proposed development would comprise a sizeable urban extension into the countryside that separates Banwell from Knightcott.
63. The illustrative masterplan indicates that approximately 3.75 ha of the site would comprise public open space and green infrastructure. This would include retained hedgerows and strengthened boundary planting. However, much of the site would be occupied by buildings, roads and hard surfaced areas. This would result in the loss of the pleasing, open, pastoral attributes of the site and a high magnitude of change to its character and appearance. This adverse effect upon the site itself weighs against granting planning permission.
64. I am mindful that the LPA needs to release much greenfield land in order to meet its adopted housing requirement. As a consequence, it is inevitable that as such land comes forward for development there will be some adverse effects upon the character of the countryside in North Somerset. However, if sites form part of a valued landscape the degree of harm is likely to be greater than developing those which do not fall within the remit of paragraph 109 of the Framework. This is no doubt something the LPA would carefully weigh in the planning balance when considering whether or not to release sites for housing.
65. When looking south from the footpath that crosses the appeal site the proposed development would have a significant adverse effect upon the existing attractive rural scene. I concur with the LPA that the proposed dwellings would all but obliterate the unspoilt near views and an appreciation of the transition in landform as it rises gently away from the Somerset Moors and Levels towards the lower slopes and limestone ridge of Banwell Hill. The sense

- of visual tranquillity would also be lost. These significant adverse effects weigh considerably against granting permission.
66. When looking north from the southern end of this footpath, the new dwellings<sup>18</sup> above the 30m contour would be especially prominent in the foreground and would mar the views across the Somerset Moors and Levels towards the Severn Estuary. This also weighs heavily against granting permission.
67. Even with strengthened planting and careful design, this new urban extension would markedly intrude into the landscape and seriously detract from the important and valued physical and perceptual attributes of the site. In so doing, the proposal, to a limited extent, would also detract from the immediate setting of this part of the AONB.
68. In addition, the new houses and roads would considerably erode the countryside that separates Banwell from Knightcott. This would appreciably diminish the rural setting of the village. The new access, including cutting back the roadside hedge, widening the footway and the possible relocation of the 30 mph speed restriction would also alter the character of Knightcott Road immediately adjacent to the site. In future, Knightcott would no longer be perceived as a separate settlement but would form part of an enlarged western flank of Banwell resulting in an unfortunate loss of identity for this hamlet.
69. Parts of the proposed development would also be seen from some sections of public roads and other footpaths to the north of the site. These include the public footpath that runs between the A371 and Stonebridge. From here, much of the hillside and the entire ridge of Banwell Hill would remain in view. However, the new dwellings would be readily apparent, especially those on the more elevated part of the site. An appreciation of the soft / gentle transition in landform would be replaced by a new housing estate spreading to the base of the hillside. The proposal would significantly intrude into the countryside setting around Banwell. This sizeable enlargement of the village would amount to unwelcome urban sprawl which would considerably harm the character and appearance of the area. Landscape planting would not mitigate this harm.
70. With greater distance from the site the landscape and visual impacts of the development would diminish. There would be no significant impairment upon important long-distant views of the AONB from across the Moors and Levels. There is also no cogent evidence to demonstrate that the proposal would significantly affect the quality of views from within the AONB. Whilst it seems likely that the development or parts of it would be visible from Banwell Monument, it would be very surprising if this resulted in anything other than a negligible effect on the wide panoramic views which I understand are available from this structure. The proposed development would not harm the special qualities of the AONB as set out in the Statement of Significance within the MP.
71. I have assessed the landscape and visual impacts of the appeal scheme on its own merits. Nevertheless, I note that in dismissing appeals for schemes of 33 dwellings and 5 dwellings on neighbouring sites, which are less conspicuous and include some existing buildings, previous Inspectors found a "*significant adverse effect on the character and appearance of the area*"<sup>19</sup> and development that would "*significantly detract from the current open character of the village's*

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<sup>18</sup> The Design and Access Statement provides that these would comprise a mix of 2 and 2.5 storey buildings.

<sup>19</sup> APP/D0121/A/13/2205742.

*immediate surroundings*<sup>20</sup>. In landscape and visual impact terms, the proposal before me would almost certainly result in far greater harm. These previous decisions do not support the assertion within the LVIA that the site has the ability to absorb change of the type and scale proposed without leading to any unacceptable long term landscape harm.

