

Norton St Philip Neighbourhood Plan

Parish Council responses to representations made at Regulation 16 Consultation

Norton St Philip Parish Council
March 2025

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Comments on Representation Ref. NSPNP002(1) – Submitted on
behalf of C.G. Parsons and K.J. Parsons.

Basic Conditions

- 1). The Parish Council rejects the assertions in this representation that the draft Plan and its preparation is or has been, in any way, in breach of the Basic Conditions, national planning policies and guidance, or with Equalities and Human Rights legislation. The Basic Conditions Statement submitted for Examination gives detail on this matter.

Regulation 14 Consultation

- 2). There have been no defects in any aspect of the consultation process that has accompanied the preparation of the draft Plan, as detailed in the Consultation Statement and its Addendum.

The Court of Appeal referred to the Draft Plan having been the subject of "extensive consultation"(Case No: C1/2020/0812,para 14).

Specifically, the Parish Council has had significant direct contact with Mr and Mrs Parsons over a number of years, including numerous e-mails, Freedom of Information (FoI) requests, questions raised at Parish Council meetings, questions raised at informal meetings and representations made at the consultation stages during the Plan's preparation. The Consultation Statement and Consultation Statement Addendum gives detail.

Policy 7 (Ringwell Meadow)

- 3). The respondents' rear garden at their home, The Barton, is the principal subject of this representation. The garden constitutes part of a larger site known as Ringwell Meadows. Ringwell Meadows is one of six areas of greenspace within the village of Norton St. Philip and its Conservation Area, which were designated as Open Areas of Visual Significance (OAVS) in the previous Mendip Local Plan (adopted in 2002). Policy Q2 of that Plan gave protection to the designated OAVSs against inappropriate development. The land known as Ringwell Meadows was formally designated OAVSNSP004, and included the rear garden of The Barton. (This was the adopted designation for the site at the time the respondents purchased their house and land in 2011; thus they should have been fully aware of that designation).

- 4). In 2011, the new Mendip Local Plan – Part I was in preparation, and the Plan was adopted in December 2014. It carried forward the OALVS designation for each of the six greenspaces in Norton St. Philip under Development Policy DP2, renaming them Open Areas of Local Significance(OALS). It should be noted that the OAVS/OALS designation is a policy designation that is unique to the former Mendip District Council and was carried forward from the 2002 plan into the current, adopted Mendip Local Plan. It is therefore misleading of the respondents to state that “OALS is a turn of the century and now obsolescent land designation”. That is an incorrect statement.
- 5). For ease of reference, Policy DP2 and its supporting justification are reproduced below:

"6.14 Over successive plan periods the Council has identified a multitude of open spaces which make a significant contribution to the quality of the built environment. These spaces may provide views out of an otherwise built up street scene, allow views of significant local features or buildings beyond them, enhance the setting of the settlement, create a sense of space or otherwise contribute to the locally distinctive character of an area. In some cases the areas are also designated as formal sports or recreation spaces under Development Policy 16.

6.15 Communities have made it clear that these areas warrant continued protection and that additional areas should be identified. The Council will therefore retain the current areas previously designated under Policy Q2 of the previous Local Plan. However, Part II of the Local Plan or Neighbourhood Plans prepared in the interim will specifically review the ongoing appropriateness of protection for existing areas and provide an opportunity for new areas to be identified. At that time the Council, in discussion with communities and landowners, will also consider whether some or all of the retained sites should be designated as Local Green Spaces as provided for under paragraphs 76-78 of the National Planning Policy Framework (NPPF). All areas designated as 'Open Areas of Local Significance' will be accompanied by information as to why the designation has been made. This will be available in the Local Plan Part II."

DP2: Open Areas of Local Significance

Permission will not be granted for development which would harm the contribution to distinctive local character made by Open Areas of Local Significance as identified on the Policies Map.

- 6). Following local consultation the draft Mendip Local Plan – Part II (Sites and Policies) proposed ten sites in Norton St. Philip as Local Green Spaces (LGSs) which included Ringwell Meadows, one of the six OALS sites.
- 7). Following Hearings (at which the PC, being supportive of the submitted Plan, was not permitted to participate), the Inspector examining LPP2 issued his “Interim Note” in September 2019. In this note, the Inspector concluded that:

“ LGS designations have been distributed liberally within the towns and to an even greater extent in several of the villages.....Although the document describes each site subject to proposed LGS designation, often in some detail, the criterion of being demonstrably special to the local community is not sufficiently rigorous to comply with national policy, and the resultant distribution of LGS designations in several instances can be said to apply to sites which can be described as commonplace (which I do not view as a negative term) rather than of a limited and special nature.I recognise that many if not all the proposed LGS designations are important to local communities; but this is a lower bar than being ‘special’ and of ‘particular local significance’.
- 8). The Inspector’s MM7 was to *“Delete all LGS designations and indicate that they should be reconsidered within either Neighbourhood Plans or the Local Plan Review.”*
- 9). The Council accepted this modification and deleted all LGSs from the draft LPP2.
- 10). Concurrent with the progress of the Mendip Local Plan – Part II was the preparation of the 2019 draft Neighbourhood Plan. The consultation process had made it very clear that the protection of the ten proposed LGSs was of great importance to the community. Accordingly the ten sites were all included in the draft Neighbourhood Plan as LGSs.The respondents made representations to the designation of Ringwell Meadow as a LGS at the formal consultation stages for that draft Plan. The draft Plan was examined in 2019, and the Examiner considered the justification for designating the LGSs. She made the following comments regarding Ringwell Meadow in Section 12 of her report:

“004 Ringwell Lane is an area of land adjacent to Ringwell Lane within the CA. It is valued for its visual contribution to the village’s rural character and street scene. It includes some private gardens. MDC’s policy on LGSs suggests that only in exceptional circumstances should private gardens be designated. Objections have been raised to the inclusion of private gardens in the designation. The entire site is an OALS. I saw at my visit that although the character of the garden areas differs from the other land in that it is more domestic in nature whereas the

remainder of the land has a more rural feel to it along Norton Brook, there is a cohesion to the area. I found it to be a tranquil and peaceful area with views of the Church."

11). The subsequent litigation is fully detailed in the draft NP; the High Court and Court of Appeal judgments are available on the NP website. At the High Court the Council "*clarified that it did not accept the Inspector's criticisms of the evidence and approach insofar as they may have been intended to apply to the NSP NP*" [para 76].

12). The High Court Judgment in dismissing the challenge on all Grounds found at para 159 that:

"The Inspector's observations about the over-use of LGS designations were made at a high level of generality. He was considering hundreds of potential designations in towns and villages across the Mendip District, which is a rural and scenic area, with many green spaces. Although he focused on 8 sample areas, including NSP, he did not make any specific findings in respect of these sample areas or their proposed designations. He made some site visits, but it is not known whether he visited NSP. He did not mention the Examiner's Report, and it is not clear whether and to what extent he considered the evidence available to her, such as the representations on designation made by the Parish Council, the Appeal Decision from 2015, the Character Assessment etc. I find it inconceivable that the Inspector intended to reject every proposed designation in NSP. For example, even the Claimant accepts that the designation of Church Mead in NSP is appropriate. In light of the above, I am not persuaded that the well-evidenced assessments carried out by the Examiner, who considered NSP in depth and had the benefit of viewing each proposed designation, have been invalidated by the LPP2 Inspector's general critique."

13). The claimant appealed and the Court of Appeal allowed the appeal on one ground (Ground 1). The other three grounds of appeal were rejected by the Court. In summary, the Court held that:

- each of the areas was lawfully designated as an Local Green Space; but
- Policy 5 (Local Green Space) was not consistent with national planning policies for managing development within the Green Belt; and
- in the absence of reasoned justification, the consequence was that Policy 5 was unlawful.

- 14). In referring to the LPP2 Inspector's "Interim Note", the Court of Appeal Judgment found (at para 47) that:

"He [The LPP2 Inspector] was of the view that far too many areas had been designated as LGSs over the district as a whole. In consequence, Mendip withdrew those designations. I am unable to place any significant weight on this point. The inspector was undertaking a different exercise. He was considering a district-wide plan and testing it by reference to different statutory criteria. He did not consider the LGSs individually but collectively. He also canvassed the possibility that the LGSs could be considered one by one; but because that would have held up the examination of the plan Mendip decided not to pursue that."

- 15). There have been four planning applications to develop areas of Ringwell Meadow during the period of the current adopted Local Plan. Two of those applications were submitted by the respondents for development within their garden. Both applications (Refs. 2016/1292/FUL and 2019/2552/FUL) were refused by the District Council primarily on grounds of harm to the designated OALS. The respondents lodged Appeals against those decisions. Both Appeals were dismissed (as were the Appeals for the other two refused applications for development of adjoining land within the same OALS). The four Appeal decisions are attached to this response as an Appendix and the Examiner's attention is drawn in particular to paragraphs 6-14 and 20 of decision ref. APP/Q3305/W/20/3247051 and paragraphs 6-11 of decision refs. APP/Q3305/W/16/ 3167455 and 3167451.
- 16). The Parish Council considers that these Appeal decisions are of importance in assessing the status of Ringwell Meadow not only as a designated OALS but also, as a proposed Important Green Space in Policy 7 of the draft Plan. Being part of the planning history and assessment of the site, the PC disagrees with the respondent's statement that *"any mention of the 4 planning applications in this version of the NP is irrelevant and such mentions should be removed."*
- 17). The Parish Council considers that the proposed designation of Ringwell Meadow as an Important Green Space within Policy 7 is entirely consistent with national policy for Green Infrastructure and reflects the important part that such green spaces play in shaping the character and setting of Norton St. Philip.

It clearly also reflects local policies in the current adopted Local Plan, having been designated as an OALS. The Neighbourhood Plan is seeking to reflect the local importance and distinctiveness of this

site and the other five OALSs by their proposed designation as Important Green Spaces. Policy 7 and its supporting justification at paragraphs 18.1-18.28 address these points in greater detail.

- 18). The National Planning Policy Framework (NPPF) defines Green Infrastructure at Annex 2 as *"A network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity"*.
- 19). Natural England's Green Infrastructure Framework (January 2023) and its accompanying Design Guide notes (at paragraph 1.2) state that *"A green infrastructure network includes street trees, green roofs, green walls, parks, private gardens, allotments, sustainable drainage systems, through to wildlife areas, woodlands, rock outcrops, wetlands, and natural flood management functioning at local and landscape scale"*.
- 20). The Parish Council considers that the proposed Important Green Spaces in the draft Plan each, and in combination, form the most important elements of the green infrastructure network within the village of Norton St. Philip which make a fundamental contribution to the character of the village.
- 21). The site's identification as an Important Green Space is also complementary to and supportive of the site's inclusion within the Conservation Area and there is no conflict between the two designations. The land is not within the curtilage of any Listed Buildings.
- 22). The Norton St. Philip Conservation Area Appraisal (October 2007) contains several references to Ringwell Lane and Ringwell Meadow, including at paragraphs 6.4 and 7.21, where it is stated:

"6.4 There are two significant undeveloped areas on the east side of Ringwell Lane (along the Norton Brook) and at The Old Orchard... Trees and hedges underline the rural character but stone walls also form boundaries or retain slopes.

7.21 The important green spaces in the conservation area are Church Mead (with some stone boundary walls and trees), Lyde Green and the adjoining Old Orchard, the field to the south of the School and the course of Norton Brook, on the east side of Ringwell Lane."
- 23). It should be emphasised that the rear garden of The Barton forms an integral part of the Ringwell Meadow OALS and of the proposed Important Green Space in this Neighbourhood Plan. Although it is a private garden, it makes a valuable and highly significant contribution to "an exceptionally tranquil and characterful Meadow", as described in the Conservation Area

Appraisal. The site's proposed designation as an Important Green Space is recognition of the important part that these spaces play in the environmental infrastructure of the village of Norton St. Philip, and there is no suggestion that it imposes, or could lead to, any regulatory oversight or obligations being placed upon the landowners.

- 24). The Norton Brook, part of the blue infrastructure within the village, runs through the Meadow and this has been known to flood, making the Meadow a floodplain, most recently in January 2025 as the photographs below illustrate:



25). With regard to the proposed boundary of the Ringwell Meadow OALS, it is identical to that of the now deleted Local Green Space (Ref. LGS004), which was found to have been "lawfully designated" by the Court of Appeal. This boundary had been amended by Mendip District Council in 2019, following representations by the respondents that an extension to their house approved in 2013 was within the boundary of the OALS boundary. The Parish Council acknowledges that an electricity sub-station is within the boundary of the proposed Important Green Space but questions the statement by the respondents that the other features and areas are within that boundary. This is borne out by the superimposition of the boundary on the 2024 Google Earth view, as reproduced below:



- 26). It is unfortunate that the respondents consider that their mental health and wellbeing have been negatively affected by the Neighbourhood Plan. However, the Parish Council wish to have a Neighbourhood Plan in place that will benefit the community as a whole and the health and wellbeing of generations to come, and suggest that the recognition of the important green spaces in the village helps to achieve this aim and meet the draft Plan's Vision and Objectives.
- 27). The Parish Council wishes to confirm that in its view the Basic Conditions are met and the proposed designation of Ringwell Meadow as an Important Green Space is merited.

Comments on **Representation Ref. NSPNP003** – Submitted on behalf of Simon Knox and Sasha Bhavan.

Representation relates to Policy 7 in the submission draft of the Norton St. Philip Neighbourhood Plan and to proposed designation NSP009 (Land to the rear of The Malthouse).

- 1). It is important to consider this Representation in the context of the purpose of Policy 7 which is to safeguard the Important Green Spaces that make a highly valuable contribution to the green infrastructure of the village and to the character and setting of the Conservation Area and its heritage assets.
- 2). The identification of NSP009 recognises its significance as one of the village's key green spaces. This supports the vision and objectives of the NP. Identification is complementary to and supportive of the site's inclusion within the Conservation Area; there is no conflict between the two.
- 3). Section 18 of the NP provides justification for the identification of Important Green Spaces. Evidence is drawn from the adopted LPP1 and Greenspace SPD, Conservation Area Appraisal, Natural England's "Green Infrastructure Framework" and comments made by Historic England. The Policy does not require the retention of greenspace (as suggested by the respondents); it requires proposals to "*respect the reasons for their identification*" and supports development which would enhance them.
- 4). Policy 7 does not duplicate national policies, but provides a local policy designation to recognise and safeguard the green spaces within the Plan area that are worthy of protection for their especial importance and contribution to the character of Norton St. Philip.
- 5). The Parish Council confirms its support for the designation of this site as an Important Green Space, but would have no objection if the Examiner considers that the amendment proposed on the map contained in the Representation is suitable and appropriate in order to provide more flexibility to the respondents for any future alterations to the dwelling house.

Comments on **Representation Ref. NSPNP004(001)** – Submitted on behalf of Stonewood Homes Ltd.

Representation relates to Policy 7 in the submission draft of the Norton St. Philip Neighbourhood Plan.

