

## Appeal Decision

Inquiry Held on 11-13 and 17-19 July 2018

Site visit made on 10 and 18 July 2018

**by Nick Fagan BSc (Hons) DipTP MRTPI**

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

**Decision date: 6<sup>th</sup> September 2018**

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**Appeal Ref: APP/P0119/W/17/3191477**

**Land east of Park Lane, Coalpit Heath, South Gloucestershire BS36 1AT**

- 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 Barratt Homes (Bristol) Limited and David Wilson Homes (South West) Ltd against the decision of South Gloucestershire Council.
  - The application Ref PT17/0215/O, dated 17 January 2017, was refused by notice dated 24 August 2017.
  - The development proposed is the construction of up to 215 homes, public open space and associated infrastructure with all matters reserved except access.
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### Decision

1. The appeal is allowed and planning permission is granted for the construction of up to 215 homes, public open space and associated infrastructure with all matters reserved except access at land east of Park Lane, Coalpit Heath, South Gloucestershire BS36 1AT in accordance with the terms of the application, Ref PT17/0215/O, dated 17 January 2017, subject to the conditions in the Schedule below.

### Applications for Costs

2. At the Inquiry an application for costs was made by the appellants against the Council, and by the Council against the appellants. These applications are the subjects of separate Decisions.

### Procedural Matters

3. In terms of access, it is only the proposed access into the site from Park Lane that is being applied for here. The access roads and paths within the development site itself are merely illustrative. The scheme's layout as set out in the Design and Access Statement is also simply illustrative, but because the appellants seek to rely on it in advancing their argument that the proposal is acceptable I have taken it into account as indicating their intentions in regard to layout.
4. Late evidence was submitted by both main parties by way of rebuttal proofs, including and principally in terms of housing land supply. This led to progress during the presentation and cross-examination of the evidence being slower than anticipated, which in turn led to the submission of the main parties' closing statements and costs applications and relevant comments on them being dealt with in writing following the Inquiry's last sitting day. I have taken

these submissions fully into account in this appeal decision and in the costs decisions.

5. After the last sitting day but before the Inquiry closed the Government published the updated version of the National Planning Policy Framework (NPPF). The main parties were given a period of two weeks to provide any comments arising from the revised NPPF on the issues raised in the appeal. Both parties did so and I have taken their comments into account accordingly. Evidence was provided by both main parties referencing various paragraph numbers in the previous version of the NPPF, which was in force at the time. Any reference to paragraph numbers in the NPPF below refers to the paragraph numbers in the new revised version, which is now extant national planning policy, the previous version having been superseded.
6. The Council also submitted a copy of the Court of Appeal (CoA) judgement in the Hallam Land case published following the last sitting day of the Inquiry.<sup>1</sup> The appellants also submitted a copy of the Wotton Road, Charfield appeal decision, which also post-dated the Inquiry's last sitting day.<sup>2</sup> The original High Court judgement in Hallam Land, the impending CoA judgement and the Charfield appeal decision were the subject of evidence at the Inquiry and consequently I have taken the CoA judgement and that appeal decision into account in my decision.
7. A signed legal agreement<sup>3</sup> dated 19 July 2018 was submitted on the last sitting day of the Inquiry. I address this in more detail below.

### **Main Issues**

8. The following are the main issues in this appeal:
  - (a) Whether the proposed development would harm the landscape to the extent that it would fail to accord with the development plan and whether the site is a 'valued landscape' in the context of the National Planning Policy Framework (NPPF).
  - (b) Whether the appeal site would be located beyond appropriate distances to key services and facilities such as to fail to accord with the development plan and the NPPF.
  - (c) The weight to be given to the loss of agricultural land (Best and Most Versatile or otherwise) and whether the development would fail to accord with the development plan and NPPF.
  - (d) If harm is identified in issues (a) to (c) above, would these adverse impacts significantly and demonstrably outweigh the benefits including the provision of new market and affordable homes in an authority that cannot currently demonstrate a five year housing land supply?

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<sup>1</sup> *Hallam Land v SSCLG [2018] EWCA Civ 1808*

<sup>2</sup> APP/P0119/W/17/3179643

<sup>3</sup> Under s106 of the Town & Country Planning Act 1990, s278 of the Highways Act 1980 and s111 & 120 of the Local Government Act 1972 and other statutory provisions

## Reasons

### Landscape and Visual Impact

#### *Is the Site a Valued Landscape?*

9. NPPF paragraph 170 states that planning decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan. The appeal site does not lie within a statutorily designated landscape. It lies within Local Character Area 13: Frome Valley (LCA13) of the South Gloucestershire Landscape Character Assessment<sup>4</sup>, which is summarised as *"a diverse, enclosed, intricate combination of agriculture and settlement, divided by major roads."*
10. The 15.23 hectare site comprises a dry valley whose ridges form its eastern and western boundaries along which run a public footpath (PROW) and Park Lane respectively. Park Lane is a road linking the A432 Badminton Road to the west side of Coalpit Heath and Frampton Cotterell containing ribbon residential development on its western side. To the north is suburban residential estate development on the southern edge of the settlement built within the last 20 years or so bounded by a substantial tree and hedge screen (the earlier Park Farm development to the north east and the more recent Meads development to the north west). To the east is Blackberry Brake, an area of ancient woodland and Woodlands Farm and its surrounding agricultural fields. To the south is the railway embankment carrying the main London-Bristol railway line, which at approximately 25m in height is a dominant feature in the landscape and severs the dry valley landform, which continues southwards beyond it. The valley of the River Frome itself lies to the west of Park Lane and cannot be seen from the site.
11. The dry valley landform is mentioned several times in LCA13. In particular in the Section headed Landscape Character on page 185 it states: *"Despite the extensive areas of settlement and urban edges, there are areas of the landscape and pockets within settlements which retain, or largely retain, a distinct rural character."* It then goes on (top of page 186) to describe both the Frome Valley and the dry valley as comprising *"an undulating rural valley landscape which is visually contained by adjacent ridgelines, the 'horseshoe' shaped pattern of Winterbourne, Frampton Cotterell and Coalpit Heath and the railway embankment to the south."*
12. LCA13 notes that the linear housing pattern along Park Lane and ridgeline to the south of Frampton Cotterell is visually evident from the dry valley but that that part of Coalpit Heath to the east of Blackberry Brake is screened from it by the woodland. It states that recent housing development along the northern section of the valley has encroached onto the open land making its edge more prominent in local views, *"which in turn increases the significance of the remaining rural dry valley landscape."* It is also noted that away from the settlement edges there is a strong rural character to the Frome Valley and the dry valley and a degree of tranquillity which contrasts strongly with the surrounding settlement, and that these characteristics are sensitive to further encroachment by development (pages 186 and 191).