72. The proposed development would harm important physical and perceptual attributes of the site and have a significant adverse and unacceptable effect upon the character and appearance of a valued landscape. It would be at odds with the landscape strategy for LCA J2 and the change in land use and enlargement of Banwell would not fit comfortably with SEO1 of the NCA profile. The proposal would fail to protect and enhance the character, diversity and quality of the landscape. It would conflict with CS policies CS5 and CS32, the provisions of DMP policy DM10 and would be contrary to paragraph 109 of the Framework. Whilst the development would not harm the special qualities of the AONB and, in so doing would accord with the MP, the adverse impact upon the setting of the AONB would be contrary to DMP policy DM11. My findings on this issue carry very considerable weight in the overall planning balance.

#### *Environmental Conditions / Quality of Life*

73. The LPA has not submitted any cogent evidence to substantiate its concerns that the proposal would have a detrimental effect upon the quality of life and environmental conditions within the village centre. The main parties agree that the development would not cause any significant impact on air quality and would be acceptable in highway terms. Whilst there is evidence of congestion through the centre of Banwell this does not form part of the LPAs 'reasons for refusal'. I shall return to this as part of the Other Matters below.
74. Instead, the LPA has argued that the appeal site is "out on a limb" and does not form part of a walkable neighbourhood. As a consequence, incoming residents would use their private cars to access services and facilities. However, as made clear in Manual for Streets (2007), a distance of about 800m or 10 minutes walking distance to a range of facilities is not an upper limit. Moreover, the site is in close proximity to bus stops and the regular bus service that links Banwell with the main urban area of Weston Super Mare. Incoming residents would also be able to walk from the site along footways to the local Co-op store, primary school, village hall and the health centre if they wished to do so. They could also access the surrounding countryside and AONB using the network of public footpaths for leisure / recreational purposes.
75. Banwell provides only a limited range of services and facilities and I have no doubt that most residents would be likely to drive to main shopping, employment, educational, leisure and healthcare services / facilities by car. Nevertheless, they would have the choice of accessing these by bus or bicycle<sup>21</sup>. The proposed Travel Plan could also assist in encouraging some residents to travel by means other than the private car.
76. Whilst the appeal site is not ideally located in terms of services and facilities, it is in an accessible location. In this regard, I note that the LPA has identified Banwell as a Service Village that is suitable for some limited growth. The Framework recognises that in minimising the need to travel consideration

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<sup>20</sup> APP/D0121/W/14/3000598.

<sup>21</sup> In respect of educational facilities, only some mature students would be likely to cycle to college / University.

needs to be given to policies in respect of rural areas. This implies a more flexible application of recommended travel times / distances compared to proposals coming forward for consideration within the main urban areas.

77. In dismissing appeals<sup>22</sup> for residential development on two neighbouring sites permission was not withheld on the basis of the LPA's concerns regarding travel by car. I also note that the LPA has recently granted permission for 10 dwellings on land to the west of the appeal site and further from the Co-op, primary school, village hall and health centre (ref. 15/P/0968/O).
78. On balance, the proposed development would accord with national and local planning policies that are aimed at ensuring development takes place in accessible locations.

### *Benefits*

79. The proposed open market dwellings would help address the shortfall in the LPA's supply of housing and would increase the choice and range of dwellings available within the local market. The new affordable units would assist in meeting housing needs within the district and the increase in economically active residents would bring new skills, energy and volunteers to strengthen the vibrancy of Banwell. I afford these social benefits considerable weight. In contrast, the proposed locally equipped area of play and open space would be of very limited benefit to existing residents and carries negligible weight in the overall planning balance.
80. The development would support the construction / house building industry and create some employment during the construction phase. Incoming residents would also help sustain local services and facilities such as public transport. These economic benefits<sup>23</sup> can be given limited weight.
81. However, there is no evidence to demonstrate that monies received through the New Homes Bonus<sup>24</sup> or Council Tax receipts would be used to make the proposed development acceptable. I do not therefore afford this any material weight. Furthermore, if the financial contributions within the UU met all of the relevant tests, they would be necessary to mitigate harmful impacts and would not provide any meaningful benefits to weigh in the overall balance.
82. The proposals would provide some environmental benefits by way of new landscape planting, a community orchard, on-site public open space and some habitat creation. This can be given limited weight. When assessing whether or not the proposal satisfies the environmental dimension to sustainable development it would be necessary to consider these matters with the adverse effects I have found above to the character and appearance of the area.

### *Other Matters*

83. I note the fears of the Parish Council and many local residents that the proposals would have an adverse effect upon highway safety interests in and around Banwell. In support of the application the appellant submitted a detailed Transport Assessment (TA) and a separate Travel Plan. Amongst other things, the TA examined traffic flows and speeds along the A371,

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<sup>22</sup> APP/D0121/W/14/3000598 and APP/D0121/A/13/2205742.