- 1). This representation seeks the deletion of the proposed designation of Great Orchard as an Important Green Space (Ref. NSP003) within Policy 7, and as defined on accompanying Figure 13 and at Appendix 2.
- 2). The respondent states that this site is "*neither, accessible, managed or connected*" and is "*not considered to meet the tests for allocation as Important Green Space.*"
- 3). The representation sets out the criteria that are contained within the NPPF for the designation of Local Green Spaces. The Parish Council is not proposing the designation of any Local Green Spaces within the Plan area, and it therefore not relevant to take the national criteria for their designation into consideration with regard to Policy 7.
- 4). Policy 7 seeks to designate those green spaces which make an important contribution to the character and setting of the village, and particularly its Conservation Area, as Important Green Spaces. This is described at Section 18 in the Plan, and each of the proposed 16 Important Green Spaces is defined and described at Appendix 2 to the Plan.
- 5). A detailed description of the site is given at Page 80 in the draft Plan.
- 6). The Parish Council acknowledges that the site is not accessible to the general public, but that is not a requirement of Natural England's "Principles of Green Infrastructure", and it not part of the definition of green infrastructure in the NPPF (as referenced at paragraph 18.26 in the draft Plan).
- 7). The Parish Council considers that the site performs an important function in separating the upper and lower parts of the village, and this is most evident in the longer views into the site from the Public Rights of Way to the west of the village. In that respect, the site is, in the Parish Council's assessment, justified as being designated as an Important Green Space for its contribution to the historic green infrastructure network of the village that has shaped the development of the village and its resultant character and setting.

- 8). The Parish Council continues to support the designation of Great Orchard as an Important Green Space in accordance with Policy 7.

Comments on **Representation Ref. NSPNP004(002)** – Submitted on behalf of Stonewood Homes Ltd.

Representation relates to Policy 4 in the submission draft of the Norton St. Philip Neighbourhood Plan.

- 1). The Parish Council notes that the respondent supports the allocation of the Bell Hill Garage site for residential development in the draft Plan, and the Parish Council hopes that this site will be developed accordingly.
- 2). The Parish Council also notes that the respondent states that "*the continued allocation is welcomed, but development is made less viable by the overly restrictive approach to the treatment of the northern boundary*" and requests that Policy 4 be amended to refer to transitional landscaping arrangements along the site's northern boundary.
- 3). There is a current planning application for the development of the site (2023/1918/FUL). In October 2024 the Parish Council supported this application, subject to Somerset Council's Conservation Team and Ecologist withdrawing their holding objections. The County Ecologist and Natural England have since withdrawn their objections subject to consideration of a Habitats Regulations Assessment (HRA). The Conservation Team has also withdrawn their objection.
- 4). Therefore, the Parish Council will have no objection should the Examiner consider that an amendment to the text of Policy 4 and/or its supporting justification is necessary to take account of this representation.

Comments on **Representation Ref. NSPNP007** – Submitted on behalf of National Health Service – Somerset Integrated Care Board (ICB).

Representation relates to Sections 10 and 13 and to Policies 1 and 9 in the submission draft of the Norton St. Philip Neighbourhood Plan.

- 1). The Parish Council recognises the strains being placed upon existing local NHS Primary Care services by increases in the population within the former Mendip District, noting that the population of Norton St. Philip parish increased between 2011 and 2021 by 17%.
- 2). Policy 1 criterion 7 requires proposals for new development on sites within the settlement boundary of Norton St. Philip to address any potential requirement for substantial new infrastructure or other facilities to support the developments. The PC suggests that any necessary improvements and enhancements to local NHS services arising from new developments granted planning permission in accordance with Policy 1 can only be secured by Somerset Council through developer contributions secured by accompanying Section 106 agreements.
- 3). Nevertheless, the Parish Council will have no objection if the Examiner considers that Policy 1 criterion 7 should be extended, in response to this representation, to refer more specifically to local infrastructure improvements such as NHS Primary Care services.
- 4). The Parish Council considers that Policy 9 does not need any modification in response to this representation.

Comments on **Representation Ref. NSPNP008** – Submitted on behalf of
Historic England.

Representation relates to Policy 4 in the submission draft of the Norton St.
Philip Neighbourhood Plan.

- 1.) This representation comments that Policy 4 continues to promote up to 12 dwellings on the Bell Hill Garage site, *"prompting us to reiterate the need to demonstrate that the quantum in question be delivered within a reasonable tolerance"*.
- 2.) The Parish Council comments that, following representations received from both Historic England and Stonewood Homes Ltd. at the Regulation 14 consultation stage raising concerns about the viability of providing up to 15 dwellings on the site together with the requisite level of car parking provision and compliance with highways standards, the draft Policy was amended to provide for up to 12 dwellings in response to those representations.
- 3.) The current planning application for the development of the site proposes the retention of the barn at the site, which is an existing dwelling, together with 9 new dwellings and a substantial new commercial building together with parking for the existing Bell Hill Garage business operating at the site. Should the proposed new commercial building not proceed as planned, it would release sufficient land at the site for at least an additional three dwellings.
- 4.) The Parish Council has taken full account of all comments made by Historic England and Stonewood Homes Ltd. during the development of Policy 4 and its supporting justification and considers that the Policy now provides appropriate guidance for the satisfactory development of the Bell Hill Garage site.

Comments on **Representation Ref. NSPNP009** – Submitted on behalf of
Lochailort Investments Ltd.

Representation relates to the Basic Conditions and to Policies 2, 3 and 7 in the submission draft of the Norton St. Philip Neighbourhood Plan.

- 1.) It is a matter of public record that Lochailort Investments Ltd. have sought to challenge the preparation of a Neighbourhood Plan for Norton St. Philip at every stage during the preparation of this current Plan and similarly during the preparation of a previous draft Plan that did not proceed to a Referendum.
- 2.) These representations seek to present a case that the draft Plan does not satisfy the Basic Conditions. The Parish Council refutes any such arguments, and considers that the respondent is seeking to apply an incorrect understanding and interpretation of the Basic Conditions to justify their objections to the Plan, insofar as they relate to their own land interests within the Parish.
- 3.) The Parish Council makes the following comments regarding the matters raised in this Representation.

Basic Conditions

- 4.) The Parish Council rejects the assertions in this representation that the draft Plan is in breach of any of the Basic Conditions, or with national planning policies and guidance. The draft Plan has been prepared in the context of the National Planning Policy Framework (NPPF) 2023 and its accompanying Planning Practice Guidance (PPG). The draft Plan has had regard to, and takes account of, all relevant matters prescribed by the Basic Conditions, and the Examiner is referred to the accompanying Basic Conditions Statement for additional information.
- 5.) A revised NPPF was published on 12 December 2024 which includes transitional arrangements for neighbourhood plans. Paragraph 239 of the NPPF 2024 advises that its policies will only apply to neighbourhood plans submitted after 12 March 2025. Therefore the NPPF 2024 does not apply to the assessment of the Basic Conditions for the purposes of this examination.
- 6.) The respondent asserts that there has been a significant change in circumstances that affects the housing requirements of the former Mendip District and therefore this draft Plan. Whilst the publication of the revised NPPF in December 2024 and its accompanying

revised Standard Method housing requirements for local authorities in England (which in this case is now a requirement for Somerset Council i.e. for the whole of Somerset) may constitute a significant change in circumstances, it is the case that the inclusion of paragraph 239 in the transitional arrangements for plan-making makes it absolutely clear that the Examination of this draft Plan is framed in the context of national policy that was in place prior to 12 December 2024. The Examiner is therefore respectfully requested to take no account of the representations made by this respondent that the housing requirement for Norton St. Philip is, in the context of the points above, any higher than the figure (45 dwellings) that is set out in the current, adopted strategic plan for the former Mendip district. That remains as the confirmed and published housing requirement for the Parish of Norton St. Philip for the period up to 2029. The draft Plan covers the period from 2019 to 2029, and has taken account of this housing requirement.

- 7). It is the case that the draft Plan is in general conformity with the strategic policies contained in the current adopted Mendip Local Plan (Parts I and II) which covers the period from 2006 to 2029. The draft Policies in the submission Plan have been the subject of full consultation and engagement with Somerset Council, and it should be noted that the Council has raised no concerns or objections to the effect that any of the Policies are not in general conformity with the strategic policies in the adopted development plan for the former Mendip district. Although the adopted Local Plan is now more than five years old, its strategic policies remain as the adopted strategic policies for the Parish of Norton St. Philip, and it is no more than pure conjecture to surmise what policies may affect the Parish in the new Somerset Local Plan. The most recent Local Development Scheme (LDS) was approved and published by Somerset Council on 11 February 2025. The emerging Somerset Local Plan will cover the period up to 2045, and the Regulation 18 consultation is not scheduled to take place until April 2026 with Regulation 19 Pre-Submission consultation scheduled to take place in October 2027.
- 8). Accordingly, and having regard to the national advice in the Planning Practice Guidance (PPG)¹, no properly informed account can reasonably be taken at this juncture of any possible strategic policy considerations as they might affect the Parish of Norton St. Philip. Nevertheless, Policy 9 (Monitoring and Review) addresses the need to formally review the Plan should the new Somerset Local Plan contain policies and proposals affecting Norton St. Philip

¹ PPG section Neighbourhood Planning, Paragraph: 009 Reference ID: 41-009-20190509.

and/or should any changes in national policies also necessitate such a review. In that context, it should be noted that the recently published NPPF 2024 contains no material changes to the policy requirements as they affect Neighbourhood Plans.

Policy 2

- 9). The respondent asserts that Policy 2 (Development within the Rural Areas beyond the Defined Settlement Boundary) does not align with Policy CP1 of the adopted Mendip Local Plan.
- 10). The Parish Council considers that Policy 2 (together with Policy 3) provides clear, concise and unambiguous policy guidance to the effect that development proposals, including proposals for new housing development, on sites within the rural areas beyond the Defined Settlement Boundary of Norton St. Philip will not be supported unless such proposals comply with all other relevant policies in the adopted Mendip Local Plan, which would include Policy CPP1. Somerset Council has raised no concerns regarding the content of Policy 2 and the Parish Council considers that the Policy satisfies the relevant Basic Condition in all respects.

Policy 3

- 11). The respondent asserts that Policy 3 (Housing Development) will restrict the ability of the Plan to deliver the development needs of the area and fail to deliver the development needed by the local community.
- 12). For the reasons cited above with regard to Policy 2, the Parish Council also considers that Policy 3 provides clear guidance on its requirements, which are that proposals for new housing development should comply with all other relevant policies in the Neighbourhood Plan and in the adopted Mendip Local Plan. Again, Somerset Council has raised no concerns with regard to this Policy, and the Parish Council considers that this Policy satisfies the relevant Basic Conditions.

Policy 7

- 13). The respondent objects to this Policy and considers that it does not reflect national or strategic policies and alleges that it is a "made up form of designation". The respondent refers to NPPF

paragraphs 101-103² which cover the designation of Local Green Spaces.

- 14). The draft Plan does not seek to designate any Local Green Spaces. Rather, it seeks to identify and protect those parts of the established green infrastructure network in the Plan area that significantly contribute to shaping the character and setting of Norton St. Philip village and its Conservation Area, and which can be justifiably designated as 'Important Green Spaces'.
- 15). In this context, Policy 7 falls within the section of the Plan entitled 'Green Infrastructure and the Environment' and the supporting justification to Policy 7 (at paragraphs 18.1-18.28), together with the additional details of each site set out at Appendix 2 in the Plan, provides the reasoned justification for the Policy. It is a Policy that takes as its starting point the opportunity provided by NPPF 2023 paragraph 28³ for "communities to set out more detailed policies for specific areas This can include conserving and enhancing the natural and historic environment..".
- 16). Policy 7 is a non-strategic policy that seeks to protect from inappropriate development the most important landscape and green infrastructure features that contribute to the local distinctiveness and character of Norton St. Philip. It does not conflict with any national policies and guidance nor with any strategic policies in the adopted Local Plan, and Somerset Council has raised no concerns with regard to the Policy. The Examiner will note that the majority of the sites listed in the former Mendip District Council's 'Greenspace' Supplementary Planning Document (adopted in February 2023) are carried forward into the draft Plan as proposed Important Green Spaces. It should also be noted that Policy 7 states that "Development that would positively enhance these spaces, such as to provide improved access and recreation, retain and enhance biodiversity, or enhance the character of the Conservation Area and its setting, will be supported". In this respect, the Policy provides positive guidance on developments that could enhance the proposed Important Green Spaces.
- 17). The respondent specifically objects to the proposed designation of sites NSP011 (Fortescue Fields West) and NSP013 (Laverton or Mackley Triangle) or any of the other sites not already designated

² Paragraph 105-107 of the NPPF 2023 (and Paragraphs 106-108 of NPPF 2024).

³ Restated in Paragraph 29 of NPPF 2024.

as an OALS. The Parish Council refers the Examiner to the above comments and to Appendix 2 of the Plan in order to provide the justification for these sites to be designated as Important Green Spaces.

- 18). The Parish Council totally refutes the assertion made by the Respondent that the *"allocation, particularly with reference NSP011 and NSP013, has been incorporated for improper reasons in order to resist development of these locations."*
- 19). Finally, the Parish Council wishes to draw attention to the recently dismissed Appeal decisions for the sites which include the proposed Important Greenspaces NSP011 and NSP013. The Appeals (Refs: APP/E3335/W/24/3337357, 3338939 and 3337252) referenced by the respondent were all dismissed on 24th January 2025, and copies of the decision letters are attached as an Appendix for information.
- 20). The Parish Council suggests that there are no amendments or modifications to the draft Plan necessary in response to this respondent's representations.

Appendix

- 1. Appeal Decision APP/Q3305/W/20/3247051 Land at The Barton**
- 2. Appeal Decision APP/Q3305/W/20/3247050 Land adjacent to The Barn, The Barton,**
- 3. Appeal Decisions APP/Q3305/W/16/3167455 Land at The Barton & APP/Q3305/W/16/3167451 Land at The Barn, The Barton**
- 4. Appeal Decisions APP/E3335/W/24/3337232 & APP/E3335/W/24/3338939 Fortescue Fields Phase II**
- 5. Appeal Decision APP/E3335/W/24/3337357 Land west of Fortescue Fields**



Appeal Decision

Site visit made on 6 August 2020 by Scott Britnell MSc FdA MRTPI

Decision by Andrew Owen BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2020

Appeal Ref: APP/Q3305/W/20/3247051

Land at The Barton, The Barton, Norton St Philip, Bath BA2 7NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Christopher Parsons against the decision of Mendip District Council.
 - The application Ref 2019/2552/FUL, dated 11 October 2019, was refused by notice dated 30 January 2020.
 - The development proposed is to erect a single dwelling house with access, garage and parking.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. There are variations in the address of the appeal site given on the application form, appeal form and the Council's decision notice. The address in the banner header above has been taken from the application form.
4. The application was made by Mr and Mrs C Parsons. The appeal has been made by Mr Christopher Parsons who I have taken to be one of the applicants and is eligible to make the appeal.

Main Issue

5. The Council's second refusal reason was made on the basis of there being no up to date ecological survey. The appeal has been accompanied by an e-mail from Seasons Ecology dated 6 February 2020 providing an ecological update pertaining to the appeal site, which the Council considers overcomes the refusal reason. As I have no compelling evidence before me to come to a different conclusion, it is not necessary for me to consider this matter further.
6. The main issue in this appeal, therefore, is the effect of the proposal on the character and appearance of an Open Area of Local Significance (OALS).