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<sup>4</sup> NE Appendix F

13. The above description of the site and its context within LCA13 is accurate and sets the basis for an assessment as to whether the site is, or forms part of, a 'valued landscape' in terms of NPPF paragraph 170. In making this assessment it is important to highlight four principles, which are agreed between the main parties as follows:
- i) There is no requirement for the site to be statutorily designated;
  - ii) Mere popularity alone is insufficient;
  - iii) The landscape should exhibit some demonstrable characteristics which takes it out of the ordinary; and
  - iv) Mitigation is irrelevant to consideration of whether a landscape should be regarded as 'valued' in the first place.
14. It is also agreed that the criteria in Box 5.1 of GLVIA3<sup>5</sup> can assist with such an assessment since it provides an objective framework in which to consider the landscape's value, albeit that this should not be used as a checklist and judgement is required.<sup>6</sup> I address these criteria in turn below, but before I do so I note that the appellants criticise the Council's landscape witness for being unclear as to what area of land he considers to be a 'valued landscape'.<sup>7</sup> From NE's evidence I took this to be the dry valley as far south as the railway embankment including the south west field controlled by the appellants but which lies outside the appeal site, although I acknowledge that the Council's evidence vacillated on this point.
15. *Representativeness.* As set out above, the undulating landform and degree of tranquillity exhibited by the site is representative of LCA13. The site contains a mix of medium sized arable fields whose boundaries are formed by hedges, it contains a large number of mature trees and abuts the semi-natural ancient woodland of Blackberry Brake and is surrounded by the horseshoe shaped settlements around it all of which are listed as characteristics of LCA13, and so it is also representative in these respects. As set out above, the dry valley within which the site lies is mentioned several times in the LCA13 text. The site is therefore representative of LCA13.
16. *Landscape Quality.* The Council's key point here is that the severance of the dry valley by the railway embankment has created an intimate landscape that retains a sense of tranquillity contrasting strongly with the surrounding settlement especially when compared with the more degraded landscape to the south of the railway line. It also argues that the influence of the surrounding settlement has been overstated by the appellants because: the hedgerow on the northern boundary of the site forms a clear break between it and the existing adjacent housing development as recognised by the Inspector in granting permission for The Meads in 2009<sup>8</sup> ; and because the Park Lane dwellings are set back behind substantial front gardens and are of a fairly low density.
17. I acknowledge that parts of the site are relatively tranquil compared to the built-up areas of the adjoining settlements and that its dry valley form creates

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<sup>5</sup> CD-OD3: Landscape Institute – Guidelines for Landscape and Visual Impact Assessment, 3<sup>rd</sup> Edition, April 2013

<sup>6</sup> As set out in the Council's Closing Submissions #7-9

<sup>7</sup> Summarised in the Appellants' Closing Submissions #75

<sup>8</sup> CD-RA1 #12

areas of intimacy when walking through it, especially from those parts of the PROW furthest away from its north, south and west boundaries. But it nonetheless is heavily impacted on by the existing residential development beyond its northern boundary and on Park Lane because that development can be seen from the majority of the site in the summer and would be more visible in the winter. Anyone walking along the PROW cannot fail to notice that this land lies on the edge of a built-up area. The south of the site is heavily affected by the dominant man-made feature of the high railway embankment, whose slopes contain no trees to screen its effect. The gantries and wires of the impending electrification of the line will only heighten its dominant effect on the landscape of the site. As such I consider that the site does not exhibit a particularly high landscape quality, albeit parts of it have an intimate and tranquil feel as recognised in the LCA13 description.

18. *Scenic Quality and Rarity.* There is no doubt that the site and dry valley as a whole exhibits scenic quality, which is recognised by many local residents. But such scenic quality is common to many areas of undeveloped countryside and there is nothing unique about this particular dry valley or the fields within it. It does not in my judgement possess any demonstrable characteristics which take it out of the ordinary, pleasant though it undoubtedly is.
19. *Recreational Value.* I have heard evidence that the PROW is well used and have seen this is so during my site visits. I also acknowledge that it links to other rural footpaths including the Frome Valley Walkway via the footway on Badminton Road at its southern end. Whilst its overall aspect would be altered by the development it would nonetheless be retained in its present location and would continue to have aspects across open fields within the site at its northern and southern ends. Its recreational value would consequently not be seriously reduced.
20. *Perceptual Aspects.* I have already addressed the perception of the site's relative remoteness and tranquillity. The proposed development would obviously detract from these qualities but, as indicated, there is also a clear perception of the settlement edge and the railway embankment from the site.
21. *Cultural Associations.* I heard from the Council, local residents and from Juliet King-Smith about her father Dick King-Smith's (DKS) ownership of Woodlands Farm between 1948 and 1962. DKS was the author of *The Sheep Pig* (the story behind the film *Babe*) and many other well-known children's books including *The Fox Busters* and took inspiration for these books from the farm and the local area. Whilst DKS may not have the allure or national renown of, for instance Thomas Hardy in respect of Dorset or William Wordsworth in respect of the Lake District as mentioned by the appellants, I still consider DKS's associations with the area including the site to be an important cultural association because he is a well-known and well-read children's author.
22. In summary though, whilst there are clearly aspects of the undeveloped dry valley north of the railway line that give it value, especially to local people and former residents, these are not sufficient in my opinion for it to be classified as a 'valued landscape' in terms of NPPF paragraph 170 because there are insufficient demonstrable characteristics which take it out of the ordinary. This is especially so when it is looked at relative to the range/quality of landscapes in the country as a whole. However, that does not mean that it has no value in landscape or visual terms and I now assess these aspects in more detail.