<sup>23</sup> Both main parties agree that: the construction spend would be about £16.9 million; the proposals would create 150 full time equivalent jobs/annum and; following completion, household spending would be £5.7 million pa.

<sup>24</sup> Both main parties agree this would be about £1.5 million.

- committed development schemes in the area and road traffic accident records. A Stage 1 Road Safety Audit has also been undertaken of the proposed site access onto the A371.
84. Having carefully considered the proposals the LPA's highway officers were satisfied that subject to the inclusion of appropriate planning conditions and financial contributions towards various highway works, including meeting the costs of any Traffic Regulation Order in respect of a westward extension of the existing 30 mph speed limit along the A371, then permission should not be withheld on highway safety grounds. In this regard, I note from the SoCG that the appellant and the LPA agree that the proposed vehicular and pedestrian access points are acceptable and would allow safe access to and from the site. It is also agreed that the development is acceptable in highway terms. The Highways Agency was also satisfied that the proposal would not have any detrimental effect on the Strategic Road Network.
85. I appreciate that residents are likely to be very familiar with the local highway network. However, in the absence of any technical evidence to refute the findings in the TA and the assessment made by the LPA's officers, it would be unsound to withhold permission on the basis of locally held fears regarding road safety. There is a greater weight of evidence to indicate that road safety interests would not be compromised by the proposed development.
86. Within its consultation response the LPA's highway officers referred to the "*severe congestion*" during peak periods in Banwell where the A371 narrows at the historic core of the village. The LPA's recent report<sup>25</sup> in respect of sustainability and settlement hierarchy in the district also describes Banwell as a "*congestion hot spot*". Within the officer's report to Committee in respect of the appeal scheme it is noted that congestion can occur off-peak and there are "*numerous occasions of HGV's being unable to pass each other on the narrow sections.*" This is borne out in many of the representations made to me, such as the Parish Council's evidence which included a presentation / details of some of the many incidents involving congestion in Banwell. The appellant's highways witness described congestion in Banwell as "*strained*".
87. The evidence reveals that congestion is very clearly a problem in the village at certain times / periods. I appreciate the frustration this causes to residents held up in queuing traffic, sometimes for long periods, whilst attempting to go about their daily lives, as well as motorists passing through Banwell and the likely adverse impact on business interests. There is little doubt in my mind that during peak periods congestion is severe. It would be unreasonable to expect the appellant to remedy or alleviate this existing problem.
88. The appellant's highway witness has informed me that the proposed development would "*add only a very small number of extra vehicles to the existing queues on the West Street and East Street approaches in the AM and PM peak hours*" and "*the change in queues at the junction is likely to be imperceptible.*" I also note that the completed UU includes a financial contribution towards the cost of investigating, testing and providing localised highway mitigation in Banwell.
89. However, I share the concerns of the Parish Council and some residents that such a contribution would be very unlikely to offset the increase in congestion

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<sup>25</sup> Reviewing the sustainability and settlement hierarchy of settlements in North Somerset - July 2016.

that would arise as a consequence of the appeal scheme. Whilst the impact of the development on its own would not be severe in the context of paragraph 32 of the Framework, adding to existing congestion in Banwell which at times is severe, should be avoided. The very small number of extra vehicles that are expected to join queues is only likely to add to the difficulties and frustration encountered on a daily basis by residents and other road users. The appellant's highways witness informed me that this amounted to a minor adverse effect of the proposals. I attach some limited weight to this.

