



# RIDGE

**PRE-INQUIRY STATEMENT OF  
CASE  
LAND TO THE EAST OF CHURCH  
LANE AND NORTH OF FRONT  
STREET, CHURCHILL**

Prepared for Beechcroft Land Ltd.

February 2022

**PRE-INQUIRY STATEMENT OF CASE  
LAND TO THE EAST OF CHURCH LANE AND NORTH OF FRONT STREET,  
CHURCHILL**

February 2022

**Prepared for**

Beechcroft Land Ltd.  
1 Church Lane  
Wallingford  
Oxfordshire  
OX10 0DX

**Prepared by**

Ridge and Partners LLP  
Regent House  
65 Rodney Road  
Cheltenham  
Tel: 01242 230066

**Contact**

Guy Wakefield  
Partner  
[gwakefield@ridge.co.uk](mailto:gwakefield@ridge.co.uk)

Claudia Jones  
Senior Planner  
[cjones@ridge.co.uk](mailto:cjones@ridge.co.uk)

01242 230066

**Version Control**

Project	5010562
Issue Date	
Originator	C./A.C/R.S/K.G
Checked	G.W
Version	1.3
Notes	

**CONTENTS**

<b>1. INTRODUCTION</b>	<b>3</b>
<b>2. SITE AND SURROUNDING AREA</b>	<b>5</b>
<b>3. THE APPEAL PROPOSAL</b>	<b>6</b>
<b>4. LANDSCAPE DESIGN AND GREEN INFRASTRUCTURE</b>	<b>7</b>
<b>5. PLANNING HISTORY AND PLANNING POLICY CONTEXT</b>	<b>8</b>
<b>6. THE APPELLANT’S CASE</b>	<b>9</b>
Principle of residential development	9
Impact on the Conservation Area and setting of the Grade I listed church	9
Landscape and visual effects, including regard to the setting of the AONB	11
Housing Land Supply	13
The Planning Balance	13
<b>7. PLANNING CONDITIONS AND OBLIGATIONS</b>	<b>15</b>

## **1. INTRODUCTION**

1.1 This Statement of Case has been prepared by Ridge and Partners LLP on behalf of Beechcroft Land Ltd. (The Appellant). It is submitted in support of an appeal against the non-determination of outline planning application 21/P/2049/OUT by North Somerset Council at Land to the east of Church Lane and north of Front Street, Churchill.

1.2 The Outline Planning Application (and subsequent appeal) seeks:

*“Outline application for the erection of up to 62no. dwellings (30% affordable housing) with accesses off Church Lane and Front Street, landscaping and other associated works; access for approval with matters of appearance, landscaping, layout and scale reserved for subsequent approval.”*

1.3 In respect to access, only the means of accessing the site is being sought through the appeal, not the means of internal access.

1.4 The appellant seeks approval of the following plans:

- i. Proposed Site Access off Front Street and Pedestrian Routes (Drawing No. 3424.06); and
- ii. Proposed Site Access off Church Lane (Drawing No. 3242.04).

1.5 This statement should also be read in conjunction with the reports and plans that accompany this appeal.

1.6 Given no decision has been issued on the outline planning application, it is anticipated that the LPA will take a report to its Planning Committee to request that Members consider whether they would have granted planning permission, had the LPA still been the determining authority.

1.7 If members conclude that they would have refused the application, they will be asked to confirm what the reasons for refusal would have been. These putative reasons for refusal can then be used to identify the main issues that will need to be debated at the Public Inquiry.

1.8 At this point it should be highlighted that the outline planning application was received by the LPA on 13<sup>th</sup> July 2021 and validated on 16<sup>th</sup> August 2021. The statutory consultation deadline was 8<sup>th</sup> October 2021 and the deadline for determination was 15<sup>th</sup> November 2021. No extensions of time have been put forward by the LPA. Whilst some comments have been received which the Appellant has provided responses to, there are still outstanding comments awaited from the Council’s

Ecologist and the Landscape Officer, which the Appellant has continuously chased during the application process.

- 1.9 Given the above, this Statement of Case remains relatively skeletal in its content. Indeed, it is unclear what issues the Council will raise. However, based on the Council's comments to date and discussions with officers, it is considered these will be in relation to the impact on the Conservation Area to which part of the appeal site sits within, impact to the setting of the Grade I listed Church and potentially any contested impact to the Mendip Area of Outstanding Natural Beauty (AONB) and the local landscape, and the level of conflict with regard to the principle of development and the Council's five year housing land supply position. Accordingly, the Appellant will respond more fully, likely through the proofs of evidence, once the LPA's position has been clarified and confirmed.
- 1.10 The Appellant will also seek to engage with the LPA and other interested parties to narrow the issues that remain in dispute through Statements of Common Ground (SoCG).