Reasons for the Recommendation

7. The appeal site is part of the rear garden of The Barton, a detached dwelling set within large grounds. The land to the rear of the dwelling drops sharply towards Ringwell Lane and incorporates a section of Norton Brook. The presence of Norton Brook, along with the open and undeveloped green nature of the appeal site, provides a verdant, tranquil and distinctive setting that makes a significant and positive contribution to the character and appearance of the area. The appeal site is appreciated from the rear of the properties fronting The Barton, the adjacent pasture and from Ringwell Lane to the west, from which it is separated by stone walling and vegetation. It is also visible from the adjacent dwellings to the south.
8. The Council has designated the appeal site as an OALS under the Mendip District Local Plan 2006-2029 Part 1: Strategy and Policies, adopted 15 December 2014 (LP). This designation includes the pasture to the north of the appeal site. Although the appeal site has a more domestic appearance than that pasture land, through its well-maintained cut grass and residential paraphernalia, its appearance complements and adds variation to it. Policy DP2 of the LP states that permission will not be granted for development which would harm the contribution to distinctive local character made by OALS.
9. The proposed dwelling would be two storeys in height and of sizeable scale. A detached garage and gravel drive are also proposed. Although the appeal site is located at the lower point of the garden, the house, garage and drive would encroach upon and have a visually urbanising effect on the OALS, resulting in harm to its character and appearance. Moreover, this harm would be exacerbated by the loss of vegetation and trees on site required to construct both the proposed dwelling and access and I do not consider that new planting or landscaping would be likely to sufficiently mitigate this impact.
10. The appellant has questioned the status of the OALS policy and considers that the Local Plan is out of date. It is argued that there is no record of any methodology or evidence to support the original designation of OALS's. However, the current Local Plan has been adopted and it would have been through various stages of public consultation and public examination prior to its adoption. It would not be appropriate for me to re-assess the justification for the policy, or the designations, as part of this appeal. Moreover, Paragraph 213 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
11. Paragraph 127 of the Framework requires, among other things, that proposals are sympathetic to local character, including the surrounding built environment and landscape setting. Paragraph 170a of the Framework states that planning policies should contribute to and enhance the natural and local environment by, among other things, protecting and enhancing valued landscapes in a manner commensurate with their identified quality in the development plan. I consider that the OALS policy is broadly consistent with the Framework. In this regard, my findings are consistent with those of the Inspector who considered the appeal at Land adjacent to The Barn¹.

¹ APP/Q3305/W/20/3247050.

12. The explanatory text to Policy DP2 identifies that the OALS will be reviewed as part of the Part 2 Local Plan or Neighbourhood Plans. The Council's Local Plan Part 2 is currently being examined and has not yet been adopted. However, following the examiner's comments, the Council have removed their proposal to designate the OALS as a Local Green Space (LGS) in that plan². This does not, however, reduce the weight of the OALS policy in the adopted Local Plan. Accordingly, the OALS warrants protection in the context of this appeal. Moreover, the appellant's assertions in this regard, including their own evaluation of the site do not mitigate or reduce the harm that I have identified.
13. I have also been referred to the issues surrounding the emerging Norton St Philip Neighbourhood Plan (NP), which seeks to protect the appeal site as a LGS. The parties have referred me to the Court of Appeal judgement dated 2 October 2020³. This has determined that the areas of LGS within the NP were lawfully designated, but that Policy 5 of the NP, which applies to them once designated, is not consistent with national planning policies for managing development within the Green Belt. The consequence is that that policy is unlawful. However, I do not consider that the policies of the LP, in particular DP2, are affected by the outcome of these legal proceedings, particularly as, unlike policies for LGS, the Framework does not suggest OALS policies need be consistent with Green Belt policies. Further, no referendum has yet been held in relation to the NP and so I afford it limited weight.
14. I conclude that the proposal would cause harm to the character and appearance of the OALS. There would be conflict with LP Policy DP2 and LP Policies DP1 and DP4, which among other things seek to protect landscapes and the distinctiveness of different areas. The proposal would also conflict with the broad aims of Section 15 of the Framework which relate to the natural environment.

Other Matters

15. I consider that the proposal is acceptable in terms of its form, design and materials. The general principle of development is also acceptable, as the appeal site is located within the development limits of Norton St Philip. There would also be no highway safety issues arising from the proposal and there would be sufficient parking for the proposed dwelling. Further, given the position of the proposed dwelling and its relationship to neighbouring properties, no harm would arise to the living conditions of the occupants of those dwellings. There would also be sufficient space for the storage of refuse and recycling facilities, and the proposal is unlikely to be affected by flooding, would have no harmful effects on the ecology of the site and would utilise energy conservation within its construction. However, these matters are to be expected from such a development and I afford them limited weight.
16. The appeal site is located in the Norton St Philip Conservation Area (NSPCA). Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that, in the exercise, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Given its location within the NSPCA, its scale, form, design and materials, the proposal

² Paragraph 1.9 of the Council's Statement.

³ [2020] ECWA Civ 1259, Case No:C1/2020/0812.

would preserve the character and appearance of the NSPCA and harm to its significance as a designated heritage asset would not result.

17. The officer's report refers to a Grade II Listed Building and Scheduled Monument. However, the Council's questionnaire states that the proposed development would not affect the setting of these assets, and I have no reason to come to a different view.
18. The Council acknowledge that they cannot demonstrate a 5 year land supply. In such circumstances the Framework makes it clear that the most important policies for determining the application are out of date in the terms set out in paragraph 11d) and footnote 7 of the Framework. Thus, planning permission should be granted, unless the effects on areas or assets of particular importance provides a clear reason for refusing the development proposal, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. This balancing will be considered below.

Planning Balance and Conclusion

19. The proposal would contribute to the shortfall of housing in the district, although details of the level of shortfall have not been provided. It is also likely to contribute to the local economy through the construction period and because future occupants would be likely to use local services. The appellant has also suggested that the proposal would be suitable for Self-build or custom housing. However, I consider that the proposed development of one dwelling is unlikely to make a significant contribution to these matters. Therefore, any benefits are likely to be limited.
20. Conversely, the proposal would cause significant harm to the character and appearance of the OALS and would conflict with the development plan. I consider that these policies are broadly consistent with the Framework and so attach substantial weight to the proposal's conflict with them.
21. I conclude that the overall adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole. The proposal would not therefore result in a sustainable form of development and the conflict with the development plan is not outweighed by other considerations.
22. For the reasons given above, I recommend that the appeal should be dismissed.

Scott Britnell

APPEAL PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR

Appeal Decision

Site visit made on 11 August 2020

by R E Jones BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 September 2020

Appeal Ref: APP/Q3305/W/20/3247050

Land adjacent to The Barn, The Barton, Norton St Philip, Bath BA2 7NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by JPW Properties against the decision of Mendip District Council.
 - The application Ref 2019/2549/OTS, dated 11 October 2019, was refused by notice dated 30 January 2020.
 - The development proposed is described as: outline application for two dwellings – some matters reserved.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with landscaping reserved for future approval as indicated on the application form. Therefore, approval is being sought for access, appearance, layout and scale. I have therefore dealt with the appeal on this basis.
3. The Council refused the application in part on account of there being no up-to-date ecological survey to demonstrate the effect of the proposed development on protected species. The appeal has been accompanied by an updated ecology survey, which therefore represents new information. The appeals' procedural guide makes it clear that 'the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought'¹.
4. Nevertheless, it is my view, that the additional information does not fundamentally alter the scheme in terms of its appearance, scale and layout. Whilst I appreciate that the information is technical in nature given that it relates to biodiversity, the Council have had sight of it and had the opportunity to comment. I have therefore assessed the appeal on the basis of the additional information.

Main Issues

5. The main issues in this appeal are:

¹ Annex M, M.2.1, The Planning Inspectorate Procedural Guide, Planning Appeals – England, August 2019

- the effect of the proposed development on the character and appearance of an Open Area of Local Significance (OALS); and
- the potential effect of the proposed development on biodiversity.

Reasons

Character and appearance

6. Situated to the rear of The Barn, a residential dwelling accessed off The Barton, the appeal site comprises a steep bank covered in grass and encompassing several orchard trees. It is enclosed by wooden ranch style fencing. The appeal site slopes sharply downwards away from The Barn to meet its rear boundary and a small watercourse called Norton Brook. Beyond the watercourse, is a large, relatively flat area of open pasture that is separated from Ringwell Lane by tall mature trees. The natural topography, green spaces and mature trees combine to form a cohesive area of undeveloped land between the more built-up parts of Norton St. Philip.
7. The appeal site and the adjoining areas of undeveloped land can be appreciated from the rear of properties fronting The Barton, and from Ringwell Lane through the field access and gaps between the mature vegetation. The natural features of the land form an attractive and tranquil part of the village, while providing relief from the residential development to the east, along The Barton and to the West, at Springfield. Although the appeal site, and other parts of the steep bank, are enclosed by wooden ranch style fencing, this is unobtrusive, and does not substantially diminish its appearance and the role it plays in framing the larger area of undeveloped land. On this basis it is considered the site's distinctive setting makes a significant and valuable contribution to the quality and character of the village. This is reflected by its designation in the Local Plan² as an Open Area of Local Significance (OALS) under Policy DP2.
8. Local Plan Policy DP2 does not support proposals which would harm the contribution to distinctive local character made by OALS. Similarly, Policy DP1 requires proposals to contribute positively to the maintenance and enhancement of local identity and distinctiveness across the district; while Policy DP4 does not support proposals that would significantly degrade the quality of the local landscape.
9. The two split level dwellings proposed, would utilise the existing access used by The Barn. Each dwelling would cover a large portion of the bank, particularly Plot 1 which would be constructed very close to Norton Brook. From the open pastureland beyond Norton Brook and through the gaps in Ringwell Lane the full scale of the dwellings would be observed. From these locations the terraced composition of the dwellings cut into the bank would appear overly engineered and substantial in scale, in contrast to the natural topography and verdant features that would surround them. The proposed dwellings would therefore encroach unduly into an important part of the OALS, while having an imposing and harmful presence on the surrounding undeveloped spaces. Accordingly, the proposal would be unacceptable in terms of its layout and scale, and whilst I acknowledge that landscaping is a reserved matter, new planting would be unlikely to screen or reduce the magnitude of the proposal.

² Mendip District Local Plan Part 1: Strategy and Policies 2006-2029 – adopted 15th December 2014

10. The status of OALS policy has been questioned by the appellant given that the Local Plan is out of date and that there is no background study which evidenced its designation as a policy. Notwithstanding the lack of any background study, the current Local Plan, and the policies therein, will have been through an examination and public consultation prior to being adopted. Moreover, the Framework (paragraph 213) states that existing policies should not be considered out of date simply because they were adopted or made prior to its publication. Due weight should be given to them, according to their degree of consistency with the Framework.
11. In this respect, I find no significant conflict between the Local Plan policies I have referred to and the Framework, particularly, where it requires proposals to protect and enhance valued landscapes in a manner commensurate with their identified quality in the development plan (paragraph 170(a)) . Furthermore, the Local Plan is consistent with the Framework (paragraph 127) where it requires, amongst other things, that proposals are sympathetic to local character, including the surrounding built environment and landscape setting.
12. I note that the Council's Local Plan Part 2 (LPP2) is currently being examined, but as yet unadopted. The Council recently removed their proposal for that development plan to designate OALS as Local Green Space (LGS), following the Examiner's comments in respect of the criteria for designation. Nevertheless, this does not, in my view, reduce the weight of OALS or the relevance they continue to have as a policy of the Local Plan. Moreover, the Council's actions do not reduce this OALS' distinctiveness and local value. Besides, OALS remain a policy designation in the current adopted development plan for the area and the appellant's assertions regarding their status do not in any way reduce the harm I have identified nor lead me to conclude that OALS no longer warrant protection in respect of this appeal.
13. It is acknowledged that the site and the wider OALS does not have a recreation use nor is it publicly accessible, yet this does not detract from its local value given its distinctive natural appearance and the tranquillity it contributes to this part of the village. These qualities can be experienced from locations surrounding the site including Ringwell Lane and the rear of properties along The Barton.
14. The proposed development would therefore cause significant harm to the character and appearance of an OALS. It would conflict with Policies DP1, DP2 and DP4 of the Local Plan which amongst other things require that proposals do not harm the contribution to distinctive local character made by OALS, while also seeking to protect local landscapes. The proposal would also fail to accord with the relevant parts of the Framework I have already referred to.

Biodiversity

15. The appellant's ecological assessment indicates that the appeal site's conditions have not altered since the time of the previous survey carried out on the land, other than the removal of a tree for health and safety purposes. Consequently, the assessment concludes that the recommendations from the 2016 survey remain valid and appropriate in relation to the appeal proposal.
16. The Council has assessed this updated ecological assessment and considers that the findings overcome their concerns. Given that the ecological condition

of the site has not significantly changed, and I have no compelling evidence to the contrary, it is considered that the proposal would not give rise to any harmful ecological impacts.

17. The proposed development would therefore have an acceptable effect on biodiversity and in doing so will accord with Policies DP5 and DP6 of the Local Plan. These policies, amongst other things, require proposals to protect, conserve and enhance the ecological network within Mendip and for proposals to be accompanied by necessary reports and mitigation measures. It would also accord with the Framework (paragraph 170(d)) where it requires proposals to minimise impacts and provide net gains for biodiversity.

Other Matters

18. The appeal site and the surrounding OALS has been designated as an LGS in the Norton St Philip Neighbourhood Plan (NP) which is awaiting a referendum. Notwithstanding, the position taken in respect of LPP2, this policy designation, as it relates to the NP, was found to be consistent with the Framework's criteria for allocating LGS³, in a recent High Court decision. Consequently, this affords the site a greater level of protection when considering development proposals. However, given that the recent decision of the High Court has been challenged, along with the current situation with regard to COVID-19, there is uncertainty as to when the NP will proceed to a referendum. On this basis, its status is presently unclear, and I have given only little weight to the site's policy position in respect of the NP. In any case I have found that the proposal does not accord with the policies in the Local Plan.
19. I have been referred to a number of heritage assets in the vicinity of the appeal site, namely the scheduled Tudor Dovecote to the north and the Grade II* listed Church of St Philip and St James off Vicarage Lane. The appeal site is also within the Norton St Philip Conservation Area (NSPCA). Accordingly, I have had regard to the statutory duty and assessed whether the proposal would harm the setting of these heritage assets and any features of special architectural or historic interest they each possess.
20. The proposed dwellings would be positioned at a lower land level than the listed Church and would be mainly screened by the intervening buildings fronting Church Street along with landscaping. Therefore, it is not considered that views of the Church would be harmed by the proposal, and accordingly its setting would be preserved. In terms of the Tudor Dovecote, this is surrounded by existing buildings, and although these are more traditional, the design of the dwellings would be unobtrusive and would not unacceptably encroach into the space around the Dovecot or effect views of the structure, such that it would harm its setting.
21. The proposed development, due to its position on lower ground would not be readily visible, from within, and looking out of the historic parts of the NSPCA from which it derives its significance. Therefore, the proposal would preserve the character and appearance of this conservation area.

Planning Balance

22. The Council does not currently have a 5-year housing land supply (5YHLS). Paragraph 11 of the Framework states that where the development plan is out

³ Paragraphs 99, 100 and 101 of the National Planning Policy Framework

of date or the Council do not have a 5YHLS, permission should be granted unless 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, or there are specific policies in the Framework which indicate that development should be restricted.

23. In the context of the development plan I have found that the proposal would be contrary to Policies DP1, DP2 and DP4 of the Local Plan. For this appeal, these policies are generally consistent with the relevant aims of the Framework and whilst they can act to restrict the supply of housing, I attach substantial weight to them. Although, I have found no harm to arise in terms of biodiversity, the proposal would not accord with the development plan when considered as a whole.
24. The proposal would provide a limited amount of short-term employment through the construction of the development and some further modest benefits would result from the additional support to the vitality of the local community from the future occupiers of the dwelling. The proposed dwellings would make a modest contribution to the supply of housing and towards helping to address the Council's shortfall. However, the proposal would result in significant harm to the character and appearance of the area, while failing to protect and enhance a valued landscape. As such it would be contrary to the aims of the Framework in this regard.
25. Overall, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Therefore, the proposal would not be a sustainable form of development, and the conflict with the development plan is not outweighed by other considerations including the Framework.