### *Landscape Character*

23. I acknowledge the Council's point that the dry valley is listed as a specific and important example of a particular landscape feature of LCA13 that is referred to several times in the descriptive text as outlined above, rather than the site containing all the key characteristics of LCA13 as set out on pages 179 and 180. I have concluded above that the site is representative of LCA13.
24. However, I have also explained that the dry valley is heavily influenced by the settlement edge of the Park Farm and Meads housing estates to the north and the ribbon development on Park Lane, which continues southwards nearly as far as the railway embankment. It is not a dry valley in the middle of the open countryside. Whilst the significance of the dry valley may have increased as a result of the Park Farm and Meads housing in the sense that it is more valued by local people I consider that its landscape quality is considerably affected by that housing, by the dwellings on Park Lane and by the railway embankment, all of which detract from its landscape quality.
25. The proposal would introduce blocks of suburban housing development, which themselves would be of a similar albeit lesser density than the neighbouring estates to the north. Due to the topography this would have to step down the slopes of the dry valley, which would obviously harm its rural landscape character. But it would have many mitigating features. Most of the hedgerows and nearly all the TPO trees would be retained and enhanced as ecological corridors for wildlife. The lower part of the valley would be kept clear of built development. The field to the north east of the site next to Blackberry Break and the two southern fields would be kept entirely free of built development and planted as wildflower meadows to be used as public open space (POS). There would also be considerable additional planting and other open space.
26. In summary I agree with the Council that the proposed development would harm the landscape character of the dry valley. But such harm would to some extent be tempered by its landscape-led nature for the reasons explained above.

### *Visual Effects*

27. There is agreement between the main parties that the site is visually well contained as illustrated in the photographs in their landscape proofs of evidence and in the appellants' Landscape and Visual Impact Assessment (LVIA) submitted with the application<sup>9</sup>. I was able to confirm as much during my visits to the site and surroundings.
28. As a result there is no doubt that views of the valley sides will change considerably for residents living in the dwellings to the north of the site and looking across it from Park Lane. This will also be the case for people walking or driving up Park Lane and for walkers on the PROW. The view will no longer be one of undeveloped land. The change would clearly be detrimental to existing residents and walkers but, again, this would to some extent be tempered by the design of the proposed scheme. The visual containment of the site would prevent more than local views of the new urban development.

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<sup>9</sup> CD-A29



*LVIA Methodology*

29. The Council has raised what it considers to be a number of failings and inconsistencies in the appellant's LVIA methodology.<sup>10</sup> The appellants were partly able to explain these. For example, their landscape witness (RMW) produced the full methodology on which he had arrived at his conclusions on the significance of landscape and visual effects in the LVIA in Appendix 1 of his rebuttal proof of evidence. I am confident that this is the methodology which he used albeit that this was unclear from the LVIA text and tables. However, many of the Council's criticisms regarding inconsistencies in the LVIA's assessment of individual landscape and visual effects went unexplained.<sup>11</sup>
30. Nonetheless, it is the overall effect of the development on the landscape character and the visual effect as expressed in the narrative that is the important issue here, as agreed by the appellants and the Council and as recommended in GLVIA3. It is natural that the two parties have drawn different conclusions on these effects because, ultimately, the assessment of individual landscape character and visual elements is a matter of professional judgement. I have not sought to delve in this decision into the detail of each individual element of landscape character or each visual receptor and assess whether the Council or the appellants are correct because that is unnecessary. Rather, taking into account the LVIA, both parties' evidence and the evidence of my own eyes during the site visits I have come to a reasoned conclusion as set out below, in the light of my reasoning above.

*Conclusion on Landscape and Visual Impact*

31. The dry valley would be substantially altered by the development and this would impact on sensitive visual receptors (i.e. people), in particular the residents on the southern edge of the Park Farm and Meads dwellings facing the site and those in the homes along Park Lane as well walkers using the PROW. Consequently the development would harm the landscape of the dry valley, which is a notable landscape feature of LCA13.
32. However, the dry valley north of the railway line is not a 'valued landscape' for the reasons set out above. Its visual containment would mean that wider views within LCA13 would not be affected. The harm would be tempered or mitigated to some extent by the landscape-led nature of the scheme, which keeps the lower part of the dry valley free of built development as well as retaining the southern and north eastern fields as wildflower meadows, and by retaining the majority of the mature trees and hedges and increasing and strengthening the planting on the site.
33. The relevant development plan policies regarding landscape are Policies CS9 (Managing the Environment and Heritage) and CS34 (Rural Areas) of the South Gloucestershire Local Plan: Core Strategy 2006-2027 (CS) and Policy PSP2 (Landscape) of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (PSP) adopted in November 2017 following the Council's refusal of the application.
34. Subsection 3 of Policy CS9 states that new development will be expected to conserve and enhance the character, distinctiveness and amenity of South

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<sup>10</sup> As summarised in its Closing Submissions#4 iii-vi and in NE Appendix C

<sup>11</sup> Especially in regard to Ibid v & vi above

Gloucestershire. For the above reasons the proposed development would not do so and hence would fail to accord with Policy CS9.

35. Policy CS34 has three subsections that are particularly relevant to landscape. Subsection 1 requires development proposals to protect, conserve and enhance the rural areas' distinctive character, beauty, wildlife, landscape, biodiversity and heritage. I disagree with the appellants' contention that this requirement exceeds the NPPF requirement (now in paragraph 170) to recognise the intrinsic character and beauty of the countryside because the CS was adopted in December 2013, post-dating the original NPPF. Subsection 1 takes this into account precisely by seeking to protect, conserve and enhance rural landscapes. The development would not protect or conserve, let alone enhance the local landscape despite its mitigating elements.
36. Subsection 3 of Policy CS34 states that development proposals will protect the unique and valuable setting provided by the rural areas to the urban areas and other settlements in South Gloucestershire, which contributes to the district's distinctive sense of place and identity. Subsection 5 states that such proposals will maintain the settlement boundaries defined on the Policies Map around rural settlements until they are reviewed through a relevant replacement Local Plan. The proposed development would be outside the settlement boundary of Coalpit Heath/Frampton Cotterell and would not protect its setting for the above reasons. It would not comply with Policy CS34.
37. Policy PSP2 states that development proposals will be acceptable where they conserve and where appropriate enhance the landscape including its tranquillity, sense of place and setting, trees and hedgerows and topography and landforms. Where harm would result it must be clearly demonstrated that this would be outweighed by the proposal's benefits and minimised and mitigated through the form of the development and landscape enhancements. In my opinion the mitigating elements of the scheme would not sufficiently mitigate its harm on the landscape character of the dry valley for the above reasons. Consequently, the proposed development would fail to comply with Policy PSP2, irrespective of its wider benefits, which I deal with below in terms of the substantive overall planning balance.
38. Despite not being a 'valued landscape' as defined by NPPF paragraph 170 a), the dry valley including the site clearly has an intrinsic character and beauty especially in terms of its landform. The proposed development would harm this landform and so would not in my opinion recognise the intrinsic beauty of this part of the countryside, and so would fail to comply with paragraph 170 b). Overall I consider that significant weight should be given to the conflict with DP Policies CS9, CS34 and PSP2 and to NPPF paragraph 170.

