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NOTIFICATION OF DECISION

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND) ORDER 2015 (AS AMENDED)

Application Type: Outline - All Matters Reserved **Application No:** 2021/2776/OTA

Location of Development: Land West Of Fortescue Fields Fortescue Street Norton St Philip
Frome Somerset

Description of Proposal: Outline application with all matters reserved for the erection of 20 dwellings with access, parking, open space and associated works.

Application submitted by: Mr J Croucher MTP MRTPI Lochailort Investments

Mendip District Council, hereby **REFUSE** the application described above for the following reason(s):

1. The site is located in open countryside and is therefore contrary to the District's settlement strategy, as outlined in Policies CP1, CP2 and CP4 of the Mendip District Local Plan (Part I). It is acknowledged that the Council cannot currently demonstrate a 5-year housing land supply, therefore the presumption in favour of sustainable development applies as outlined in the National Planning Policy Framework. However given the committed growth already undertaken in the plan period and the further planned growth for Norton St Phillip as proposed in the Mendip District Local Plan (Part II) the site is considered unsuitable for further housing growth within the village, and owing to a number of other factors as outlined in the other reasons for refusal. In summary the harm of the proposal would in this case, significantly and demonstrably outweigh the benefits. As such, the proposal is not considered to constitute sustainable development and is unacceptable in principle.
2. The development would fundamentally change the landscape character of the site and the form of the village. It would result in the loss of views to and from the countryside and from the Norton St Philip conservation area. It would result in substantial harm to the setting of the Norton St Philip conservation area and less than substantial harm to the setting of the listed village Church and The George Inn. The public benefits from the scheme would be limited to the provision of additional housing. This would not outweigh the harm to heritage assets, particularly having regard to the legal duty to preserve the setting of listed buildings and the setting of the Conservation Area as set out in section 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and this should be given considerable weight when balancing the public benefits of the scheme against the harm identified. As such the proposal is contrary to Policies DP1, DP3, DP4 of the Mendip District Local Plan Part 1 and Parts 15 and 16 of the NPPF July 2021.

3. Insufficient information has been provided to demonstrate that the proposal would not increase flood risk on the site or elsewhere. As such the proposal is contrary to Policy DP8 of the Mendip District Local Plan Part 1 and Part 14 of the NPPF July 2021.
4. Insufficient information has been provided to demonstrate that the proposal would not result in the loss of trees and hedgerows without adequate mitigation measures. As such the proposal is contrary to Policy DP5 of the Mendip District Local Plan Part 1 and Part 15 of the NPPF July 2021.
5. Insufficient information has been provided to demonstrate that the proposal would not result in harm to protected species including bats and badgers. As such the proposal is contrary to Policies DP1, DP4, DP5, DP6 and DP8 of the Mendip District Local Plan Part 1 and Part 15 of the NPPF July 2021.
6. In the absence of a completed legal mechanism to secure a policy-compliant quantum of affordable housing, along with other planning obligations, including a financial contribution towards the provision of education services and the provision of public open space; the proposal is contrary to Policies DP11, DP16 and DP19 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014).

Informative(s):

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The submitted application has been found to be unacceptable for the stated reasons and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.
2. This decision relates to the following drawings all received on 07.01.2022:

Site location plans (scale 1:2500 and 1:500); Site Plan (7291_PL_100); Context Plan (190836) and Tree Constraints Plan (1371-KC-XX-YTREE-TCPO/REV0).

Date of Decision: 8 April 2022



Julie Reader-Sullivan
Head of Service Planning and Growth

NOTES

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to refuse permission or to approve it subject to conditions, you may appeal to the Secretary of State under Section 78 and 79 of The Town and Country Planning Act 1990, Section 20 of The Planning (Listed Building and Conservation Area) Act 1990 or Regulation 15 of The Town and Country Planning (Control of Advertisements) Regulations 1992.

- You must appeal within 6 months of the date on the decision notice (12 weeks for Householder applications, 8 weeks for Advertisement consent)
- Appeals must be made using a form which is obtainable from The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN or online at: <https://www.gov.uk/appeal-planning-decision>
- The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

PURCHASE NOTICES

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990 and/or Section 32 of The Planning (Listed Building and Conservation Area) Act 1990.

COMPENSATION

- In certain circumstances compensation may be claimed from the Local Planning Authority if permission or consent is refused or granted subject to conditions by the Secretary of State on appeal or on reference of the application to him.
- These circumstances are set out in Section 114 and related provisions of the Town and Country Planning Act 1990, Section 27 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and, in respect of Tree Preservation Orders, Section 203 of The Town and Country Planning Act 1990.

NOTES IN RESPECT OF ALL APPLICATIONS

- Although Planning Permission or Advertisement Consent may have been granted, should the proposed work involve the demolition, alteration or extension of a Listed Building, Listed Building Consent may also be required before work commences.
- If Planning Permission has been granted for the development, should this involve any work within the highway such as the construction of a vehicular access, the consent of the County Council, as Highway Authority should also be obtained - <https://www.somerset.gov.uk/roads-and-transport/>
- This permission does not authorise you to stop up or divert a public right of way to enable the development permitted to be carried out. Separate legal steps are necessary for this and further information can be obtained from: <https://www.somerset.gov.uk/waste-planning-and-land/public-rights-of-way/>
- If planning permission has been granted for development involving the creation of one or more properties needing new addresses you will need to contact the Street Naming and Numbering department, Mendip District Council, for assignment of the official address/es. Details are available at www.mendip.gov.uk/snn