Conclusion

26. For the reasons given above, I conclude that the appeal should be dismissed.

R. E. Jones

INSPECTOR

Appeal Decisions

Site visits made on 27 April 2017

by H Butcher BSc (Hons) MSc MRTPI

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

Decision date: 23 May 2017

Appeal A Ref: APP/Q3305/W/16/3167455

Land at The Barton, The Barton, Norton St Philip, Bath, BA2 7NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs C Parsons against the decision of Mendip District Council.
 - The application Ref 2016/1292/FUL, dated 9 May 2016, was refused by notice dated 19 October 2016.
 - The development proposed is to erect a single dwelling house with access, garage and parking.
-

Appeal B Ref: APP/Q3305/W/16/3167451

Land at The Barn, The Barton, Norton St Philip, Bath, BA2 7NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by JPW Properties against the decision of Mendip District Council.
 - The application Ref 2016/1293/OTS, dated 9 May 2016, was refused by notice dated 9 September 2016.
 - The development proposed is an outline application for two detached dwellings – some matters reserved.
-

Decision

1. Appeal A is dismissed and Appeal B is dismissed.

Preliminary Matters

2. As set out above there are two appeals. Although the appeals are different in terms of the number of dwellings proposed (one dwelling for Appeal A and two dwellings for Appeal B) and that they concern separate sites, these sites adjoin each other and are closely related in terms of their immediate context. Furthermore, the main issue in both appeals is the same. Therefore, although I have considered each proposal on its individual merits, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
3. It is also worth noting that Appeal B is submitted in outline with landscaping reserved for future consideration. I have therefore dealt with Appeal B on this basis.

Main Issue

4. The main issue in both Appeal A and Appeal B is: The effect of the development on the character and appearance of an Open Area of Local Significance (OALS).
-

Reasons

5. The Barton and The Barn are both residential properties which are accessed off of and set back from the highway to the front. The Barn is a single storey dwelling converted from a barn, as the name suggests, whilst The Barton is a larger purpose built two storey detached dwelling. The rears of both properties drop down towards Norton Brook and are largely open, undeveloped, green spaces. Together these spaces form part of a larger swathe of open land which is essentially comprised of the banks either side of Norton Brook and which extends to the north into a larger area of open countryside.
6. Norton Brook, and the green spaces on either side of it, provides an attractive backdrop to the properties which surround it and from which this space can be appreciated. It provides tranquillity and relief from surrounding development and gives the area a spacious and semi-rural feel which is appropriate given its edge of countryside location. For these reasons it makes a significant contribution to the character and quality of the area. This is reflected by its designation as an Open Area of Local Significance (OALS) in the Mendip District Local Plan Part 1 (2006-2029) (LP). Both appeal sites fall within this OALS.
7. The rear garden belonging to The Barton drops down to the brook right up to Ringwell Lane. It is from here that a new access would be formed to serve the proposed two storey dwelling in Appeal A. The dwelling in this appeal would be sited almost immediately adjacent to Norton Brook on its eastern side. On the western side would be a double garage and large gravel drive and turning area. Although the proposed development in Appeal A would occupy a lower point within the OALS, development of this scale and nature in what is currently an open, and undeveloped green space would still have a harmful urbanising impact and would be in complete contradiction to this area's designation.
8. In Appeal B two detached contemporary style dwellings are proposed. These would be set into the steep sides of the eastern bank of the brook and would sit very close to Norton Brook itself. Although the split level design of these dwellings would reduce their mass and scale from the front this would be less so in views across Norton Brook where the full extent of the proposed dwellings would be clearly visible. The development proposed in Appeal B would therefore result in unacceptable encroachment of the built form along the open banks of Norton Brook to the detriment of the character and appearance of the OALS. Appeal B is therefore unacceptable in terms of its layout and scale and this is not something that could be overcome at reserved matters stage through landscaping.
9. Policies DP1 and DP4 of the LP seek to protect local landscapes and the distinctiveness of different areas and Policy DP2 more specifically seeks to protect the contribution to distinctive local character made by OALS. Both Appeal A and Appeal B would clearly conflict with these policies. I find these policies to be consistent with the broader aims of the National Planning Policy Framework (the Framework) which seeks to promote or reinforce local distinctiveness.
10. I have also had regard to where the Framework refers to Local Green Space and the criteria for designating such areas. However, I find no significant conflict between this and the OALS designation relevant to these appeals as this area is, as set out above, of particular local significance for its beauty and tranquillity, which is one of the criteria for Local Green Space designation.

11. The appellants question the continued designation of the OALS and state that a review is long overdue. This may be so. Nevertheless, from the evidence before me, and based on my own observations above, the appellants assertions on this matter do not in any way reduce the harm that I have identified nor do they lead me to conclude that the OALS no longer warrants protection in respect of these two appeals. Furthermore, the proximity of the adjoining Green Belt and open countryside to the OALS does not diminish its significance. I am aware that an outline planning permission exists at The Barn (ref 2015/1326/OTS) for a single dwelling. However, this is materially different to the appeals before me as the permitted dwelling is shown as being sited outside of the OALS.

Other matter

12. The Council have not raised an objection in respect of either appeal in terms of any adverse effect on the character or appearance of the Norton St Philip Conservation Area. Nevertheless, I have had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of such areas. Given that both sites are largely screened from wider public views I am satisfied that both appeals would preserve those interests.

Conclusion

13. As set out above both Appeal A and Appeal B would cause significant harm to the character and appearance of an OALS. As pointed out by the appellants both proposals would contribute to local housing supply and any future occupiers would likely support local services, which are modest benefits. The appeal sites are also both within the development limits of Norton St Philip, a primary village, which is a sustainable location for new development. However, even taken together, these matters do not outweigh the harm I have identified as arising from both appeals.
14. For these reasons, and having had regard to all matters raised, Appeal A is dismissed and Appeal B is dismissed.

Hayley Butcher

INSPECTOR

11. The appellants question the continued designation of the OALS and state that a review is long overdue. This may be so. Nevertheless, from the evidence before me, and based on my own observations above, the appellants assertions on this matter do not in any way reduce the harm that I have identified nor do they lead me to conclude that the OALS no longer warrants protection in respect of these two appeals. Furthermore, the proximity of the adjoining Green Belt and open countryside to the OALS does not diminish its significance. I am aware that an outline planning permission exists at The Barn (ref 2015/1326/OTS) for a single dwelling. However, this is materially different to the appeals before me as the permitted dwelling is shown as being sited outside of the OALS.

Other matter

12. The Council have not raised an objection in respect of either appeal in terms of any adverse effect on the character or appearance of the Norton St Philip Conservation Area. Nevertheless, I have had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of such areas. Given that both sites are largely screened from wider public views I am satisfied that both appeals would preserve those interests.

Conclusion

13. As set out above both Appeal A and Appeal B would cause significant harm to the character and appearance of an OALS. As pointed out by the appellants both proposals would contribute to local housing supply and any future occupiers would likely support local services, which are modest benefits. The appeal sites are also both within the development limits of Norton St Philip, a primary village, which is a sustainable location for new development. However, even taken together, these matters do not outweigh the harm I have identified as arising from both appeals.
14. For these reasons, and having had regard to all matters raised, Appeal A is dismissed and Appeal B is dismissed.

Hayley Butcher

INSPECTOR



Appeal Decisions

Hearing held on 4 & 5 July and virtually on 5 September 2024

Site visit made on 4 & 5 July and 8 October 2024

by H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2025

Appeal A Ref: APP/E3335/W/24/3337232

Fortescue Fields Phase II, Norton St Philip, BA2 7PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Lochailort Investments Ltd against Somerset Council.
 - The application Ref is 2023/0644/FUL.
The development proposed is full planning permission for 30 dwellings (10 on Laverton Triangle and 20 on the south site) including affordable housing. Formation of new vehicular accesses and footpath links. Hard and soft landscaping including retained and new tree belts, ecological and biodiversity enhancements including bat replacement habitat. Car and cycle parking. Associated works.
-

Appeal B Ref: APP/E3335/W/24/3338939

Fortescue Fields Phase II, Norton St Philip, BA2 7PE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Lochailort Investments Ltd against Somerset Council.
 - The application Ref is 2023/0643/FUL.
 - The development proposed is full planning permission for 27 dwellings (7 on Laverton Triangle and 20 on the south site) including affordable housing. Formation of new vehicular accesses and footpath links. Hard and soft landscaping including retained and new tree belts, ecological and biodiversity enhancements including bat replacement habitat. Car and cycle parking. Associated works.
-

Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The appeals were submitted against the failure of the Council to determine the applications within the prescribed periods. Since the appeals were lodged, the Council has indicated that, had it been in a position to determine the applications, it would have refused them for three identical reasons. The third reasons for refusal (RfRs) have been addressed through the submission of planning obligations dated 9 September 2024. The other putative reasons for refusal have formed the main issues in the appeals.

4. The appeal hearing considered these appeals and another appeal on a neighbouring site, known as the 'West Site'¹. That scheme is for 8 dwellings. This appeal site is known as the 'East/South Site' and incorporates an area known as the 'Laverton Triangle'. Whilst the common matters in all three appeals have been considered together, some aspects have been considered separately. I have issued the separate decision notices for the separate sites in the interests of clarity. However, as the separate decisions cover similar issues, there is some duplication between them.
5. In the submitted Statement of Common Ground on Housing Supply, the main parties agreed that the Council could not demonstrate a 5 year housing land supply as required by the National Planning Policy Framework (the Framework). Though the precise extent of the shortfall was not agreed, the parties did not consider it necessary to narrow the supply position from the range of 2.46 years and 3.09 years offered by the appellant and Council respectively. Both parties agree that this is a very significant shortfall.
6. A revised version of the Framework was published on the 12 December 2024. The main parties were invited to comment on any relevant changes in writing. Of relevance, the Appellant's evidence indicates that the housing supply position has worsened with the Council's 3.09 year position revising down to 1.94 years and the appellant's position revising down to 1.54 years, or a shortfall of between 3,323 or 3,757 dwellings. The Council offer no evidence to the contrary and thus, a very significant shortfall has become an acute shortfall. I have taken account of the relevant changes of the Framework in reaching my decision.

Main Issues

7. The main issues in these appeals are:
 - the effects of the scheme on biodiversity, protected species and designated Special Areas of Conservation (SACs);
 - whether the location of the development would accord with the development plan, and whether the scheme would be sustainably located having regard to the accessibility of the settlement and the available range of everyday facilities;
 - the effects of the proposal on the landscape character and visual amenities of the area, including the village setting of Norton St Philip and whether the schemes would constitute good design; and
 - the effects of the proposal on the significance of the designated heritage asset, Norton St Philip Conservation Area.

Context

8. The appeal sites and the separate scheme for the West Site adjoin 'Fortescue Fields Phase I' which involved the redevelopment of a former chicken factory to a residential development with convenience shop. The existing Fortescue Fields development also connects with a country park (Ponds Country Park) which serves a dual purpose as an area of open space but also as a strategic sustainable urban drainage feature.

¹ APP/E3335/W/24/3337357

Reasons

Biodiversity, protected species and SACs

9. The appeal sites are located around within the impact zones for the *Bath & Bradford-on-Avon Bats Special Area of Conservation* (BBA SAC) and *Mells Valley SAC*. The BBA SAC comprises extensive networks of caves, mines and man-made tunnels which are used by bats for hibernation, mating and as a staging post prior to dispersal. It also includes areas of calcareous grassland, scrub and woodland which are used as feeding and commuting habitat by the bats. The qualifying species for which the BBA SAC is designated include Bechstein's bat, Greater horseshoe bat (GHB), Lesser horseshoe bat and Barbastelle bat. The impact zone radii vary with the different bat species, but the appeal sites are just within 4km of the Band C impact zone of the BBA SAC for GHBs.
10. The Mells Valley SAC has a similar list of qualifying habitats as the BBA SAC and also has GHB as a qualifying species. The appeal site is within Band C of the impact zone for GHBs from the Mells Valley SAC which extends out from 4 – 8 km from the SAC.
11. The Council's putative RfR refers to insufficient information having been submitted to demonstrate that there would be no significant effects on the Mells Valley SAC. Irrespective, as competent authority, I must ascertain that the schemes would not have an adverse effect on the integrity on any internationally designated site under the Conservation of Habitats and Species Regulations 2017, as amended (Habitats Regulations), thus including the BBA SAC.
12. The hearing was undertaken across three days; 4 and 5 July (in person) and virtually on 5 September. The appellant submitted additional bat surveys in between the two hearing dates, specifically, on the 4 September. The submitted evidence relating to the effects on bats and biodiversity was discussed during both in-person and virtual events.
13. Following the closure of the hearing, and because likely significant effects on the SACs could not be ruled out, a draft appropriate assessment (AA), as required by Habitats Regulations, was prepared on the basis of my then views, on the evidence I had read and heard. As required by Regulation 63(3) of the Habitats Regulations, the Statutory Nature Conservation Body (SNCB), Natural England (NE), was then consulted on the draft AA.
14. NE replied on the draft AA by way of a letter dated 16 October 2024 and referred to the written evidence pertaining to the appeal schemes sourced from the Council's website. It objected to the schemes, finding issue with the AA and evidence underpinning it. It also retracted an earlier consultation response on the schemes dated 24 May 2024 which indicated no objections on the basis of no likely significant effect to designated sites.
15. NE's objection details concerns including the omission of reference to the appeal sites falling within Band C of the BBA SAC in addition to Band C of the Mells Valley SAC; lack of robustness of bat survey effort; lack of clarity around Habitat Enhancement Plan (HEP) calculations; fragmentation of commuting routes and lighting thresholds.

16. The appellant provided a detailed response to the NE objection, which was again provided back to NE. In a subsequent response from NE dated 6 December 2024, it clarified and expanded upon the points made, but the overall position of objection was maintained.
17. The appellant's subsequent submission prepared by SWECO (dated 16 December 2024), including new evidence not invited as part of the process, concedes that the site is within Band C of the BBA SAC which had not previously been acknowledged in the appellant's evidence. The submission downplays the significance of this factor but acknowledges that this has the effect of upgrading the baseline habitat value (and future enhanced habitat value) as part of the HEP calculations. The appellant had already conceded that the site is functionally linked to the Mells Valley SAC. However, NE's position is that the appeal sites should be considered functionally linked to both. Given the overlap of qualifying features, suitability of habitat, site size and relative proximity, I am of the view that there is a functional link to both SACs.

HEP Calculations

18. The original HEP calculations were not within the draft AA. Whereas I originally believed that the HEP calculations could be reevaluated post-approval, it has been clarified that the intent would be to do this only to account for any changes in the period between the original assessment and point in time prior to commencement of development. I am clear that a robustly established baseline is necessary now, irrespective of any changes that may be detectable through future survey effort.
19. In my view, despite the appellant's assessment through 36 transects by a FISC² Level 4 specialist, the value of grassland and hedgerow habitats on the appeal site appears to have been downplayed in the HEP calculations. The changes between iterations C01 and C02 the submitted Ecological Impact Assessments, differences to previous versions of botanical surveys undertaken by others and basic observations of my own about the species diversity appearing to exceed the 'fair' score recorded by the appellant suggests that the site may hold a greater value for SAC bat species than is being accepted. Similarly, there was little clarity about the use of management codes in the HEP calculations and limited evidence could be provided about the regularity and extent of works undertaken to demonstrate such codes were soundly applied.
20. NE indicate that the AA must refer to HEP calculations. The appellant's letter of 16 December 2024 agrees that the calculations may now be beneficially recorded in the AA. However, I am being invited to take into account HEP calculations adjusted and provided in December 2024 in response to an omission conceded by the appellant which had infected the original calculations, the basis of which had not been wholly accepted in the first place.
21. Given the sustained conflicting views of the parties, and despite the appellant's suggestion that the appellant would be obligated to compensate for any changed HEP differences above the confirmed mitigation requirements, I am of the view that the baseline HEP position has not been robustly established and nor can I be sure that adequate adjustments post-approval could be resolvable by way of the proposed conditions or S106 measures.