#### Accessibility to Key Services and Facilities

39. The distance of the appeal site to key local services and facilities is set out in the Transport Assessment and in evidence.<sup>12</sup> This includes convenience shops, schools, doctors and dental surgeries and bus stops. There are minor differences between the parties in the calculation of the distances between the site and the some of these local facilities. But, in essence, it is agreed that only the Nisa convenience store and the schools would be within the walking

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<sup>12</sup> For instance in BR Appendix 10, ID20 & ID21



- and cycling guidance distances in the explanatory text to Policy PSP11<sup>13</sup>, the most relevant current policy.
40. The Officer's Committee Report<sup>14</sup> (OR) stated that the distance from the proposed development to local facilities was *"on the edge of acceptability and that this could encourage some residents to make additional trips by private car"*. The Highway Officer's conclusion was that he did not believe that these distances would result in the development being car dependent contrary to CS Policy CS8, especially when comparing the general proximity of the site to higher level facilities and employment areas at Yate and Emersons Green on the edge of Bristol. On that basis the OR considered that, on balance, the distance of the site from services and facilities was acceptable.
  41. The Council argued at appeal that the PSP had not been adopted at the time the application was refused and so the failure to comply with the appropriate walking and cycling distances set out in the explanatory text to Policy PSP11 (Transport Impact Management) held limited weight, whereas now they hold full weight as part of the development plan (DP). I agree that is what the OR said and can therefore understand why the Council is arguing this point, although the OR did assess this issue on the basis of these PSP11 distances anyway, which somewhat weakens the argument.
  42. Subsection 3 of PSP11 states that development proposals which generate a demand for travel will be acceptable where they are located on safe, useable walking or cycling routes that are an appropriate distance to key services and facilities, or where 'some' key services are accessible by bus where the bus stop is similarly accessible by walking. These latter key services are exemplified in the explanatory text (CS paragraph 5.22) rather than the Policy wording as *"e.g. just major employment opportunities or supermarket facilities, rather than the majority or all of the key services and facilities."*
  43. CS paragraph 5.20 states that a failure to meet subsection 3 will be considered on balance with other objectives in the DP and NPPF, along with the degree of harm arising such as number of car dependent journeys that might arise and residents that would be without sustainable access to facilities and services. Paragraph 5.25 states that the larger the proposal and/or the larger the reliance on public transport to access key facilities and services, the more frequent and extensive a bus service will be required, in order to avoid a reliance on private car journeys.
  44. The development would obviously generate a significant number of car dependent journeys, which the Highway Authority accepts can be accommodated onto the local road system subject to improvements at certain junctions that would be achieved via S106/S278 contributions. The site is located on the edge of a peripheral settlement to Bristol with no railway station, rather than within the heart of the city where much better public transport would be available. It is inevitable that many if not the majority of people choosing to live on the site would own and regularly use a car including for commuting trips to work in and around the Bristol conurbation, as no doubt many of the residents of Coalpit Heath, Frampton Cotterell and Whitchurch already do.

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<sup>13</sup> The Table under CS #5.23 on page 36 – CD-LP3. The Council's Closing Statement #35 refers to these as 'guidance'.

<sup>14</sup> CD-PB2

45. Any assessment of the failing of the scheme to meet the guidance distances in PSP11 should in my view be assessed on the basis that many residents of new residential development in the village would be likely to own cars irrespective of how close to shops and other facilities the site was. Many car trips would also involve combined journeys, such as commuting and shopping, either near commuters' place of work or in the village or between them. In this context NPPF paragraph 103 states that opportunities to maximise sustainable transport solutions will vary between urban and rural areas and this should be taken into account in both plan-making and decision-taking.
46. The nearest bus stops are 560m from the site, which exceeds the recommended distance of 400m in CS paragraph 5.24. The bus stops on Badminton Road, which benefit from more frequent services, are more than double that distance. Yet the nearest bus stops (in Heather Avenue and Beesmoor Road) benefit from the level of service described in CS paragraph 5.24 and a distance of 560m is clearly walkable; Manual for Streets (MfS) states that 800m (about 10 minutes' walk) is typically a walkable distance.<sup>15</sup> I acknowledge that many of the dwellings in the development would be more than 560m from these bus stops but most of them would be within a walkable distance.
47. Most of the local facilities and services are more than the typically 800m walkable distance as set out in MfS and the guidance distances in the explanatory text to PLP11 including the doctor's surgery and the Sainsbury's Local on Badminton Road. I agree with the Council that many residents in the proposed development would be unlikely to walk there. But a proportion of those would be likely to make a combined car trip as set out above.
48. The same paragraph in MfS also states that 800m is not an upper limit and that walking offers the greatest potential to replace short car trips, particularly those under 2km. CS paragraph 5.23 says that the walking or cycling route to facilities should be taken into account. The walking route to local services and facilities is generally good (level, paved, lit, flat and safe) and fairly direct.<sup>16</sup> I walked from the edge of the site to the nearest primary school and the facilities in Lower Stone Close in 15 minutes and consider this to be reasonably walkable. I am confident that at least some averagely fit residents would be content to make this walk on a regular basis.
49. Given the distances involved I am confident that some residents would choose to cycle to these facilities. I am also confident that a proportion of residents could and would cycle to work and facilities within a 5.6km cyclable distance because, as the Council's Sustainable Access Profiles for Frampton Cotterell and Coalpit Heath show<sup>17</sup>, there are two Designated Town Centres, twenty major employers and twelve safeguarded employment areas within this distance accessible on suitable cycle routes – in Yate and Emersons Green.
50. In summary I acknowledge that most of the local services and facilities are further away from the site than the guidance distance in the explanatory text of Policy PLP11 and certainly further than 800m. But there are a good range of facilities accessible by safe useable walking routes including bus stops providing regular and frequent services to Yate and Emersons Green and I am

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<sup>15</sup> CD-OD1, page 45 #4.4

<sup>16</sup> Ibid ID20

<sup>17</sup> BR Appendices 5 & 6

confident that a proportion of fit residents would walk to them nonetheless, including to the two local primary schools. They are also clearly within cyclable distance, as are the two Town Centres and the majority of employers in the area. A proportion of car trips to the local facilities would be likely to be combined trips.