90. The appeal site comprises approximately 2.4ha of grade 2 agricultural land and about 6.5ha of grade 3a agricultural land. The proposal would therefore result in the loss of some best and most versatile agricultural land (BMV) as defined in the Framework. This diminishes the appellant's argument regarding the sustainable credentials of the appeal scheme. However, there is no evidence to indicate that the proposals would seriously harm the agricultural industry or affect farm viability. I therefore attach limited weight to the loss of this BMV.
91. Banwell Caves Site of Special Scientific Interest (SSSI) extends to 1.7ha and is a sub-site of the North Somerset and Mendip Hills Bat Special Area of Conservation (SAC). It lies approximately 210m south west of the appeal site. The SAC is designated for the presence of greater horseshoe and lesser horseshoe bats. The site is within potential commuting distance for these species of bats and the proposed development has the potential to adversely affect the qualifying features of the SAC, such as the loss of foraging habitat and the introduction of lighting at dusk and at night.
92. The Ecological Appraisal (EA) submitted in support of the application included details of walked activity transects and passive automated detector surveys for bats. These reveal low activity levels for a total of seven species of bats, including greater horseshoe and lesser horseshoe bats<sup>26</sup> and indicates that the appeal site provides no more than a negligible foraging or commuting resource for these two species of bats. The EA also noted the much higher quality optimal habitat available to these bats in the neighbouring woodland and extensive nearby pasture<sup>27</sup>. Based on the survey data, the appeal site is considered of district value for greater horseshoe and lesser horseshoe bats.
93. The proposed development would include the retention of boundary hedgerows and some managed rough grassland which could provide a suitable habitat for bats. A planning condition could be attached to a permission to control external lighting within the site and limit light spill. It is also proposed to install some bat boxes within mature trees along some of the boundaries.
94. I agree with the findings in the EA that with the proposed mitigation the development would be likely to have a neutral effect on the SAC. In this regard, I note that neither Natural England nor the LPA raised any objections regarding the impact on this neighbouring protected site.
95. The application was accompanied by a detailed Flood Risk Assessment (FRA)<sup>28</sup>. Amongst other things, this identifies the site within Flood Zone 1 (low risk of flooding) and the main potential source of flooding post-development being the

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<sup>26</sup> The dominant species (approximately 80%) were common and soprano pipestrelle bats.

<sup>27</sup> When the surveys were undertaken the appeal site was in use for arable purposes.

<sup>28</sup> An updated FRA was submitted in respect of a subsequent application to develop the site and forms part of the evidence base for this appeal.

- new on-site drainage system<sup>29</sup> if this were to become overloaded in periods of intense rainfall. I note the concerns of some residents regarding flooding.
96. However, the proposed attenuation measures have been agreed by the Lead Local Flood Authority and would reduce the risk to downstream receptors. Furthermore, following discussions with the North Somerset Levels Internal Drainage Board, the appellant has agreed to undertake off-site improvement works at Colling Lane. This upgrade would limit the risk of flooding and enhance the existing situation at Colling Lane. I attach some limited weight to this benefit. I note from the SoCG that the main parties agree that the detailed design of the surface water drainage of the site and the requirement to discharge at the equivalent, or less, than the current greenfield run off rate could be secured through suitable planning conditions.
97. Bowmans Batch is about 150m to the north west of the appeal site at Knighcott and as already noted, Banwell Monument sits on top of Banwell Hill to the south of the site. The significance of the early 17<sup>th</sup> century roughcast rendered and tiled roof Bowmans Batch and the circa 1840 lias stone Banwell Monument lie primarily in their architectural qualities and historic building fabric.
98. The appeal site forms part of the wider rural settings of these designated heritage assets. The intervening 20<sup>th</sup> century commercial buildings at Knightcott largely sever Bowmans Batch from its rural surrounds and the appeal site forms a very small part of the panoramic views which are likely from the top of Banwell Monument. Due to the intervening woodland, only the top of the Monument can be glimpsed from part of the appeal site. I concur with the findings in the appellant's HDBA that the appeal site makes a negligible contribution to the significance of Bowmans Batch and a minor contribution to the significance of Banwell Monument.
99. Due to the existing intervening buildings, the proposed development would not affect the significance of Bowmans Batch. The wooded hillside of Banwell Hill would prevent any significant impact upon the heritage interest of Banwell Monument. The proposals would preserve the setting of these and other designated heritage assets in the vicinity of the site.
100. I also note the concerns of some local residents regarding the pressure on other infrastructure such as healthcare services. However, none of those with responsibility for maintaining the quality of these or other services have objected to the proposals. Withholding permission on the basis of such concerns would not therefore be justified.
101. I concur with the appellant and the LPA that the illustrative layout indicates that the proposed dwellings could be sited and designed to avoid any significant overlooking or overshadowing of neighbouring properties. This matter could be properly addressed at reserved matters stage.
102. I note the findings in the numerous appeal decisions that have been drawn to my attention in respect of other sites. However, none of these sites appear to lie within the same LCA as the case before me, or exhibit the same physical and perceptual attributes. The respective planning balances are also materially different. These other decisions do not set a precedent that I must follow.

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<sup>29</sup> This would include a range of SuDS features such as a detention basin.