² Field Identification Skills Certificate

Bat survey limitations

22. The issue of bat survey limitations has been a reoccurring theme in the relevant exchanges. NE draw attention to the *Mendip District Bat Special Areas of Conservation (SAC): Guidance on Development: Supplementary Planning Document* (2019) (the Technical Guidance) which states that survey effort in Band C zones should be in accordance with guidelines from the Bat Conservation Trust (BCT). The recent (BCT) guidelines, *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (2023), require that for sites of high and moderate habitat suitability for bats, static detector surveys should comprise of five consecutive nights of data collection every month between April and October. With the appeal sites, there is a commuting structure present and there is suitable habitat within and adjacent that supports prey species hunted by GHBs. In this case, despite the appellant's classification of the sites as being of *low* suitability for bats, it undertook static detection over four months (April, June, July and August). Whilst the Technical Guidance suggests that developers also take advice from their consultant ecologist, it does appear that there is limited justification for the low suitability / alleged 'minor' effects on bats to justify a deviation from the BCT Guidelines.
23. Furthermore, there are many instances where the survey effort undertaken has been defended by the appellant for falling short of the expectations, such as in respect of a number of nights of suboptimal temperatures; high amounts of rainfall preceding the survey; the timing of the surveys, particularly in respect of the limited survey effort to represent usage in Autumn proper (and the survey effort which was submitted would not have been undertaken at all were it not for the long adjournment between the hearing sittings); the adequacy of number of recorders relative to the site size; location of static monitors which does not take into account the Mackley Lane and other affected commuting route, and type/duration of survey – static or transect - given the known difficulties of detecting calls from GHBs. Taking the number of criticisms of the surveys collectively, there is sufficient reason to doubt the integrity of the overall findings. Therefore, applying the precautionary principle, I conclude that the survey effort is insufficiently robust to qualify the extent and nature of the use of the site by SAC bat species from which to devise and rely on any necessary mitigation measures.

Commuting routes

24. It has been clear that the development would result in some hedgerow loss along Mackley Lane with a smaller hedgerow intervention proposed within the southern boundary of the eastern site. The NE responses have illuminated the insufficiency of survey data to understand the value of these particular features as commuting routes, though the appellant does not deny that they are used in such a way. However, the appellant's response makes some assumptions, particularly in respect of the Mackley Lane commuting route, that despite its inevitable fragmentation, bats will likely be able to use this feature by reliance on the hedgerow on the opposite side of the lane whilst the replanted sections of hedgerow establish. Having given this some further consideration, it seems overly optimistic that the route will prove suitable for ongoing use as a commuting feature until the reestablishment of replacement hedgerow. The reliance on the hedgerow on the other side of the lane will coincide with a temporary, albeit prolonged, period of increased use and disturbance along Mackley Lane, with comings and goings and additional headlight movements of

cars which may not be compatible with an altered pattern of use by bat species.

25. Taking these aspects together, there is a lack of clarity concerning the importance of the Mackley Lane route as a commuting route, and uncertainties surrounding its ability to sustain continued use throughout establishment and beyond, with the sizeable gaps that would remain on a permanent basis for either Appeal A or B schemes.

Lighting Strategy

26. The absence of a lighting strategy has also been raised as a concern of NE in relation to the potential that habitat areas would be rendered inaccessible by SAC bat species. Whilst conditions have been proposed by the appellant to secure lux levels of 0.2 lux on the horizontal plane and at, or below 0.4 lux on the vertical plane, there is limited evidence to demonstrate the ability to achieve these low levels of lighting. As a detailed scheme, the positions of houses are known, and whilst internal streetlighting may not be proposed, some lighting of external areas will be necessary for pedestrian safety and the potential for light spill from the interior of dwellings could be calculated through modelling, but has not been.
27. The appellant opines that the use of restrictive conditions to limit light sources and control the types and locations of lighting is a sound approach and that there are a number of other approvals, including underpinning AAs, where such conditions have been used. Some decision notices and related information has been sent to demonstrate relevance to the appeal proposal, however, I am far from clear on the full information that was before the respective competent authorities in those cases to understand that the cases are so similar to the ones before me. As such, I cannot conclude that the evidence on this aspect is suitably robust to adopt the same approach in this instance.
28. Therefore, in engaging the precautionary principle, in the absence of clear information to demonstrate otherwise, it cannot be ascertained beyond reasonable scientific doubt that the lighting would not prevent a barrier to SAC bat species accessing some areas of habitat within the site.

Conclusions on SAC effects

29. Despite NE not participating in the appeal hearings, the Habitats Regulations compel me to consult with NE as SNCB and have regard to its views. Consequently, I attach significant weight to the detailed comments of NE which draw attention to flaws and with the evidence submitted on bats and related habitat quality.
30. On the basis of what I have seen, read and heard, I am not able to conclude beyond reasonable scientific doubt that the schemes would align with the conservation objectives or avoid adverse effects on the integrity of the Mells Valley SAC and BBA SAC. Consequently, the schemes are in conflict with the Habitats Regulations and Policies DP5 and DP6 of *Mendip District Local Plan Part 1* (adopted December 2014) (LPP1) which seek to ensure the protection, conservation and, where possible, enhancement of internationally, nationally or locally designated natural habitat areas and species and require compliance with the Habitats Regulations. I have also given consideration under Regulation 64 of the Habitats Regulations to the possibility of alternative solutions and

whether there are reasons of overriding public interest to grant permissions despite the negative implications for the SACs. I do not find there to be compelling reasons to grant permission for any schemes based on a lack of alternatives or overriding public interest and there is a lack of evidence to suggest otherwise.

Wider biodiversity considerations

31. In respect of the approach to wider biodiversity effects, Policy DP5 of LPP1 requires that proposals that have the potential to cause adverse impacts on species or habitats will be resisted unless in a number of instances, including where offsetting/compensation for the impacts can be secured. Whilst the mandatory Biodiversity Net Gain (BNG) measures (introduced via the Environment Act 2021) do not take effect for the appeal scheme given its date of submission, the preamble to Policy DP5 describes its purpose as effectively requiring no net loss of biodiversity value and both the Policy and preamble refer to the Council's Biodiversity Offsetting methodology.
32. However, given my findings in respect of protected species, I cannot be certain of the development achieving no net loss in any event, therefore, the proposal fails to accord with Policy DP5 of LPP1, irrespective of any suggestion of BNG mitigation and enhancement measures being achievable through either on or offsite sources.

Location of development

33. The current development plan includes LPP1 and the *Local Plan Part 2: Sites and Policies* (adopted December 2021) (LPP2).
34. Core Policy 1 of the LPP1 sets out that the majority of development is to be directed towards the five principal settlements of Frome, Glastonbury, Shepton Mallet, Street and Wells. The second tier of the Policy seeks to allow for new development in the rural parts of the district that is tailored to meet local needs in the primary villages, which includes the village of Norton St Philip. Part c) of the Policy seeks to strictly control development in the open countryside unless otherwise permitted under Core Policy 4.
35. Core Policy 2 of LPP1 sets out the housing target for the plan period and apportions this across all identified settlements. It also states in b) that delivery of housing will be secured from a range of areas including, where appropriate, mixed use development, outside of Development Limits through the Site Allocations process. The site is not within the development limits of Norton St Philip.
36. Core Policy 4 of LPP1 sets out that rural settlements and the wider rural area will be sustained by means such as making planned provision for housing within the primary and secondary villages having regard to identified constraints, at a scale commensurate with the existing housing stock and delivering opportunities for the provision of rural affordable housing.
37. The allocation of the site for development in the LPP2 was successfully challenged and, therefore, the site cannot be considered allocated as per LPP1 Core Policy 2. The proposals do not amount to a planned provision of housing either, given that they would be windfall developments adjoining a primary village. Whilst the provision of housing would help to sustain a rural community and would not be disproportionate relative to the scale of the existing housing

stock, neither scheme can be considered compliant with the development plan in terms of their location outside of the development limits of Norton St Philip. The schemes therefore conflict with the development plan in terms of their location.

38. In terms of the sustainability of Norton St Philip to support new development, the main parties agree that the site is a sustainable location with a range of everyday facilities to meet the needs of future users, including a convenience shop, public house, village hall, open spaces, nursery and first school. Out commuting to work is still likely, but there is a bus service available to locations including Bristol and Bath. Considered in the round, my view is that the range of available facilities make the location a sustainable one for either quantum of development proposed.
39. There was discussion during the hearing about the reduction in the bus service in recent years and the nature of the school which caters for a specific early age band rather than for the full range of primary school year groups. There are other local primary schools which cater for the other range of ages and transport is available to them from the respective villages. Similarly, the secondary schools are available in outlying settlements via bus transport. These aspects, whilst suboptimal, do not change my overall view that the village is sustainable and could support future residents without undue reliance on private vehicles.

Landscape character and visual effects

40. The Mendip District Landscape Assessment (2020) places the appeal site and the West Site within Landscape Character Area (LCA) C2: Norton St Phillip, Buckland and Orchardleigh Park Ridge. The essential characteristics of this LCA which relate to the site include elevated ridge landform, settlements nestled into sheltered spots on the ridge, medium sized regular fields and busy main roads. The East-South sites are relatively small scale parcels of roughly vegetated land which are enclosed by hedgerows and mature trees that adjoin the existing settlement.
41. A Landscape and Visual Impact Assessment (LVIA) was submitted with the application and a Landscape and Visual Hearing Statement was submitted with the appeal in response to various consultation responses, including that on behalf of the Council and the Parish Council. I have also had regard to the *Parish of Norton St Philip Character Assessment* and visual material submitted by interested parties. A series of Accurate Visual Representations (AVRs) for each scheme for years 1 and 15 was also produced in accordance with an accepted methodology which has been detailed.
42. The proposal would clearly affect the landscape character of the site through the introduction of dwellings onto the currently open fields. It would also reduce the experience of tranquillity, particularly as experienced along Mackley Lane. The retention of hedgerows and trees as key landscape features would be more successful in Appeal B than in Appeal A. In my view however, the landscape effects from either scheme would be tempered by the adjacency of the schemes with the settlement edge and the broad consistency of the form of development proposed to that which it would adjoin. My overall view is that the landscape character effects would be of a moderately harmful magnitude for Appeal B but Appeal A would result in increased character effects through the harsher interventions around Mackley Lane.

43. From a visual perspective, I have considered a range of long and short distance viewpoints suggested by the Parish Council and others. The proposals, alike the existing settlement, would occupy a high point in the landscape, which in turn means that they are theoretically visible from a long distance. The reality is that the proposals would be seen in the context of the existing settlement from all relevant viewpoints and introduces a similar form of development to that which it would adjoin. There would be some degree of visibility from an open gateway on Frome Road, where the upper parts of houses would be visible. Over time the effects here would be minimised through landscaping, but I do not regard that the visual effects from this area would be more than moderately harmful for either scheme.
44. The effects of the proposal on the Laverton Triangle area/Frome Road approach would be different between Appeals A and B. Whilst both proposals would introduce built form onto this space, it would not appear incongruous given the adjacency with other dwellings that surround it. However, the effects of the Appeal A scheme with a greater density, more rigid urban form and reduced landscaping would be more harmful than the Appeal B scheme which would be more open, organic and green following establishment of the landscaping. However, the visual effects here would be experienced within an existing townscape context.
45. The effects of the schemes in views from the Ponds Country Park and nearby footpaths would be in the context of the existing Fortescue Fields Phase I and would be softened over time with landscaping. I reach a similar conclusion in respect of potential glimpses towards the South Site from Church Mead insofar as the effects would be relatively limited and the development seen in context with the existing Fortescue Field development.
46. From within the Churchyard, there would be clearer views of the development to the right of the existing Fortescue Field Phase I, but it would be seen as an extension of the same with the benefit of greater landscaping in between. Additionally, the development would be at a sufficient distance so as not to appear to dominate the view even though there would be a reduced sense of rurality.
47. From footpaths in the wider surroundings, the proposal would generally be obscured by landform, existing buildings or filtered in views through existing vegetation and seen in the context of the existing settlement. There would be a noticeable degree of visual effects from the proposal in views from the A366 Wells Road. However, the development would be seen in context with the settlement and adjoining the existing Fortescue Fields Phase I. The degree of visibility of the settlement in this view given its ridgetop siting means that the development will still appear a relatively modest part of the overall view, and its effects would be softened over time with landscaping and the gradual weathering of the buildings.
48. Whilst I do not agree that the appellant's AVR's misrepresent the effects of landscaping and its ability to soften the impacts of the development by year 15 as alleged, I have assessed the visual effects on a precautionary basis assuming that its establishment could be less successful than that shown, but do not change my overall findings on the visual effects of the proposal.
49. In terms of what is valued locally, one of the key discussion points was the tree belt. It is essentially the 15m wide belt of trees that separates Fortescue Fields

Phase I from the village gateway and forms a boundary of the Laverton Triangle. The trees are not formally protected by tree preservation order but are required to be maintained by planning condition and separately, by way of management agreement. The tree belt has an existing opening in it which would be utilised to provide an access to the appeal site. Under Appeal A, the tree belt would be reduced in width along its length to around 6 metres and a gap would be created within it. Under Appeal B, the tree belt would be largely maintained at a width of 10 metres and would be selectively replanted in some areas to ensure longevity.

50. Clearly, under Appeal B, the tree belt with the greater width and density of tree screening would ensure coherence and effectiveness as a screening function. Appeal A would cause harm due to the erosion of the tree belt's width to the extent that it would appear 'scrappy' and less effective as a belt feature.
51. Mackley Lane is also a valued local rural lane which would undergo direct and indirect change from the schemes. Whilst a section of widening of the section closest to Frome Road would be needed in both schemes, Appeal B would retain a greater extent of the Mackley Lane hedgerow thereafter, with some openings with replacement hedge inset, and the influences of development visible behind and above it. In the case of Appeal A, more of the Mackley Lane hedgerow would be removed to be replaced, which would leave much of the development exposed for a period of time and would erode more of its rural character. The reestablishment of hedgerows would take a long period to establish to anything similar to that which currently exists.
52. I visited the village during the hours of darkness. I noted the continuous streetlighting on the approach to the village on the Frome Road (B3110). The existing Fortescue Fields development has ornate lighting columns and a relatively white light in public streets, whereas the historic core of the village has relatively dim light levels affixed to the buildings at a lower level. Despite the differences, I did not perceive the existing Fortescue Fields development as an anomaly in the village nightscape. My view is that the effects of the proposal on the nighttime view of the townscape would not be materially harmful.
53. Drawing together all of the above, Appeal A would, by virtue of its density, built form, reduction in landscape features along Mackley Lane and limited landscaping within the village gateway area of the Laverton Triangle, be harmful to the character and visual amenities of the area. The proposal would therefore conflict with Policies DP1, DP4 and DP7 of LPP1. These policies seek to ensure that development contributes positively to the maintenance and enhancement of local identity and distinctiveness and local landscape and achieve high quality design. Under Appeal B, the proposal's effects on the character and visual amenities of the area would also result in harm, but of a reduced magnitude of effect when compared with Appeal A. Nonetheless, the proposal would also conflict with Policies DP1, DP4 and DP7 of LPP1.