### 2. SITE AND SURROUNDING AREA

- 2.1 A description of the site and surrounding area can be found in the accompanying draft SoCG.
- 2.2 To summarise, the site sits immediately adjacent to the settlement boundary of Churchill, a Service Village as defined by the North Somerset Core Strategy, partly comprising open fields used for equestrian purposes and partly comprising agricultural fields. The site is accessible to a number of shops, services and facilities within the village and via sustainable modes of transport, and therefore is considered to be in a sustainable location for development.
- 2.3 The site itself does not contain any statutory landscape designations however, the Mendip Hills AONB does sit further south of the site, the site in which forms part of its setting. Part of the site also lies within the Churchill Conservation Area, north west of the site sits the Grade I Church of St John the Baptist, two Grade II listed buildings, namely Churchill Court and The Cottage, and a Grade II listed gate associated with Churchill Court. The site sits within Flood Zone 1 according to the Environment Agency's mapping service. A Public Right of Way (PROW) runs diagonally across the site from its north western corner to its southern eastern corner, however when on site that PROW runs along its northern and eastern boundary, joining another PROW which runs along its eastern boundary from a northerly direction. Finally, the site is located approximately 2.8km north east of the North Somerset and Mendips Bats Special Area of Conservation (SAC) and approximately 3.9km north east of the Mendips Limestone Grassland Special Area of Conservation (SAC).

### **3. THE APPEAL PROPOSAL**

- 3.1 A description of the appeal proposal is contained in the accompanying draft SoCG and will be expanded upon in the Appellant's Proof of Evidence.
  
- 3.2 To summarise the proposals seek for the erection of up to 62 dwellings (30% affordable housing) alongside new access points, landscaping, sustainable drainage methods, ecological mitigation given its location in proximity to the North Somerset and Mendips Bats SAC and Mendips Limestone Grassland SAC, and other associated works.

## **4. LANDSCAPE DESIGN AND GREEN INFRASTRUCTURE**

- 4.1 The development proposals take on a landscape led approach based on the following principles:
- Public access facilitated into publicly inaccessible parts of the site
  - Create new viewing opportunities towards the AONB escarpment
  - Green infrastructure to visually soften the appearance of the proposed dwellings and to strengthen the green infrastructure network and provide biodiversity net gain and amenity enhancement
  - Use of native tree and shrub species would provide biodiversity and amenity enhancements
  - The proposed neighbourhood would be framed by the existing settlement framework
  - Mature trees and hedgerows would be maintained and incorporated into the green infrastructure to form an integral part of the proposals
  - Provision is made for integrating on site sustainable urban drainage
- 4.2 A more detailed description of the development and justification for the design concept that has been followed is set out in the Design and Access Statement which was submitted as part of the original planning application.

**5. PLANNING HISTORY AND PLANNING POLICY CONTEXT**

5.1 Planning history relevant to the site and relevant planning policy is set out in further detail in the accompanying draft SoCG.

## 6. THE APPELLANT'S CASE

6.1 This is an appeal for non-determination and thus the Appellant is unclear as to what the issues will be for the inquiry. Nevertheless, the Appellant anticipates that the following issues may be relevant:

- Issue 1 – Principle of residential development in this location
- Issue 2 – Impact on the Conservation Area and the setting of the Grade I listed Church
- Issue 3 – Landscape and visual impact, and regard to its proximity to the AONB
- Issue 4 – Housing land supply position
- Issue 5 – The planning balance

6.2 The Appellant may need to present evidence which addresses each of the main issues.

### Principle of residential development

6.3 The Appellant accepts that the development proposal is contrary to the development plan when read as a whole, however, the Appellant contends that there are material considerations that justify the grant of permission contrary to the development plan.

### Impact on the Conservation Area and setting of the Grade I listed church

6.4 The southern part of the appeal site lies within Churchill Conservation Area and within the setting of several listed buildings including the Grade I listed church. Policy CS5 seeks to conserve the historic environment. More specifically, Policy DM3 requires new development in a Conservation Area to not cause harm to its existing character and appearance and where possible enhance it, whilst Policy DM4 seeks to preserve and where appropriate enhance the character, appearance and special interest of the setting of listed buildings. Those policies are echoed at Paragraphs 194, 197, 199 and 206 of the NPPF.

6.5 During the application process, the Conservation Officer commented on the proposals stating they failed to *“preserve or enhance the character of the Conservation Area and is contrary to part II Section 72 (1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy DM3 and DM4 and the adopted appraisal and management plan for Churchill Conservation Area. It will cause less than substantial harm to the Conservation Area and less than substantial harm at the lower end to the wider setting of St John the Baptist Church.”* The Conservation Officer then refers to Paragraph 202 of the NPPF whereby the level of harm should be weighed against the public benefits of the proposal.