51. For these reasons I conclude that, on balance, the proposed development would be located within appropriate distances of key services and facilities sufficient to comply with subsection 3 of Policy PSP11. Subsection 1 of CS Policy CS8 (Improving Accessibility) states that new development proposals which generate significant demand for travel will be favourably considered the nearer they are located to existing and proposed public transport infrastructure and existing facilities and services. For the above reasons I conclude that the site would be located close enough to such facilities sufficient to comply with Policy CS8.

#### Loss of Agricultural Land

52. The proposal would result in the loss of 4.9ha of Best and Most Versatile (BMV) agricultural land. The Council argues that if the site is developed only the south-west field of 4.2ha abutting it would be left as productive farmland out of the current 19.4ha currently being farmed as one single agricultural holding and that its size, isolation and separation from a wider holding may affect its viability as productive agricultural land.
53. I accept the principle of this argument but it would have more merit if the field required access through the appeal site. However, it has its own access through the existing farm gate onto Park Lane, which means it could be independently farmed. It is not uncommon for farm holdings to be made up of a series of non-contiguous fields and it is not necessary for them all to be owned by the farmer. I have been presented with no evidence from the Council to suggest that the continued productive farming of this field would not continue for the foreseeable future. There is contrary evidence from the appellants to suggest that it would, which the Council do not challenge. Any prospective application for residential development on this remaining field is not being mooted by the appellants and any such application would in any case have to be assessed on its own merits.
54. NPPF paragraph 170 b) states that the intrinsic beauty and character of the countryside should be recognised including the economic and other benefits of BMV. The wording of this part of the NPPF has changed and the new wording now omits reference to 'significant development of agricultural land' in the former NPPF's paragraph 112, which was a point of some discussion at the Inquiry. Nonetheless, it is clear that the 4.9ha of BMV that would be lost only comprises 32% of the site, the appellants' undisputed evidence is that the Council's allocated and emerging housing sites contain land of BMV quality, and it is inevitable that the Council will need to develop on such land in order to meet its future housing requirements.
55. The Council also objects to the loss and cumulative erosion of a large area of productive arable land irrespective of the fact that most of it is not BMV. This would result in the loss of the fields of the site for food production in the district, either for arable crops or pasture land for raising animals. But the suggestion that the site should be considered as part of a wider block of 43.3ha is simply wrong because that holding dated back to 1997 and has not been an

agricultural holding for over 20 years. Its entire northern half has since been developed for housing.

56. Subsection 9 of CS Policy CS9 and subsection 2 of Policy CS34 seek to protect BMV and maximise opportunities for local food production. So looking purely at the face of this wording, the development would not comply with these Policies. The appellants consider limited weight should be given to the loss of BMV whereas the Council considers moderate weight should be given to it.
57. In my judgement, given the amount of agricultural land including BMV land that will be needed for development in the future, the loss of the site and its 4.9ha of BMV land would be insignificant and would result in only a limited loss of local food production. Whilst Policies CS9 and CS34 seek to protect or retain BMV and maximise such local food production this is not what the new NPPF says in paragraph 170 b). The Policies do not accord with the NPPF and I conclude that less than full weight should be given to the proposed development's conflict with them. I conclude for the above reasons that limited weight should be given to the loss of BMV and other agricultural land.

### The Planning Balance

58. The Council agrees that the 'tilted balance' applies in this case, in other words with the presumption in favour of sustainable development in paragraph 11 of the NPPF, which is also essentially contained in CS Policy CS4A. This states that where DP policies which are the most relevant for determining the application are out-of-date, 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 NPPF taken as a whole. NPPF Footnote 7 makes clear that out-of-date DP policies include, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (5YHLS). That is agreed to be the case here.
59. I heard extensive evidence on both the housing requirement and the supply at the Inquiry. The Council argues that the housing requirement is that set out in the adopted Core Strategy, whereas the appellants argue that this is out-of-date and should be replaced by a higher figure. The Council maintains that it can demonstrate a housing supply of 4.52 years, whereas the appellants argue that this is a considerable over-estimate and that the supply is realistically no greater than 3.78 years at best and as low as 2.68 years at worst. I consider the under-supply, even if it is only 4.52 years, to be significant because it amounts to 1,000 homes.<sup>18</sup>
60. The Hallam Land CoA judgement confirms that the degree of precision required when calculating the shortfall is a matter of planning judgement for the decision-taker. In a case like this, where the shortfall is significant and triggers the tilted balance, I cannot see the need to agree a specific figure or even a range of figures. The 215 homes that the development would be likely to deliver would make a sizeable contribution to increasing the supply of housing in the district irrespective of whether the HLS is currently 2.68 years or 4.52 years.

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<sup>18</sup> ID15

61. It must accordingly be given substantial weight in the planning balance. There are three different components of the housing that would be delivered: market housing, affordable housing (AH) and custom-build housing (CBH). They are all important and substantial weight should be attached to each component for the reasons raised in evidence by the appellants, which was not substantively challenged by the Council, albeit they all form part of the overall housing requirement and supply. The fact that the much needed AH and CBH are elements that are no more than that required by policy is irrelevant – they would still comprise significant social benefits that merit substantial weight.
62. There would be environmental benefits from the provision of substantial areas of green open space, and this would also comprise a social benefit to the extent that the amount of POS exceeds policy-compliant levels because it would benefit the wider community. This benefit should carry substantial weight. There are also the economic benefits that the scheme would generate in terms of construction and related jobs during the building of the homes and the benefits of expenditure by future residents on the services and facilities in the village, to which I attach moderate weight.
63. Set against this is the landscape harm and its conflict with DP policies and the NPPF, to which I attribute significant weight and the limited weight which I attach to the loss of agricultural including BMV land.
64. There is also the conflict with the Council's spatial strategy. CS Policies CS5 (Location of Development) and CS15 (Distribution of Housing) set out the Council's current adopted spatial strategy. CS5 states that outside the Green Belt defined settlement boundaries will be maintained around rural settlements (including Coalpit Heath) subject to review in a subsequent Plan. Policy CS15 explains the indicative phasing and distribution of a minimum of 28,355 new homes within the district within the period of the CS. The proposed development would conflict with the Council's current spatial strategy because it would be located outside the current settlement boundary.
65. However, I attach little weight to this policy conflict because Policies CS5 and CS15 are clearly policies that affect the supply of housing and the Council lacks a 5YHLS. The emerging *West of England Joint Spatial Plan*<sup>19</sup> identifies several Strategic Development Locations one of which is for around 1,800 dwellings and other uses on the eastern edge of Coalpit Heath within the Green Belt. This indicates that the Council accepts the need for new housing in the area even if that means needing to alter the Green Belt boundary. In this context the fact that the appeal site is not in the Green Belt adds to its suitability for development.
66. There would be harm to the local landscape and conflict with relevant DP policies, to which I give significant weight. There has been a meaningful attempt by the appellants to mitigate such harm, albeit that harm would still exist. The proposal would also result in the loss of agricultural land including BMV. However, such harms would not outweigh the benefits of up to 215 new homes 35% of which would be AH in a district that cannot currently demonstrate a 5YHLS and which has an acute need for AH. The site would be reasonably accessible to local and wider services and in this respect would be likely to be comparable with the proposed SDL at Coalpit Heath. Additionally it lies outside the Green Belt, which otherwise surrounds the village.