Heritage effects

54. The Norton St Philip Conservation Area (CA) has a dispersed plan form with two nuclei, the area in the west surrounding the grade II* listed Church of St Philip and St James and the later school, with the development in the east centred around the George Inn and former market place located on the junction of two routes – the High Street/North Street route and the east-west route.

55. The appeal decision for previous appeal schemes³ notes that the character and appearance of the CA is defined by the interplay between medieval, vernacular Cotswold type and classical architecture, mixed in with some positive Victorian contributions, and its coherent, tightly knit character when experienced along its through routes. My view is also that the significance of the CA is largely defined by its historic settlement pattern and its many listed and historic buildings. However, a contribution is made to the significance of the CA by the more rural and green elements both within and adjoining it, including the Churchyard, Church Mead and its rural landscape setting. The rural setting allows for an appreciation of the settlement's topographical context, modest scale and historic character, with the focal point of the Church visible from many areas in the rural surrounds.
56. Much of the South site is part of the peripheral but elevated wider countryside setting of the CA which, in my view, makes a modest but positive contribution to the significance of the CA.
57. The introduction of a suburban form of development comprising 20 dwellings with associated infrastructure on the wider countryside setting of the CA, would result in a degree of harm. However, due to its adjacency to the existing development of Fortescue Fields Phase I with which it would be seen in combination, the effects would be less pronounced. The effects from this aspect would be the same for Appeals A or B.
58. The smaller Eastern most aspect of the site is the Laverton Triangle, which is a treed space enclosed by high hedges and banks with additional trees within it. Part of it is within the CA and adjoins the frontage of the existing Fortescue Fields development on High Street/Town End and the Mackley Lane side is also bordered by three existing but unobtrusive dwellings. The junction of Town End and Mackley Lane sits surrounded by a cluster of dwellings.
59. As a relatively muted feature within the CA which is absent of buildings with verdant qualities, the Laverton Triangle contributes positively to the significance of the CA. But the way in which the countryside flows into this part of the village here is rather modest, and that one is aware of the built form of the village at this point already, rather than it being very distinctly part of the rural setting of the village.
60. In terms of the effects on the significance of the CA from the Appeal A scheme for 30 dwellings, the Laverton Triangle would receive 10 dwellings, reduced vegetation and associated infrastructure. Due to the amount of development proposed here and its arrangement, this would be a particularly intensive urban form of development for what is a currently undeveloped and green space, with the dwellings higher than those on the opposite side of Town End. The removal and replacement of the existing frontage boundaries behind the visibility splays and Mackley Lane widening here would create another particularly noticeable change in character visible at a prominent arrival point into the village and would add to the hard edge of the existing Fortescue Fields development. Whilst there would be softening effects from the scheme from the proposed replacement landscaping, it would take some time to establish and would not entirely recreate a sufficiently similar effect in the streetscene when compared to the verdant site in its existing condition. Therefore, the urban form of development proposed under Appeal A would cause minor direct harm to the

³ APP/Q3305/A/14/2221776 and APP/Q3305/A/14/2224073

character and appearance of the CA and would also harmfully change part of its setting, thus eroding its significance. These harms would cause less than substantial harm, and in my view, the level of harm would be of a moderate magnitude.

61. The Appeal B scheme for 27 dwellings would include 3 fewer dwellings on the Laverton Triangle. The effects of the development would be of a similar nature to Appeal A, but lessened to a degree by the reduced amount of built mass, greater distance from Frome Road and increased landscaping. Nonetheless, there would still be harm to the CA and to its setting, thus eroding its significance.
62. Given that I have found that harm would be caused to the significance of the CA from either appeal schemes, they would both conflict with, in particular, LPP1 Policy DP3.

Overall heritage balance

63. Under the terms of the Framework, Appeal A would result in less than substantial harm of a moderate magnitude, with Appeal B resulting in less than substantial harm of a low to moderate magnitude.
64. Appeal A would deliver 30 dwellings, of which 30% would be affordable housing (i.e. 9 units). Appeal B would deliver 27 dwellings, with the same proportion of affordable housing (resulting in the provision of 8 affordable units). Given the Council's shortfall in housing land, the provision of either 27 or 30 units of housing of both mixed and affordable housing is a substantial benefit of the scheme. The dwellings would also be in a sustainable location which is also a positive factor in support of either scheme.
65. Either development would also deliver a multi-use games area and allotment areas of public open space and connect into other outlying areas of public space. This is a benefit of both schemes that attracts great weight.
66. There would also be economic benefits from the construction phase and from new residents using local facilities and services. These benefits attract limited weight in favour of either scheme.
67. Taking account of the weight I attract to the identified public benefits taken as a whole, I conclude that they outweigh the less than substantial harm to the significance of the affected heritage assets, albeit more modestly so in the case of Appeal A.

Other Matters

68. A Regulation 14 version of the *Norton St Philip Neighbourhood Plan 2019 – 2029 (eNP)* was published and the consultation commenced on 30 August 2024 for 6 weeks. The Regulation 16 eNP was consulted upon until 17 January 2025. Whilst I note that the eNP proposes to allocate a site for a housing redevelopment scheme and identifies the appeal site and part of the East/South site as important green spaces, I attribute it limited weight at this stage.
69. The planning obligations submitted for either scheme seek to secure affordable housing, a multi-use games area, allotment space and other areas of common space and linkages to Ponds Country Park. It also seeks to provide

contributions toward education and highway improvements, and to provide the footpath links proposed to outlying areas. As the appeals are being dismissed, it has not been necessary to further examine the detail of the planning obligations.

Planning Balance and conclusions

70. In respect of their conflict with the development plan by reason of scale and location, harms to landscape character and visual amenities, heritage effects and inability to ascertain that the schemes will avoid adverse effects on integrity of the SACs, the proposals conflict with the development plan when taken as a whole.
71. The shortfall in the housing land supply, whether very significant or acute, engages Framework paragraph 11 d), and consequently reduces the weight I afford to the conflict with the development plan on locational issues, landscape and visual effects. The application of the heritage balance has already resulted in a finding of the public benefits outweighing the identified harms in both cases.
72. However, the SACs are also areas protected by policies and footnote 7 of the Framework. As I have not been able to conclude that the integrity of the SACs would be maintained through either scheme, this factor provides a strong reason for refusing the developments. Therefore, the presumption in favour of sustainable development does not apply.
73. Nevertheless, I have had regard to the Framework's requirement to direct development to sustainable locations, make effective use of land, secure well-designed places and provide affordable homes. The delivery of housing is a public benefit in general, but particularly in the context of an acute shortfall in housing. The number of dwellings proposed would make a modest yet valuable contribution to the overall supply. Along with the delivery of affordable housing, these benefits attract significant weight. I have also had regard to the site's sustainable location which is a positive factor of either scheme.
74. Either development would also deliver a multi-use games area and allotments which would connect into other outlying areas of public space. These factors attract great weight as public benefits. The economic benefits also attract modest weight in favour of development. Other factors that achieve compliance with the relevant development plan policies are neutral factors which neither pull for or against the scheme.
75. However, the totality of these benefits does not outweigh the identified conflicts with the development plan or indicate that decisions should be taken other than in accordance therewith.
76. For the reasons outlined above, Appeals A and B are dismissed.

H Nicholls

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

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Mr Hugo Haig	Lochailort Investments Ltd
Ms Sarah Ballantyne-Way	Lochailort Investments Ltd
Dr Robert Adam	Robert Adam Architecture Architect
Ms Lucy Markham	Montagu Evans
Ms Clare Brockhurst	Leyton Place Landscaping
Mr Joshua Stafford	SWECO
Mr Elliott Burns	SWECO
Mr Neil Tiley	Pegasus
Mr Tim Wood	Stuart Michael Associates
Dr Martin Brammah	SWECO

FOR THE LOCAL PLANNING AUTHORITY:

Mr Simon Trafford	Somerset Council, Planning
Ms Fiona Webb	Somerset Council, Landscape
Ms Jane Boldy	Somerset Council, Heritage
Ms Sarah Cruickshank	Somerset Council, Ecology
Ms Barbra Lakin	Somerset Council, Ecology
Mr Andre Sestini	Somerset Council, Policy
Ms Jo Milling	Somerset Council, Policy

INTERESTED PARTIES:

Mr Ian Hasell	Chair of Norton St Philip Parish Council
Ms Tessa Hampden	Context Planning
Ms Sasha Berezina	Context Planning
Mr Fletcher Robinson	CPRE Somerset
Mr George Hitchens	Fortescue Fields Management Company Director
Mr Alan Carter	Local resident
Mr Andrew Blumfield	Local resident
Ms Linda Oliver	Local resident
Ms Dawn Denton	Somerset Councillor for NSP
Mrs Milne	Local resident
Ms Barbara Lund	Local resident
Ms Leslie Baker	Local resident
Mr Paul Sheppard	Local resident

DOCUMENTS SUBMITTED DURING THE HEARING:

1. Heritage assessment errata sheet
2. Judgement of Holgate J dated 16.12.22 (in substitute of Order)
3. CPRE Statement
4. Draft conditions V6
5. Norton St Philip Conservation Area Management Plan
6. Email from Mr Trafford
7. Attachment 1 from Mr Trafford – 2011/3015
8. Attachment 2 from Mr Trafford -2012/3082
9. UU – 8 dwellings
- 10.UU – 27 dwellings
- 11.UU- 30 dwellings
- 12.Power of attorney document
- 13.Title document and corresponding register entry
- 14.Title document and corresponding register entry
- 15.Views from PC for unaccompanied SV
- 16.Views from PC for unaccompanied SV
- 17.Norton ST P comments on UU
- 18.FF Man co comments on UU
- 19.West site conditions
- 20.27 unit scheme conditions
- 21.30 unit scheme conditions
- 22.West site landscaping plan
- 23.Cover letter for UUs and conditions
- 24.UU for 8 dwellings west site
- 25.UU for 27 dwellings site
- 26.UU for 30 dwellings site
- 27.Appellant cover letter dated 16.08.24
- 28.SWECO Botanical update 16.08.24
- 29.SWECO Bat Update 16.08.24
- 30.Appellant NPPF Letter
- 31.PC comments on NPPF
- 32.PC Comments on Neighbourhood Plan
- 33.ManCo comments on UU and conditions
- 34.Email from Council on HLS / NPPF changes
- 35.NSP comments on UU
- 36.Council ecology response
- 37.PC comments on conditions
- 38.8 Unit Scheme UU – track changes
- 39.27 Unit Scheme UU – track changes
- 40.30 Unit Scheme UU – track changes
- 41.8 Unit Scheme Conditions – track changes and clean versions
- 42.27 Unit Scheme Conditions – track changes and clean versions
- 43.30 Unit Scheme Conditions – track changes and clean versions
- 44.SWECO Autumn Bat Survey Results and Response to the LPA's submission

- 45.8 Unit Scheme UU – clean
- 46.27 Unit Scheme UU – clean
- 47.30 Unit Scheme UU – clean

DOCUMENT SUBMITTED AFTER THE HEARING:

- 48.27 unit scheme conditions clean
- 49.30 unit scheme conditions clean
- 50.8 unit scheme conditions clean
- 51.27 unit scheme conditions tracked changes
- 52.30 unit scheme conditions tracked changes
- 53.8 unit scheme conditions tracked changes
- 54.Email from CPRE Somerset
- 55.Final UU 8 unit scheme
- 56.Final UU 27 unit scheme
- 57.Final UU 30 unit scheme
- 58.Final UU 8 unit scheme (amended)
- 59.Final UU 27 unit scheme (amended)
- 60.Final UU 30 unit scheme (amended)
- 61.Natural England objection letter, dated 16 October 2024
- 62.Email from Council re Natural England objection, dated 21 October 2024
- 63.Appellant letter and response to Natural England objection, respectively dated 16 and 18 October 2024
- 64.Letter from David Scarrow, dated 8 November 2024
- 65.Letter from Fortescue Fields Management Company, dated 12 November 2024
- 66.Letter from Norton St Philip Parish Council, dated November 2024
- 67.Natural England letter, dated 6 December 2024
- 68.Appellant final comments in respect of ecology matters, dated 16 December 2024
- 69.Norton St Philip Parish Council letter dated 21 December 2024
- 70.Appellant letter on December 2024 NPPF, dated 6 January 2025
- 71.Norton St Philip Parish Council letter dated 7 January 2025
- 72.Council email re December 2024 NPPF, dated 8 January 2025
- 73.Appellant final comments on Council email, 14 January 2025

Appeal Decision

Hearing held on 4 – 5 July 2024 and virtually on 5 September 2024

Site visits made on 4 & 5 July 2024 and 8 October 2024

by H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2025

Appeal Ref: APP/E3335/W/24/3337357

Land West of Fortescue Fields, Norton St Philip

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Lochailort Investments Ltd against Somerset Council.
 - The application Ref is 2023/0640/FUL.
 - The development proposed is full planning permission for 8 dwellings including affordable housing. Formation of a 1.1ha area of open space, linking Church Mead with the Ponds Country Park, a new vehicular access and footpath links. Hard and soft landscaping including significant new planting including improvements to the tree belt along the boundary with Church Mead, ecological and biodiversity enhancements including bat replacement habitat. Car and cycle parking. Associated works.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal was submitted against the failure of the Council to determine the application within the prescribed period. Since the appeal was lodged, the Council has indicated that, had it been in a position to determine the application, it would have refused it for three reasons. The third reason for refusal (RfR) has been addressed through the submission of a unilateral undertaking (UU) planning obligation, the draft versions of which were discussed during the hearing. The UU was finalised on 9 September 2024 and was received on the same date. The other putative reasons for refusal have formed the main issues in the appeal.
3. The appeal hearing considered this appeal and two other appeals on a neighbouring site, known as the 'East/South Site'. Those schemes are for 27 dwellings and 30 dwellings respectively. The site subject of this appeal is referred to as the 'West Site'. Whilst the common matters in all three appeals have been considered together, some aspects have been considered separately. I have issued separate decision notices for the two separate sites in the interests of clarity. However, as the separate decisions cover similar issues, there is some duplication between them.

4. In the submitted Statement of Common Ground on Housing Supply, the main parties agreed that the Council could not demonstrate a 5 year housing land supply as required by the National Planning Policy Framework (the Framework). Though the precise extent of the shortfall was not agreed, the parties did not consider it necessary to narrow the position from beyond the range of 2.46 years and 3.09 year supply positions offered by the appellant and Council respectively. Both parties agree either represent a very significant shortfall.
5. A revised version of the Framework was published on the 12 December 2024. The main parties were invited to comment on any relevant changes in writing. Of relevance, the Appellant's evidence indicates that the housing supply position has worsened with the Council's 3.09 year position revising down to 1.94 years and the appellant's position revising down to 1.54 years, or a shortfall of between 3,323 or 3,757 dwellings. The Council offer no evidence to the contrary and thus, a very significant shortfall has become an acute shortfall. I have taken account of the relevant changes of the Framework in reaching my decision.