*Planning Balance / Overall Conclusion*

103. When all of the above is weighed together, including the LPA's failure to demonstrate a five year supply of housing within the District, I find that the harm to the character and appearance of the area significantly and demonstrably outweighs the benefits of the proposal. Furthermore, although policies for the supply of housing are out of date and this diminishes the weight to be given to them, the proposal would be at odds with the development plan as a whole.
104. When the harm to this valued landscape and the loss of BMV agricultural land are considered with the environmental benefits of the appeal scheme, including flood risk, the proposal would fail to satisfy the environmental dimension to sustainable development. This would not be outweighed by the economic and social dimensions of the scheme. The proposal therefore also conflicts with the Framework when read as a whole.
105. Having regard to all other matters raised, the proposal cannot be described as sustainable development and there are no material considerations which would warrant a decision other than in accordance with the development plan. I therefore conclude that the appeal should not succeed.

*Neil Pope*

Inspector

## **APPEARANCES**

### FOR THE LOCAL PLANNING AUTHORITY:

Mr T Leader of Counsel	Instructed by Mr N Brain Solicitor to the Council
He called	
Mr D P Tate DipTP, MA	Principal Planning Officer
Mr K Carlton DipLA	Section 106 Project Officer and Landscape Officer
Mrs N Richards	Research and Monitoring Supervisor
Mr M J Muston BA (Hons), MPhil, MRTPI	Director, Muston Planning

### FOR THE APPELLANT:

Mr G Cannock of Counsel	Instructed by Ms D J Richardson, Gladman Developments Ltd
He called	
Mr S Fitton BA (Hons), MRTPI	Head of Planning and Partner, Alder King
Mr S J Helme BSc, MSc, MCIHT	Director of Ashley Helme Associates Ltd
Mr M G Holliday BA (Hons), MPhil, CMLI	Director, FPCR Environment and Design Ltd
Mr R A Hindle BSc (Hons), MRICS	Director, Rural Solutions Limited
Ms D J Richardson BA (Hons), MA, MRTPI	Gladman Developments Ltd

### INTERESTED PERSONS:

Mrs K Langford	Local Resident
Mr Mills	Local Resident
Mrs A Haden	Local Resident
Mr N Smith	Local Resident
Mr Harris	Local Resident
Cllr P Hale	Banwell Parish Council
Mr P Blatchford	Local Resident
Mr C Mahoney	Local Resident
Bella Shayler	Local Resident (aged 10)
Tom Shayler	Local Resident (aged 11)
Mrs L Shayler	Local Resident
Mrs L Griffiths	Local Resident

LIST OF DOCUMENTS SUBMITTED AT THE INQUIRY:

Document 1	Final Draft UU
Document 2	Appendix B to the LPA's proofs of evidence
Document 3	Appendix II to the LPA's proofs of evidence
Document 4	Land supply – points of difference
Document 5	The LPA's housing trajectory
Document 6	AONB sensitivity map
Document 7	Historic Landscape Characterisation Map
Document 8	Tranquillity Map
Document 9	LPA footway widths
Document 10	LPA officer report ref. 15/P/0968/O
Document 11	Appellant footway widths and map
Document 12	Opening Submissions on behalf of the appellant
Document 13	Opening Submissions on behalf of the LPA
Document 14	Mrs Langford's Statement
Document 15	Mr Mills's Statement
Document 16	Mrs Haden's Statement
Document 17	Mr Smith's Statement
Document 18	Mr Harris's Statement
Document 19	Bundle of representations from interested parties
Document 20	Site plan ref. 15/P/0968/O
Document 21	Cllr Hale's Statement + memory stick (photos)
Document 22	Mr Blatchford's Statement
Document 23	Mr Mahoney's Statement
Document 24	Note from Mr Mahoney – Rural Solutions Paper
Document 25	Bella Shayler's Statement
Document 26	Tom Shayler's Statement
Document 27	Mrs Shayler's Statement
Document 28	Response from Avon and Somerset Police to FoI request from Mrs Griffiths
Document 29	Appeal decisions – Hinckley and Bosworth
Document 30	Appeal decision – Fairford
Document 31	Plan annotated with residential densities
Document 32	Mrs Griffiths's Statement
Document 33	Cllr Hale's Statement with photograph dates
Document 34	Plans / photographs – Knightcott Gardens
Document 35	Bloor Homes Judgement [2014]
Document 36	Mr Helme's response to FWM letter of 28/4/15
Document 37	Details - land east of Wolvershill Road, Banwell
Document 38	LPA's suggested conditions – updated list
Document 39	Planning obligation – justification/costings
Document 40	Completed UU
Document 41	LPA objections to the UU
Document 42	Appellant's response to LPA objections to UU
Document 43	Closing Statement by the LPA
Document 44	Closing Statement by the appellant
Document 45	LPA clarification - 5 year HLS matters
Document 46	OS map of the area and map showing AONB