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<sup>19</sup> CD-EP3, especially pages 44 & 51

67. For these reasons I conclude that the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits. Planning permission should therefore be granted in accordance with the presumption of favourable development set out in the NPPF.

### **Planning Obligations**

68. The legal agreement obliges the appellant to deliver: 35% of the dwellings as affordable housing based on a tenure split of 73% social rent, 5% affordable rent and 22% intermediate housing; implementation and management of a Travel Plan, various contributions for improvements to PROWs, bus stop upgrades, new footpath/cycle links, the site access arrangements and contributions to other junction improvements; the provision of various types of new POS on-site as well as contributions towards outdoor sports facilities in the absence of such facilities being proposed on-site.

69. Regulation 122 of the *Community Infrastructure Regulations 2010* states that a planning obligation may only constitute a reason for granting planning permission where the obligation is:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Fairly and reasonably related in scale and kind to the development.

Regulation 123 prevents the pooling of more than 5 contributions towards a specific project.

70. The Council has provided a Compliance Statement<sup>20</sup> in which it sets out how these legal and policy tests are met. The appellants do not dispute that. I am satisfied that it successfully demonstrates compliance with these tests for the reasons given in that Statement.

### **Conditions**

71. The Statement of Common Ground (SoCG) (at paragraph 6.1) includes a list of 25 conditions agreed between the main parties. I agree that most of these are necessary and meet the other tests for conditions in Planning Practice Guidance. The reasons for the individual conditions are set out in the Schedule below. However, three of the suggested conditions, Conditions 3, 14 and 15 (SoCG pages 18 and 22), are unnecessary because they relate purely to matters that are reserved so there is no need for them at this outline stage.

### **Conclusion**

72. For the reasons given above I conclude that the appeal should be allowed.

*Nick Fagan*

INSPECTOR

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<sup>20</sup> ID12



## Schedule of Conditions

**1.** The development must take place in accordance with the following plans and reports:

Received by the Council on 17th July 2017:

Design and Access Statement 19294/A5 11

Received by the Council in May 2017:

Scale Parameter Plan 19294 9602 E

Green Infrastructure Parameter Plan 19294 F

Land Use & Access Parameter Plan 19294 9601 F

Site Location Plan 19294 9001 A

Received by the Council on 25th January 2017:

Proposed Site Access General Arrangement in Transport Assessment Appendix I  
04255-HYD-XX-XX-DR-TP-2000P2

Received by the Council on 17th January 2017:

Density Plan 19294 9603 D

***Reason:***

*In order to define the planning permission. To ensure a satisfactory external appearance of individual buildings and the wider development in the interests of the visual amenity of the area and to accord with Policies CS1, CS2 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013 and policy L13 of the South Gloucestershire Local Plan (adopted) January 2006.*

**2.** Approval of the details of the layout, scale and appearance of the buildings to be erected, and the landscaping of the site (hereinafter called "the reserved matters") for each phase shall be submitted to and approved in writing by the Local Planning Authority in writing before any development is commenced.

***Reason:***

*This is an outline permission only and the reserved matters shall be made to the Local Planning Authority.*

**3.** Applications for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission.

***Reason:***

*To comply with the requirements of Sections 91 and 92 of the Town & Country Planning Act 1990 (as amended) and to ensure that housing is delivered as quickly as possible on the site.*

**4.** The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

***Reason:***

*To comply with the requirements of Sections 91 and 92 of the Town & Country Planning Act 1990 (as amended).*

**5.** The first reserved matters submitted pursuant to condition 2 shall include a site

wide phasing plan to indicate the scale and sequence of build out including the relationship of dwellings to the delivery of infrastructure. The development shall be carried out in accordance with the agreed details.

**Reason:**

*To ensure that the development is comprehensively planned, designed and phased to ensure that the provision of the different land uses within the site are delivered and protected in order to comply with the relevant policies in the Development Plan.*

**6.** The reserved matters applications submitted pursuant to condition 2 shall include a detailed delivery framework for the self-build housing. The development shall be carried out in accordance with the approved strategy.

**Reason:**

*To ensure that self-build units are delivered at the site to an acceptable standard and in the interests of the character and visual amenity of the area and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013; and policy L13 of the South Gloucestershire Local Plan (adopted) January 2006.*

**7.** A site specific Construction Environmental Management Plan (CEMP), shall be submitted to and agreed in writing by the Local Planning Authority prior to commencement of development. The CEMP as approved by the Council shall be fully complied with at all times.

The CEMP shall address the following matters:

- (i) Measures to control the tracking of mud off-site from vehicles.
- (ii) Measures to control dust from the demolition and construction works approved.
- (iii) Adequate provision of fuel oil storage, landing, delivery and use, and how any spillage can be dealt with and contained.
- (iv) Adequate provision for the delivery and storage of materials.
- (v) Adequate provision for contractor parking.
- (vi) A lorry routing schedule.
- (vii) Temporary access arrangements for construction traffic.
- (viii) Details of Main Contractor including membership of Considerate Constructors scheme.
- (ix) Site Manager contact details.
- (x) Processes for keeping local residents informed of works being carried out and dealing with complaints.