Main Issues

6. The main issues in this appeal are:
 - the effects of the scheme on biodiversity, protected species and the designated Special Areas of Conservation (SACs);
 - whether the location of the development would accord with the development plan, and whether the scheme would be sustainably located having regard to the accessibility of the settlement and the available range of everyday facilities;
 - the effects of the proposal on the landscape character and visual amenities of the area, including the village setting of Norton St Philip and whether the scheme would constitute good design; and
 - the effects of the proposal on the significance of the designated heritage assets: Norton St Philip Conservation Area, The George Inn (Grade I listed building) and the Church of St Philip and St James (Grade II* listed building).

Context

7. The appeal proposals for the site and East/South Site adjoin 'Fortescue Fields Phase I' which involved the redevelopment of a former chicken factory to a residential development with convenience shop. The existing Fortescue Fields development also connects with a country park (Ponds Country Park) which serves a dual purpose as an area of open space but also as a strategic sustainable urban drainage feature.

Reasons

Biodiversity, protected species and SACs

8. The appeal sites are located around within the impact zones for the *Bath & Bradford-on-Avon Bats Special Area of Conservation* (BBA SAC) and *Mells Valley SAC*. The BBA SAC comprises extensive networks of caves, mines and man-made tunnels which are used by bats for hibernation, mating and as a

staging post prior to dispersal. It also includes areas of calcareous grassland, scrub and woodland which are used as feeding and commuting habitat by the bats. The qualifying species for which the BBA SAC is designated include Bechstein's bat, Greater horseshoe bat (GHB), Lesser horseshoe bat and Barbastelle bat. The impact zone radius varies with the different bat species, but the appeal sites are just within 4km of the Band C impact zone of the BBA SAC for GHBs.

9. The Mells Valley SAC has a similar list of qualifying habitats as the BBA SAC and also has GHB as a qualifying species. The appeal site is within Band C of the impact zone for GHBs from the Mells Valley SAC which extends out from 4 to 8 km from the SAC.
10. The Council's putative RfR refers to insufficient information having been submitted to demonstrate that there would be no significant effects on the Mells Valley SAC. Irrespective, as competent authority, I must ascertain that the schemes would not have an adverse effect on the integrity on any internationally designated site under the Conservation of Habitats and Species Regulations 2017, as amended (the Habitats Regulations), thus including the BBA SAC.
11. The hearing was undertaken across three days; 4 and 5 July (in person) and virtually on 5 September. The appellant submitted additional bat surveys in between the two hearing dates, specifically, on the 4 September. The submitted evidence relating to the effects on bats and biodiversity was discussed during both in-person and virtual events.
12. Following the closure of the hearing, and because likely significant effects on the SACs could not be ruled out, a draft appropriate assessment (AA), as required by Habitats Regulations, was prepared on the basis of my then views, on the evidence I had read and heard. As required by Regulation 63(3) of Habitats Regulations, the Statutory Nature Conservation Body (SNCB), Natural England (NE), was then consulted on the draft AA.
13. NE replied on the draft AA by way of a letter dated 16 October 2024 and referred to the written evidence pertaining to the appeal schemes sourced from the Council's website. It objected to the schemes, finding issue with the AA and evidence underpinning it. It also retracted an earlier consultation response on the schemes dated 24 May 2024 which indicated no objections on the basis of no likely significant effect to designated sites.
14. NE's objection details concerns including the omission of reference to the appeal sites falling within Band C of the BBA SAC in addition to Band C of the Mells Valley SAC; lack of robustness of bat survey effort; lack of clarity around Habitat Enhancement Plan (HEP) calculations; fragmentation of commuting routes and lighting thresholds.
15. The appellant provided a detailed response to the NE objection, which was again provided back to NE. In a subsequent response from NE dated 6 December 2024, it clarified and expanded upon the points made, but the overall position of objection was maintained.
16. The appellant's subsequent submission prepared by SWECO (dated 16 December 2024), including new evidence not invited as part of the process,

concedes that the site is within Band C of the BBA SAC which had not previously been acknowledged in the appellant's evidence. The submission downplays the significance of this factor but acknowledges that this has the effect of upgrading the baseline habitat value (and future enhanced habitat value) as part of the HEP calculations. The appellant had already conceded that the site is functionally linked to the Mells Valley SAC. However, NE's position is that the appeal sites should be considered functionally linked to both. Given the overlap of qualifying features, suitability of habitat, site size and relative proximity, I am of the view that there is a functional link to both SACs.

HEP Calculations

17. The original HEP calculations were not within the draft AA. Whereas I originally believed that the HEP calculations could be reevaluated post-approval, it has been clarified that the intent would be to do this only to account for any changes in the period between the original assessment and point in time prior to commencement of development. I am clear that a robustly established baseline is necessary now, irrespective of any changes that may be detectable through future survey effort.
18. In my view, despite the appellant's assessment through 36 transects by a FISC¹ Level 4 specialist, the value of grassland and hedgerow habitats on the appeal site appears to have been downplayed in the HEP calculations. The changes between iterations C01 and C02 the submitted Ecological Impact Assessments, differences to previous versions of botanical surveys undertaken by others and basic observations of my own about the species diversity appearing to exceed the 'fair' score recorded by the appellant suggests that the site may hold a greater value for SAC bat species than is being accepted. Similarly, there was little clarity about the use of management codes in the HEP calculations and limited evidence could be provided about the regularity and extent of works undertaken to demonstrate such codes were soundly applied.
19. NE indicate that the AA must refer to HEP calculations. The appellant's letter of 16 December 2024 agrees that the calculations may now be beneficially recorded in the AA. However, I am being invited to take into account HEP calculations adjusted and provided in December 2024 in response to an omission conceded by the appellant which had infected the original calculations, the basis of which had not been wholly accepted in the first place.
20. Given the sustained conflicting views of the parties, and despite the appellant's suggestion that the appellant would be obligated to compensate for any changed HEP differences above the confirmed mitigation requirements, I am of the view that the baseline HEP position has not been robustly established and nor can I be sure that adequate adjustments post-approval could be resolvable by way of the proposed conditions or S106 measures.

Bat survey limitations

¹ Field Identification Skills Certificate

21. The issue of bat survey limitations has been a reoccurring theme in the relevant exchanges. NE draw attention to the *Mendip District Bat Special Areas of Conservation (SAC): Guidance on Development: Supplementary Planning Document* (2019) (the Technical Guidance) which states that survey effort in Band C zones should be in accordance with guidelines from the Bat Conservation Trust (BCT). The recent (BCT) guidelines, *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (2023), require that for sites of high and moderate habitat suitability for bats, static detector surveys should comprise of five consecutive nights of data collection every month between April and October. With the appeal sites, there is a commuting structure present and there is suitable habitat within and adjacent that supports prey species hunted by GHBs. In this case, despite the appellant's classification of the sites being of *low* suitability for bats, it undertook static detection over four months (April, June, July and August). Whilst the Technical Guidance suggests that developers also take advice from their consultant ecologist, it does appear that there is limited justification for the low suitability / alleged 'minor' effects on bats to justify a deviation from the BCT Guidelines.
22. Furthermore, there are many instances where the survey effort undertaken has been defended by the appellant for falling short of the expectations, such as in respect of a number of nights of suboptimal temperatures; high amounts of rainfall preceding the survey; the timing of the surveys, particularly in respect of the limited survey effort to represent usage in Autumn proper (and the survey effort which was submitted would not have been undertaken at all were it not for the long adjournment between the hearing sittings); the adequacy of number of recorders relative to the site size; location of static monitors which does not take into account the Mackley Lane and other affected commuting route, and type/duration of survey – static or transect - given the known difficulties of detecting calls from GHBs. Taking the number of criticisms of the surveys collectively, there is sufficient reason to doubt the integrity of the overall findings. Therefore, applying the precautionary principle, I conclude that the survey effort is insufficiently robust to qualify the extent and nature of the use of the site by SAC bat species from which to devise any rely on necessary mitigation measures.

Commuting routes

23. It has been clear that the development would result in some hedgerow loss along Mackley Lane with a smaller hedgerow intervention proposed within the southern boundary of the eastern site. The NE responses have illuminated the insufficiency of survey data to understand the value of these particular features as commuting routes, though the appellant does not deny that they are used in such a way. However, the appellant's response makes some assumptions, particularly in respect of the Mackley Lane commuting route, that despite its inevitable fragmentation, bats will likely be able to use this feature by reliance on the hedgerow on the opposite side of the lane whilst the replanted sections of hedgerow establish. Having further considered this, it seems overly optimistic that the route will prove suitable for ongoing use as a commuting feature until the reestablishment of replacement hedgerow. The reliance on the hedgerow on the other side of the lane will coincide with a temporary, albeit prolonged, period of increased

use and disturbance along Mackley Lane, with comings and goings and additional headlight movements of cars which may not be compatible with an altered pattern of use by bat species.

24. Taking these aspects together, there is a lack of clarity concerning the importance of the Mackley Lane route as a commuting route, and uncertainties surrounding its ability to sustain continued use throughout establishment and beyond, with the sizeable gaps that would remain on a permanent basis for either Appeal A or B schemes. Whilst this scheme on the West Site would not result in effects on Mackley Lane, the integrity of commuting routes has been included for comprehensiveness.

Lighting Strategy

25. The absence of a lighting strategy has also been raised as a concern of NE in relation to the potential that habitat areas would be rendered inaccessible by SAC bat species. Whilst conditions have been proposed by the appellant to secure lux levels of 0.2 lux on the horizontal plane and at, or below 0.4 lux on the vertical plane, there is limited evidence to demonstrate the ability to achieve these low levels of lighting. As a detailed scheme, the positions of houses are known, and whilst internal streetlighting may not be proposed, some lighting of external areas will be necessary for pedestrian safety and the potential for light spill from the interior of dwellings could be calculated through modelling, but has not been.
26. The appellant opines that the use of restrictive conditions to limit light sources and control the types and locations of lighting is a sound approach and that there are a number of other approvals, including underpinning AAs, where such conditions have been used. Some decision notices and related information has been sent to demonstrate relevance to the appeal proposal, however, I am far from clear on the full information that was before the respective competent authorities in those cases to understand that the cases are so similar to the ones before me. As such, I cannot conclude that the evidence on this aspect is suitably robust to adopt the same approach in this instance.
27. Therefore, in engaging the precautionary principle, in the absence of clear information to demonstrate otherwise, it cannot be ascertained beyond reasonable scientific doubt that the lighting would not prevent a barrier to SAC bat species accessing some areas of habitat within the sites.

Conclusions on SAC effects

28. Despite NE not participating in the appeal hearings, the Habitats Regulations compel me to consult with NE as SNCB and have regard to its views. Consequently, I attach significant weight to the detailed comments of NE which draw attention to flaws and with the evidence submitted on bats and related habitat quality.
29. On the basis of what I have seen, read and heard, I am not able to conclude beyond reasonable scientific doubt that the schemes would align with the

conservation objectives or avoid adverse effects on the integrity of the Mells Valley SAC and BBA SAC. Consequently, the schemes are in conflict with the Habitats Regulations and Policies DP5 and DP6 of *Mendip District Local Plan Part 1* (adopted December 2014) (LPP1) which seek to ensure the protection, conservation and, where possible, enhancement of internationally, nationally or locally designated natural habitat areas and species and require compliance with the Habitats Regulations. I have also given consideration under Regulation 64 of the Habitats Regulations to the possibility of alternative solutions and whether there are reasons of overriding public interest to grant permissions despite the negative implications for the SACs. I do not find there to be compelling reasons to grant permission for any schemes based on a lack of alternatives or overriding public interest and there is a lack of evidence to me to suggest otherwise.

Wider biodiversity considerations

30. In respect of the approach to wider biodiversity effects, Policy DP5 of LPP1 requires that proposals that have the potential to cause adverse impacts on species or habitats will be resisted unless in a number of instances, including where offsetting/compensation for the impacts can be secured. Whilst the mandatory Biodiversity Net Gain (BNG) measures (introduced via the Environment Act 2021) do not take effect for the appeal scheme given its date of submission, the preamble to Policy DP5 describes its purpose as effectively requiring no net loss of biodiversity value and both the Policy and preamble refer to the Council's Biodiversity Offsetting methodology.
31. However, given my findings in respect of protected species, I cannot be certain of the development achieving no net loss in any event, therefore, the proposal fails to accord with Policy DP5 of LPP1, irrespective of any suggestion of BNG mitigation and enhancement measures being achievable through either on or offsite sources.

Location of development

32. The current development plan includes LPP1 and the *Local Plan Part 2: Sites and Policies* (adopted December 2021) (LPP2) (Post JR version).
33. Core Policy 1 of the LPP1 sets out that the majority of development is to be directed towards the five principal settlements of Frome, Glastonbury, Shepton Mallet, Street and Wells. The second tier of the Policy seeks to allow for new development in the rural parts of the district that is tailored to meet local needs in the primary villages, which includes the village of Norton St Philip. Part c) of the Policy seeks to strictly control development in the open countryside unless otherwise permitted under Core Policy 4.
34. Core Policy 2 of LPP1 sets out the housing target for the plan period and apportions this across all identified settlements. It also states in b) that the delivery of housing will be secured from a range of areas including, where appropriate, mixed use development, outside of Development Limits through the Site Allocations process in line with, amongst other things, the principle

of the proportionate growth in rural settlements. The site is not within the development limits of Norton St Philip.

35. Core Policy 4 of LPP1 sets out that rural settlements and the wider rural area will be sustained by means such as making planned provision for housing within the primary and secondary villages having regard to identified constraints, at a scale commensurate with the existing housing stock and for the provision of rural affordable housing where there is evidence of local need.
36. The allocation of the site for development in the LPP2 was successfully challenged and, therefore, the site cannot be considered allocated. The proposal does not amount to a planned provision of housing either, given that the scheme would be a windfall development adjoining a primary village. Whilst the provision of housing would help to sustain a rural community and, would not be disproportionate relative to the scale of the existing housing stock, the scheme cannot be considered compliant with the development plan in terms of its location.
37. In terms of the sustainability of Norton St Philip to support new development, the main parties agree that the site is a sustainable location with a range of everyday facilities to meet the needs of future users, including a convenience shop, public house, village hall, open spaces, nursery and first school. Out commuting to work is still likely, but there is a bus service available to locations including Bristol and Bath. Considered in the round, my view is that the range of available facilities make the location a sustainable one for the quantum of development proposed.
38. There was discussion during the hearing about the reduction in the bus service in recent years and the nature of the school which caters for a specific early age band rather than for the full range of primary school year groups. There are other local primary schools which cater for the other range of ages and transport is available to them from the respective villages. Similarly, the secondary schools are available in outlying settlements via bus transport. These aspects, whilst suboptimal, do not change my overall view that the village is sustainable and could support future residents without undue reliance on private vehicles.

Landscape character, visual effects and design

39. The Mendip District Landscape Assessment (2020) places the appeal site and the West Site within Landscape Character Area (LCA) C2: Norton St Phillip, Buckland and Orchardleigh Park Ridge. The essential characteristics of this LCA which relate to the site include elevated ridge landform, settlements nestled into sheltered spots on the ridge, medium sized regular fields and busy main roads. The West Site is a small scale parcels of roughly vegetated land which is enclosed by hedgerows and mature trees that adjoins the existing settlement.
40. The west site's greatest visual effects would be from within and around the Church Mead recreational ground area and Churchyard. Depending on the time of year, views would be available of parts of the houses, particularly the upper parts, through and above the hedge lines and vegetation. The Church Mead space would feel a degree more enclosed, but the siting of the

dwelling, their gently curved arrangement and set back from the boundary of Church Mead would allow some part of the countryside to continue to flow into the space and provide the wider backdrop to the Church and village as a whole. I do not consider that there would be more than limited harm to the village setting as the site is already enclosed by the settlement.