6.6 It is the Appellant's primary contention that the proposals will cause no harm to the heritage significance of the Conservation Area nor would change the setting of the Grade I listed church, or

any other designated heritage asset in the locale. The details of this will be presented within the full evidence for the appeal.

- 6.7 The southern part of the site is located within the Conservation Area. The evidence presented will explain why this specific area does not possess a character and appearance of special architectural or historic interest. In summary, lying within the agricultural outskirts of the village, the site makes a neutral contribution to the Conservation Area, neither enhancing nor detracting from the component parts which do possess heritage significance (recognising paragraph 207 of the NPPF). The existing historic landscape character of the site is of no heritage significance. It shares the same or similar features of many or all the agricultural land parcels that lie on the edge of Churchill, and beyond. Furthermore, the site does not contribute to the heritage significance of, or aids in the experience of, the component parts of the Conservation Area (i.e. Front Street) which manifestly do possess special architectural or historic interest. The Appellant will demonstrate that any suggestion that the site possesses special interest goes to undermining the value judgements for those elements of the Conservation Area which are clearly and manifestly of special architectural or historic interest (again, recognising paragraph 207 of the NPPF).
- 6.8 The duty under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (“the Act”) requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. This duty plainly applies to elements which are of special interest. As above, the Appellant will provide evidence to demonstrate that the site does not qualify.
- 6.9 The Appellant’s evidence will show that no direct historical associations between the Site and the listed church were identified during this assessment that accompanied the application. In summary, the character and current land-use (pasture) of the Site is not an important or relevant component of the story of the church. Therefore, the Site is not part of the physical surrounds of the building that contribute to its heritage significance (it is a neutral component of its setting). The key experience of the church is had from within the building and from within its churchyard; and the proposed development will not form a discernible component within these views. Moving further afield the views of the church become less important and the experience of a lesser quality. Therefore, the proposed development would not change (harm) the heritage significance of the church or the way in which its significance is experienced; the special architectural and historic interest of the Church will be preserved.
- 6.10 In regard to the other relevant listed buildings (Churchill Court, its gateposts and the Cottage) the same key matters and conclusion as was described for the church will be presented in the evidence from the Appellant. In summary, no harm to their heritage significance, and the special architectural and historic interest of the buildings / structures will be preserved.

- 6.11 Although not directly related to the designated heritage assets of the Conservation Area and listed buildings, the Appellant will present evidence regarding buried archaeological remains. In summary, field evaluation (geophysical survey) has taken place to support the desk-based assessment into the potential for buried archaeological remains within the site. There is no compelling evidence for important buried remains surviving within the site. Further investigations, undertaken as condition to a consented application, would be a proportionate response to explore the potential for as yet unknown important remains. A Written Scheme of Investigation (WSI or method statement) detailing the scope of this work is submitted as part of this appeal and will be agreed between the Appellant and the Council as part of the appeal process.
- 6.12 Given the above, the proposals comply with Policy CS5 and Policies DM3 and DM4, as well as Paragraphs 194, 197, 199 and 206 of the NPPF.
- 6.13 Notwithstanding the above, even if the decision maker were to accept the Conservation Officer's position in that the proposals constituted less than substantial harm to the Conservation Area and setting of the Grade I listed church, it is the Appellant contention that the public benefits of the scheme would outweigh that harm and in line with Paragraph 202 of the NPPF planning permission can be granted.

### Landscape and visual effects, including regard to the setting of the AONB

- 6.14 The site itself is free from any statutory landscape designations but does sit within the open countryside and within the visual setting of the AONB. Policy CS5 requires the character, distinctiveness, diversity and quality of the district's landscape to be protected and enhanced, similar to Paragraph 174 of the NPPF. Policy CS5 goes on to state proposals effecting the Mendip Hills AONB will need to demonstrate that the development conserves and enhances its natural beauty and respects its character, taking into account the economic and social well-being of the area, as echoed at Paragraph 176 of the NPPF. Policy DM11 also states that where development has an adverse impact on the landscape, setting and scenic beauty of the AONB, including views into and out of the AONB, it will not be permitted unless in exceptional circumstances and where it can be demonstrated that it is in the public interest. It then goes on to state particular attention will be given to the siting, scale, size, character, design, materials and landscaping of the proposed development, views to and from the AONB, as well as conservation of wildlife and cultural heritage.
- 6.15 At the time of writing, no comments have been received from the Council's Landscape Officer and therefore it is unknown at this stage whether they are objecting to the scheme. However, at the pre-application stage, the response concluded that the proposals could affect the views into and out of the AONB. In addition, concerns were raised over the coalescence the proposals would cause

between the settlement, referring to the school, sports centre and church to its west and existing residential development to its east.