**Reason:**

*In the interests of highway safety and residential amenity and to accord with Policies T12 and EP1 of the adopted South Gloucestershire Local Plan.*

**8.** No dwelling shall be occupied until the highway linking that dwelling to the existing public highway has been provided with street lighting, completed to base course level for the carriageway and surface course level for the footway or shared surface, all in accordance with details to be submitted to and approved by the Local Planning Authority.

**Reason:**

*In the interests of highway safety, to ensure all dwellings are provided with a safe*

*and suitable access and to accord with Local Plan Policy T12.*

**9.** No dwelling shall be occupied until car and cycle parking has been provided for that dwelling in accordance with details to be submitted to and approved by the Local Planning Authority.

**Reason:**

*In the interest of highway safety and to accord with South Gloucestershire Council's Supplementary Planning Document residential car parking and Local Plan Policy T7.*

**10.** The plans and particulars submitted as part of condition 2 for the relevant Reserved Matters shall include a scheme of vehicular access for the allotments. Car parking for the allotments shall be provided in accordance with the agreed details prior to the first use of the allotments.

**Reason:**

*In the interests of highway safety and the amenities of the area and to accord with policy T12 of the South Gloucestershire Local Plan (adopted) January 2006.*

**11.** The plans and particulars to be submitted in accordance with condition 2 shall include:

1. An Arboricultural Implications Assessment
2. An Arboricultural Method Statement
3. A Tree Protection Plan
4. An engineering plan showing all services outside the RPAs of retained trees. All fencing to be in accordance with BS5837 2012 Trees in Relation to Construction and shall be erected before any works commence and retained and maintained for the duration of the construction period.

**Reason:**

*In the interests of the health of trees in the interests of the character and visual amenity of the area and to accord with policy L1 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy); and policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.*

**12.** No development shall take place on land to which the reserved matters relates until full details of both hard and soft landscaping works shall be submitted in writing to the Local Planning Authority for approval and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines indicating lines, manhole); retained landscape features, including trees and hedgerows and proposals for restoration where relevant. Soft landscaping works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; implementation programme.

**Reason:**

*To protect the character and appearance of the area and to accord with policy L1 of the South Gloucestershire Local Plan (adopted) January 2006 (saved policy); and policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.*

**13.** Prior to the construction of the dwellings hereby approved, a public art plan for a unique site specific integrated scheme of Public Art (including timescales and triggers) to be implemented within the development site shall be submitted to the Local Planning Authority for approval in writing with detailed designs to be submitted and approved as part of the reserved matters. For the avoidance of doubt the submission shall be prepared in line with recommendations in the Council's Art and Design in the Public Realm - Planning Advice Note. Thereafter the artwork/s shall be installed in accordance with the details so agreed and retained as such.

**Reason:**

*To ensure public art is appropriately included within the scheme in the interests of the visual amenity of the development and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.*

**14.** The hours of working on site during the period of construction shall be restricted to 07.30am-18.00pm Mondays to Fridays; and 08.00am-13.00pm on Saturdays and no working shall take place on Sundays or Public Holidays. The term working shall, for the purpose of clarification of this condition include: the use of any plant or machinery (mechanical or other), the carrying out of any maintenance/cleaning work on any plant or machinery deliveries to the site and the movement of vehicles within the site. Any working outside these hours shall have the prior written consent of the Local Planning Authority.

**Reason:**

*To protect the residential amenity of residential occupiers and to accord with policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.*

**15.** The development shall be carried out in accordance with the energy efficient measures identified in the Sustainability Statement dated 13th July 2017. Reserved matters applications submitted pursuant to condition 2 shall include details of how the objectives of the Sustainability Statement will be achieved. All development shall be carried out exactly in accordance with the details so agreed.

**Reason:**

*To achieve improved energy conservation, and protect natural environmental resources and to accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.*

**16.** Prior to the commencement of development a soil handling and mitigation strategy inline with best practice measures to prevent damage to soils and allow their reuse shall be submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the agreed details.

**Reason:**

*To ensure appropriate treatment of Best and Most Versatile (BMV) soils to safeguard the potential for local food cultivation and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013. This is a pre-commencement condition to protect BMV soils.*

**17.** No areas designated as public open space shall at any time be used as a site compound unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt, "site compound" for the purposes of this condition shall mean any area used for siting offices, toilets, fuel tanks, cabins, storage containers, the storage of materials, and the construction of temporary roads and hardstandings.

**Reason:**

*In the interests of Best and Most Versatile (BMV) soils to safeguard the potential for local food cultivation and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013.*

**18.** Prior to the commencement of any groundworks, including any exempt infrastructure, geotechnical or remediation works, and prior to the submission of any reserved matters application, a programme of archaeological work and subsequent detailed mitigation, outreach and publication strategy, including a timetable for the mitigation strategy, must be submitted to and approved by the Local Planning Authority. Thereafter the approved programme of mitigated measures and method of outreach and publication shall be implemented in all respects.

**Reason:**

*In the interest of archaeological investigation or recording and to accord with policy CS9 of the South Gloucestershire Local Plan Core Strategy (adopted) December 2013. This must be a pre-commencement condition as archaeology cannot be preserved retrospectively.*

**19.** The development shall be carried out in exact accordance with the Desk Study and Initial Ground Investigation submitted in support of the application. Prior to the commencement of development on site the exact form of proposed intrusive site investigation works shall be submitted to the Council, and if acceptable, agreed in writing. The intrusive site investigations shall then take place exactly in accordance with the details so agreed. The findings arising from the intrusive site investigations (including the result of any gas monitoring) shall be submitted in the form of a report and shall include a scheme of any necessary remedial works. If acceptable, the LPA will give written approval to the report and proposed remedial works. The remedial works must be fully implemented in accordance with the submitted report.