41. There would also be visual effects on the Ponds Country Park, but as a planned open space adjoining an existing modern development, such effects are already present and given the context of recent development in these views, the appeal scheme would not result in more than a limited degree of harm. From the visual material reviewed, including the Assessed Visual Representations (AVRs), I am of the view that existing and proposed landscaping would help to soften the effects of the proposed development over time.
42. Other views and glimpses of the development would be visible from a south-westerly direction on local footpaths, but these too would also include other modern development in the views, and would be at a greater distance. The same would apply from other more distant locations or those elsewhere within the village from where the scheme would form a minor part of the view seen in context with other development. As such, I do not consider that the visual effects from the scheme would amount to more than limited harm.
43. In my view, the low density nature and up to two storey height of the scheme proposed for the west site would limit its wider effects. It would extend from the existing Fortescue Fields development and read as a part of it, at the toe of the slope beneath it and set behind existing mixed trees and vegetation. The house types would have greater resonance with those in the existing Fortescue Fields development than those found elsewhere within the village, but it would appear coherent and of a high quality design. With the incorporation of retained hedges and the implementation of a landscaping scheme, the effects of further urbanisation would be softened.
44. Inevitably, there will be an increase in activity from the proposal, but that would be limited by its modest scale and its context adjacent to well-used public spaces and other residences. In terms of nighttime effects, I visited the village during the hours of darkness. I noted the continuous streetlighting on the approach to the village on the Frome Road (B3110). The existing Fortescue Fields development has ornate lighting columns and a relatively white light in public streets, whereas the historic core of the village has relatively dim light levels, with lights affixed to the buildings at a lower level. Despite the differences, I did not perceive the existing Fortescue Fields development as an anomaly in the village nightscape.
45. From Church Mead, I noted that cars travelling down the Wells Road (A366) have headlights that appear to wind their way down the landscape behind the Church. The area is also therefore interrupted by the effects of intermittent lighting and from the visual effects of vehicle activity. The pub beer garden of The George Inn has night lighting, and some lighting is visible in the rear gardens and dwellings that back onto Church Mead from High Street. Lights also appear in the Fortescue Fields development, albeit, not to any greater degree than other older houses within the village. In my view, whilst there is a balance to be struck, the ability to sense the presence of

human habitation and potential for incidental overlooking helps to make the Church Mead space feel safer in the hours of darkness than if it were completely unlit. Therefore, subject to the use of low levels of lighting for necessary public spaces, there would not be material landscape or visual harm from the proposed development from night lighting.

46. Drawing together all of the above, the scheme would result in limited harms to the landscape character and visual amenities of the area, raising a degree of conflict with Policies DP1, DP4 and DP7 of the LPP1. These policies seek to ensure that development contributes positively to the maintenance and enhancement of local identity and distinctiveness and local landscape and achieve high quality design.

Heritage effects

47. The CA is based on a dispersed plan form with two nuclei, the area in the west surrounding the grade II* listed Church of St Philip and St James and the later school, with the development in the east centred around the George Inn (Grade I) and former market place located on the junction of two routes – the High Street/North Street route and the east-west route.
48. The appeal decisions² for a previous appeal scheme note that the character and appearance of the CA is defined by the interplay between medieval, vernacular Cotswold type and classical architecture, mixed in with some positive Victorian contributions, and its coherent, tightly-knit character when experienced along its through routes. My view is also that the significance of the CA is largely defined by its historic settlement pattern and its many listed and historic buildings. However, it is undeniable that there is a contribution made to the significance of the CA by the more rural and green elements both within the CA and adjoining it, including the Churchyard, Church Mead and its rural landscape setting. The rural setting allows for an appreciation of the settlement's topographical context, modest scale and historic character, with the focal point of the Church visible from many areas in the rural surrounds.
49. The west site offers a rural view out from areas within the CA, including from Church Mead. This allows an appreciation of the historic evolution of Norton St Philip and thus, makes a limited positive contribution to the CA's significance.
50. The proposed 8 dwellings would be built on the site in a gently curved arrangement, tucked at the toe of the slope and with their principal elevations facing towards Church Mead, albeit behind the existing treed boundary and a swathe of public space. The access would be taken from the existing Fortescue Fields development. The dwellings would range in height between 1.5 storeys at the highest point, to 2 storeys on the lower parts of the site and their form and architectural detailing would take reference from the existing adjacent Fortescue Fields development.
51. Whilst the upper parts of the dwellings would be visible from Church Mead, to a greater degree in winter, in my view, the low density scheme of 8 dwellings would not harmfully intrude into the Church Mead space or fully

² APP/Q3305/A/14/2221776 and APP/Q3305/A/14/2224073

enclose it. The scheme would add modestly to the existing development that already surrounds Church Mead, but would not obliterate the link through to the open countryside beyond. In my view, the harm to the significance of the CA from the encroachment of some development into the countryside view would have no more than a low level of less than substantial harm to the CA's significance.

The George Inn

52. The George Inn has a historic core which derives from around C14/C15 with later additions and sits at the high point in the village, in the vicinity of the old market place. Its C16 timber frame upper storeys are jettied out above the coursed rubble Douling stone ground floor. The listing description notes details including its central porch with moulded four-centred archway which provides access to the Inn and rear courtyard, and internal features of note, including fireplaces and open timber roof. The historic, aesthetic, evidential and cultural value of the George Inn are the key contributors to its significance. However, the principal aspect of the George Inn is away from the site, towards The Plain where it is seen as a key part of the historic group of buildings. The presence of those other buildings enhances the significance of the others.
53. The elevated position of the George Inn and its beer garden allows views over Church Mead and the surrounding countryside. The appeal site is also a part of the wider rural surroundings which are visible from the George Inn's rearward aspect and beer garden. The views are particularly pleasant, though I do not regard that they were deliberately designed to contribute to the significance of the building. However, my view is that the appeal site contributes positively, albeit in a minor way, to the significance of the George Inn.
54. The scheme on the west site would introduce some urban form along the mid-lower levels alongside Church Mead. Given the existence of existing development in these views, despite the closer proximity to Church Mead, I do not regard that the visibility of some upper parts of dwellings would harm the significance of the George Inn.

The Church of St Philip and St James (The Church)

55. The Church of St Philip and St James (the Church) (Grade II*) (List Entry number 1345373) also has a C14/C15 core with later restorative works and alterations. It is constructed from coursed rubble Douling stone, with stone slate roofs with coped gables and has a prominent 3 stage tower with parapet. Its listing description describes its architectural style as "unorthodox and somewhat eccentric though generally perpendicular". From this and other details defined in the listing description, I consider that the building has historic, aesthetic, evidential and cultural values which form a large part of its significance.
56. The churchyard is positioned outside of the main aspect of the Church, which faces towards the George Inn across Church Mead. Despite its lower elevation, due to its height and prominence, the Church is a feature in many views of the surrounding parts of the village. In my view, the countryside setting to the Church is a modest contributor to its significance.

57. The scheme would introduce additional modern dwellings, visible in part, above and behind the tree screening enclosing Church Mead. Whilst this is the least developed edge of Church Mead, it would not result in an incursion closer to the Church that would affect the sense of the countryside surrounding it to a harmful degree. Therefore, my view is that whilst the scheme would result in a degree of change to the appreciation of views out from the Church and churchyard, the degree of harm to significance would be at the lower end of less than substantial.
58. As I have found that the scheme would result in harm to the significance of the Norton St Philip Conservation Area and to the significance of The George Inn, it would conflict with Policy DP3 of LPP1 which seeks to support proposals only where they enhance the significance and setting of heritage assets.

Overall heritage balance

59. Under the terms of the Framework, I have found that in both cases, the harms would be of a lower magnitude of less than substantial harm.
60. The scheme would deliver market and affordable housing. In the context of the Council's shortfall in housing land, the provision of even 8 units of housing of mixed tenures is a benefit that attracts great weight. The dwellings would also be in a sustainable location which is also a positive factor in support of the scheme.
61. The development would also deliver an area of public open space. This is a benefit of the scheme that attracts modest weight. There would also be economic benefits from the construction phase and from new residents using local facilities and services. These benefits attract limited weight in favour of the scheme.
62. Taking account of the weight I attract to the identified public benefits taken as a whole, I conclude that they outweigh the less than substantial harms to the significance of the affected heritage assets.

Other Matters

63. A Regulation 14 version of the *Norton St Philip Neighbourhood Plan 2019 – 2029* (eNP) was published and the consultation commenced on 30 August 2024 for 6 weeks. The Regulation 16 eNP was consulted upon until 17 January 2025. Whilst I note that the eNP proposes to allocate a site for a housing redevelopment scheme and identifies the appeal site and part of the East/South Site as important green spaces, I attribute it limited weight at this stage.
64. The planning obligation submitted for the scheme seeks to secure 2 affordable dwellings, a multi use games area and allotment and other area of public open space linking to Ponds Country Park. It also seeks to provide contributions toward education and highway improvements, and to provide the footpath links proposed to outlying areas. As the appeal is being dismissed, it has not been necessary to examine the details of the planning obligation further.

Planning Balance and Conclusion

65. In respect of its conflict with the development plan by reason of scale and location, limited harms to landscape character and visual amenities, heritage effects and inability to ascertain that the scheme will avoid adverse effects on integrity of the SACs, the proposal conflicts with the development plan when taken as a whole.
66. The shortfall in the housing land supply, whether very significant or acute, engages Framework paragraph 11 d), and consequently reduces the weight I afford to the conflict with the development plan on locational issues, landscape and visual effects. The application of the heritage balance has already resulted in a finding of the public benefits outweighing the identified harms.
67. However, the SACs are also areas protected by policies and footnote 7 of the Framework. As I have not been able to conclude that the integrity of the SACs would be maintained through the scheme, this factor provides a strong reason for refusing the development. Therefore, the presumption in favour of sustainable development does not apply.
68. Nevertheless, I have had regard to the Framework's requirement to direct development to sustainable locations, make effective use of land, secure well-designed places and provide affordable homes. The delivery of housing is a public benefit in general, but particularly in the context of an acute shortfall in housing. The number of dwellings proposed would make a small yet valuable contribution to the overall supply. Along with the delivery of affordable housing, these benefits attract significant weight. I have also had regard to the site's sustainable location which is a positive factor of the scheme.
69. The provision of a range of different public open spaces also attracts great weight, and economic benefits attract further modest weight in favour of development. Other factors that achieve compliance with the relevant development plan policies are neutral factors which neither pull for or against the scheme.
70. However, the totality of these benefits does not outweigh the identified conflict with the development plan taken as a whole or indicate that a decision should be taken other than in accordance therewith.
71. For the foregoing reasons, the appeal is dismissed.

H Nicholls

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

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Mr Elliott Burns	SWECO
Mr Neil Tiley	Pegasus
Mr Tim Wood	Stuart Michael Associates
Dr Martin Brammah	SWECO

FOR THE LOCAL PLANNING AUTHORITY:

Mr Simon Trafford	Somerset Council, Planning
Ms Fiona Webb	Somerset Council, Landscape
Ms Jane Boldy	Somerset Council, Heritage
Ms Sarah Cruickshank	Somerset Council, Ecology
Ms Barbra Lakin	Somerset Council, Ecology
Mr Andre Sestini	Somerset Council, Policy
Ms Jo Milling	Somerset Council, Policy

INTERESTED PARTIES:

Mr Ian Hasell	Chair of Norton St Philip Parish Council
Ms Tessa Hampden	Context Planning
Ms Sasha Berezina	Context Planning
Mr Fletcher Robinson	CPRE Somerset
Mr George Hitchens	Fortescue Fields Management Company Director
Mr Alan Carter	Local resident
Mr Andrew Blumfield	Local resident
Ms Linda Oliver	Local resident
Ms Dawn Denton	Somerset Councillor for NSP
Mrs Milne	Local resident
Ms Barbara Lund	Local resident
Ms Leslie Baker	Local resident
Mr Paul Sheppard	Local resident

DOCUMENTS SUBMITTED DURING THE HEARING:

1. Heritage assessment errata sheet
2. Judgement of Holgate J dated 16.12.22 (in substitute of Order)
3. CPRE Statement
4. Draft conditions V6
5. Norton St Philip Conservation Area Management Plan
6. Email from Mr Trafford
7. Attachment 1 from Mr Trafford – 2011/3015
8. Attachment 2 from Mr Trafford -2012/3082
9. UU – 8 dwellings
- 10.UU – 27 dwellings
- 11.UU- 30 dwellings
- 12.Power of attorney document
- 13.Title document and corresponding register entry
- 14.Title document and corresponding register entry

- 15.Views from PC for unaccompanied SV
- 16.Views from PC for unaccompanied SV
- 17.Norton ST P comments on UU
- 18.FF Man co comments on UU
- 19.West site conditions
- 20.27 unit scheme conditions
- 21.30 unit scheme conditions
- 22.West site landscaping plan
- 23.Cover letter for UUs and conditions
- 24.UU for 8 dwellings west site
- 25.UU for 27 dwellings site
- 26.UU for 30 dwellings site
- 27.Appellant cover letter dated 16.08.24
- 28.SWECO Botanical update 16.08.24
- 29.SWECO Bat Update 16.08.24
- 30.Appellant NPPF Letter
- 31.PC comments on NPPF
- 32.PC Comments on Neighbourhood Plan
- 33.ManCo comments on UU and conditions
- 34.Email from Council on HLS / NPPF changes
- 35.NSP comments on UU
- 36.Council ecology response
- 37.PC comments on conditions
- 38.8 Unit Scheme UU – track changes
- 39.27 Unit Scheme UU – track changes
- 40.30 Unit Scheme UU – track changes
- 41.8 Unit Scheme Conditions – track changes and clean versions
- 42.27 Unit Scheme Conditions – track changes and clean versions
- 43.30 Unit Scheme Conditions – track changes and clean versions
- 44.SWECO Autumn Bat Survey Results and Response to the LPA's submission
- 45.8 Unit Scheme UU – clean
- 46.27 Unit Scheme UU – clean
- 47.30 Unit Scheme UU – clean

DOCUMENT SUBMITTED AFTER THE HEARING:

- 48.27 unit scheme conditions clean
- 49.30 unit scheme conditions clean
- 50.8 unit scheme conditions clean
- 51.27 unit scheme conditions tracked changes
- 52.30 unit scheme conditions tracked changes
- 53.8 unit scheme conditions tracked changes
- 54.Email from CPRE Somerset
- 55.Final UU 8 unit scheme
- 56.Final UU 27 unit scheme
- 57.Final UU 30 unit scheme

- 58.Final UU 8 unit scheme (amended)
- 59.Final UU 27 unit scheme (amended)
- 60.Final UU 30 unit scheme (amended)
- 61.Natural England objection letter, dated 16 October 2024
- 62.Email from Council re Natural England objection, dated 21 October 2024
- 63.Appellant letter and response to Natural England objection, respectively dated 16 and 18 October 2024
- 64.Letter from David Scarrow, dated 8 November 2024
- 65.Letter from Fortescue Fields Management Company, dated 12 November 2024
- 66.Letter from Norton St Philip Parish Council, dated November 2024
- 67.Natural England letter, dated 6 December 2024
- 68.Appellant final comments in respect of ecology matters, dated 16 December 2024
- 69.Norton St Philip Parish Council letter dated 21 December 2024
- 70.Appellant letter on December 2024 NPPF, dated 6 January 2025
- 71.Norton St Philip Parish Council letter dated 7 January 2025
- 72.Council email re December 2024 NPPF, dated 8 January 2025
- 73.Appellant final comments on Council email, 14 January 2025