- 6.16 It is the Appellant's primary contention that the proposals would not have any material harmful effect upon the setting of the AONB, conserving and enhancing its special landscape qualities and characteristics. Further, the matter of coalescence is irrelevant given the proposals would form part of Churchill, located between the sports centre, school and church to the west, and existing residential dwellings to the east. Moreover, the Landscape and Visual Impact Assessment accompanying the application submission concludes that the proposals would protect and enhance the landscape features of the site and would be in keeping with the character and form of Churchill. The scheme would enhance landscape elements associated with the site whilst the scheme would be in keeping in terms of character and appearance with other residential areas of Churchill.
- 6.17 The Appellant will present evidence on landscape and visual matters. This will explain that the Appeal site is suitable in landscape and visual terms to accommodate the proposed scheme.
- 6.18 The layout would conserve its character and long distance views into the AONB and provide an opportunity to enhance the landscape. The layout of the site responds to the topography and will improve accessibility to the land. There are few local green spaces in the area, however through the introduction of public open space the proposals will provide an opportunity to create improved access to new long distance views which are presently inaccessible to the public.
- 6.19 The effects of the development will be limited and would be moderated by the extent to which the area is already influenced by existing development, mitigation through retained vegetation and natural topography, and the separation of the site from the wider escarpment landscape and wider AONB.
- 6.20 It will be explained that a number of measures have been incorporated into the scheme to protect and enhance the landscape and improve the public accessibility of the site to enhance enjoyment of the local environment for everyone. A substantial landscape framework is proposed across the more sensitive areas of the site leading to significant net biodiversity enhancements and the strengthening and revitalisation of the local green infrastructure network.
- 6.21 The evidence will show that the development proposals retain the features which make the greatest contribution and have the highest sensitivity, limiting potential adverse effects. The evidence will confirm that the appeal site has capacity to accommodate the development whilst conserving the wider landscape character and scenic beauty of the nearby AONB, all in keeping with intentions of both national and local landscape policy.

- 6.22 The Appellant will explain that there are no other material adverse effects on the environment that would justify withholding planning permission.
- 6.23 As such, the proposals comply with Policy CS5, Policy DM11 and Paragraphs 174 and 176 of the NPPF.

### Housing Land Supply

- 6.24 Paragraph 74 of the NPPF is clear that:

*“Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer.”*

- 6.25 Paragraph 11 concerns the application of the presumption in favour of sustainable development in decision making. Paragraph 11 d) sets out that where the policies which are most important for determining the application are out-of-date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.26 Footnote 8 clarifies that policies may be considered out-of-date, including for applications involving the provision of housing, in situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.
- 6.27 The LPA have recently confirmed that they can achieve a five year housing land supply, equating to 5.6 years. The Appellant will present evidence that contests this position, demonstrating the Council cannot achieve above a five year housing land supply, triggering Paragraph 11 d) of the NPPF.

### The Planning Balance

- 6.28 As above, the Appellant accepts that the development proposal is contrary to the development plan when read as a whole, however, the Appellant contends that there are material considerations that

justify the grant of permission contrary to the development plan, such as the Council's lack of five year housing land supply.

- 6.29 Consequently, this appeal should be considered in the context of the NPPF's presumption in favour of sustainable development specifically in terms of decision making through the provisions of paragraph 11 d), which requires the decision maker to apply the 'tilted planning balance' whereby permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Consequently, the weight given to Policy CS32 should be reduced to no more than limited.
- 6.30 The Appellant will firstly demonstrate that there is no clear reason to refuse development in association with the policies in the NPPF that protect areas or assets of particular importance, which in this case relate to the site's location in the Conservation Area, within the setting of the Conservation Area, within the setting of the Grade I listed church and within the setting of the AONB.
- 6.31 The Appellant will then identify the benefits of the proposed development, including (but not limited to) the provision of housing and affordable housing in a sustainable location in the context of an unmet need. The Appellant will attribute weight to each of the benefits of the scheme for the purposes of the planning balance.
- 6.32 The Appellant will therefore show that any adverse impacts of granting planning permission would not significantly and demonstrably outweigh those benefits and that, overall, the planning balance demonstrates that the appeal should be allowed.

**7. PLANNING CONDITIONS AND OBLIGATIONS**

- 7.1 An agreed set of conditions will be provided to the Inspector before the start of the Public Inquiry.
  
- 7.2 The Appellant will also present deeds pursuant to Section 106 of the Town and Country Planning Act 1990 which will secure planning obligations that are deemed necessary to make the appeal proposals acceptable in planning terms.

# RIDGE



[www.ridge.co.uk](http://www.ridge.co.uk)