**Reason:**

*To ensure that the site is or can be made safe and stable for the proposed development and to prevent environmental pollution in accordance with Policy CS9 of the adopted South Gloucestershire Local Plan: Core Strategy (December 2013).*

**20.** Prior to the commencement of development drainage detail proposals incorporating Sustainable Drainage Systems SUDS and confirmation of hydrological conditions e.g. soil permeability, watercourses, mining culverts)

within the development shall be submitted for approval in writing to the Local Planning Authority. Development shall be carried out in accordance with the approved details. For the avoidance of doubt, the details submitted shall include the following:

- o A clearly labelled drainage layout plan showing the pipe networks and any attenuation ponds.
- o Updated drainage calculations to show there is no flooding on site in 1 in 30 year storm events; and no flooding of buildings or off site in 1 in 100 year plus an allowance climate change storm event.
- o Where attenuation forms part of the Surface Water Network, calculations showing the volume of attenuation provided, demonstrating how the system operates during a 1 in 100 year plus an allowance for climate change storm event.
- o Where infiltration forms part of the proposed Surface Water Network such as Soakaways, percolation / soakage test results and test locations are to be submitted in accordance with BRE 365.
- o An updated plan showing the cross sections and design of the attenuation pond and its components (to include an all-around access track for maintenance).
- o The drainage layout plan should also show exceedance / overland flood flow routes if flooding occurs and the likely depths of any flooding.
- o The plan should also show any pipe node numbers referred to within the drainage calculations.
- o A manhole / inspection chamber schedule to include cover and invert levels.
- o Ownership and responsibility, along with details of the maintenance regime in relation to the Surface Water Network and any components such as, Existing Ditches, Attenuation/Infiltration features, and Flow Control Devices where applicable.

**Reason:**

*To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework. This must be a pre-commencement condition to ensure that the whole scheme is adequately drained.*

**21.** Prior to the commencement of any on-site drainage works, an updated CCTV survey of the railway culvert condition shall be conducted and the results submitted to the local planning authority. Any debris within the railway culvert referred to in the original FRA & Drainage Strategy dated November 2016 page 16, along with any new evidence of debris which may be revealed as a result of a new survey, is to be removed prior to commencement of any site drainage works.

**Reason:**

*To ensure that a satisfactory means of drainage is provided, and to accord with policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.*

**22.** No development shall commence until both a Landscape and Ecological Management Plan (LEMP) and an Ecological Mitigation Strategy (both to be in accordance with the Ecological Assessment submitted in support of the application) have been submitted to and approved in writing by the Local Planning Authority. The management plan shall include the results of an ecological survey of the site, and a detailed scheme of protection, mitigation and



compensation measures to be incorporated within the development, including a timetable for the implementation of the scheme and for the monitoring of the impact of the development on the ecological features. The development shall subsequently be carried out exactly in accordance with the approved details.

**Reason:**

*To ensure the works are carried out in an appropriate manner to protect the ecological integrity of the site, and to accord with Policy CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013 and the National Planning Policy Framework.*

**APPEARANCES**

FOR THE LOCAL PLANNING AUTHORITY: *Alexander Greaves* of Francis Taylor Buildings

|           |   |
|-----------|---|
|           | Nigel Evers, Viridian – Landscape   |
| He called | Donna Whinham, South Gloucestershire Council – Housing Requirement & Supply           |
|           | Ben Read, Rapleys – Planning, Policy, Agricultural land Classification, Accessibility |

FOR THE APPELLANT: *Christopher Young QC* of No5 Chambers

|           |  |
|-----------|--|
|           | Richard McWilliam, Barton Willmore – Landscape                                     |
| He called | Tony Kernon, Kernon Countryside Consultants Ltd – Agricultural Land Classification |
|           | James Donagh, Barton Willmore – Housing Requirement                                |
|           | Peter Roberts, Barton Willmore – Housing Land Supply                               |
|           | James Stacey, Tetlow King – Affordable Housing                                     |
|           | Simon Prescott, Barton Willmore – Planning, Policy, Accessibility                  |

**INTERESTED PERSONS:**

|                   |  |
|-------------------|--|
| Juliet King-Smith | Daughter of Dick King-Smith & former resident                |
| Andrew Beecher    | Local resident   |
| Rachel Trudgian   | On behalf of VALID & local resident                          |
| Jen Dunford       | Chair of Frampton Cotterell Parish Plan (aka Village Action) |
| Jean Butler       | Westerleigh Parish Council                                   |
| Cllr Claire Young | Ward Councillor, South Gloucestershire Council               |
| Tristan Clark     | Local resident and Cllr on Westerleigh Parish Council        |
| Brian Holloway    | Local resident   |

## DOCUMENTS

All the documents below are Inquiry Documents (IDs). Documents 30-39 below were submitted following the last sitting day of the Inquiry.

- 1 Opening submissions on behalf of the appellants
- 2 Opening submissions on behalf of the Council
- 3 *Hallam Land Management Ltd v SSCLG & Eastleigh Borough Council [2017] EWHC 2865 (Admin)*
- 4 Objection by Juliet King-Smith
- 5 Objection by Andrew Beecher
- 6 Objection by Rachel Trudgian on behalf of VALID
- 7 Objection by Jen Dunford on behalf of Village Action
- 8 Objection by Jean Butler on behalf of Westerleigh Parish Council
- 9 Objection by Ward Cllr Claire Young
- 10 Current position in respect of West of England Joint Spatial Plan and South Gloucestershire New Local Plan
- 11 N/A
- 12 The Council's CIL Regulations 122 & 123 Compliance Statement
- 13 A3 table of disputed sites re Housing Land Supply (HLS)
- 14 Housing Trajectory
- 15 HLS – Council's and Appellants' figures set out in table
- 16 Suggested route for accompanied site visit
- 17 Press cutting regarding the proposed development
- 18 Email to Mrs Whinham re housing delivery on airfield site
- 19 Addition to NE's Appendix F from South Gloucestershire Landscape Character Assessment SPD
- 20 A3 map of facilities in the village
- 21 Mr Prescott's updated Accessibility tables
- 22 *Suffolk Coastal District Council v Hopkins Homes & Richborough Estates v Cheshire East Borough Council [2017] UKSC 37*
- 23 Objection by Brian Holloway
- 24 Barratt's Great Places booklet
- 25 Building for Life 12
- 26 Objection by Tristan Clark
- 27 Summary of South Oxon case below
- 28 *South Oxfordshire District Council v SSCLG & Cemex Properties UK Limited [2016] EWHC 1173 (Admin)*
- 29 The S106/S278 etc legal agreement
- 30 Closing submissions on behalf of the Council
- 31 Closing submissions on behalf of the Appellants
- 32 Costs application on behalf of the Council
- 33 Costs application on behalf of the Applicants
- 34 Council's response to Appellants' costs application
- 35 Appellants' response to Council's costs application
- 36 Council's comments on new NPPF and copy of *Hallam Land v SSCLG [2018] EWCA Civ 1808*
- 37 Appellants' comments on new NPPF and copy of recent Charfield appeal decision
- 38 Council's Final Comments on costs
- 39 Appellants' Final Comments on costs