

Appeal Decision

Inquiry Held on 7-10 December 2021

Site visits made on 6 and 10 December 2021

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022

Appeal Ref: APP/Q3305/W/21/3280802

Land at Hoecroft, Chilcompton, Wells, Somerset

- 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 Gladman Developments Ltd against the decision of Mendip District Council.
 - The application Ref 2021/0421/OTS, dated 18 February 2021, was refused by notice dated 30 July 2021.
 - The development proposed is the erection of up to 95 dwellings with public open space, landscaping and sustainable urban drainage system.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application is in outline with all matters reserved except access. However, an illustrative Development Framework Plan was submitted to show how a scheme might look on the site with peripheral landscaping and native woodland planting in the south-east corner. The appeal has been considered taking this illustrative plan into account.

Main Issues

3. The application was refused for five reasons, however three were resolved before the inquiry. These related to the potential impact on certain bat species, concerns regarding resource efficiency/climate change and the lack of a legal mechanism to secure affordable housing and infrastructure. The latter has been addressed through a Section 106 agreement which was submitted at the inquiry.
4. The main issues therefore are:
 - whether the proposal complies with the spatial strategy of the development plan;
 - the effect of the proposal on the character and appearance of the area, including the form of the village and landscape impacts; and
 - whether the services and facilities of the village are able to accommodate the quantum of housing proposed.

Reasons

Spatial strategy

5. The proposal is for a housing development of up to 95 dwellings. The site lies immediately adjacent to but outside the 'development limits' of Chilcompton as defined by the Mendip District Local Plan Part 1 adopted in December 2014 (the LPP1). It follows that the site lies in the countryside for planning policy purposes and the proposal conflicts with LPP1 Core Policies (CP) 1, 2 and 4 which in turn set the district's spatial strategy, the housing provision to be made and the policy for sustaining rural communities.
6. CP1 seeks to deliver the most sustainable pattern of growth for Mendip district by directing the majority of development towards the five main towns. In the remaining rural parts of the district development will be 'tailored to meet local needs' with the villages divided into a hierarchy with three categories, primary villages, secondary villages and more minor villages and hamlets. Chilcompton is classified amongst the 16 primary villages on the basis that they offer key community facilities, including the best available public transport services, and some employment opportunities, making them 'best placed to accommodate most rural development'. For the scale of housing to be provided within the various villages reference is made to the table associated with CP2.
7. CP2 provides for a minimum of 9,635 additional dwellings in the district over the plan period 2006-29, some 420 dpa. Strategic sites are identified for the five main towns with provision in the villages confined to their development limits and smaller sites to be allocated in the subsequent Mendip Local Plan Part 2 – Sites and Policies (the LPP2). Importantly, further allocations are to be based on the principle of 'proportionate growth' in each settlement with the contribution or requirement for each village set out in the associated Table 9. CP4 also provides that housing within rural settlements should be at a scale commensurate with the existing housing stock in line with CP1 and CP2.
8. LPP1 paragraphs 4.18 to 4.34 and its associated technical paper set out a 'top down' approach to distributing the 9,635 additional dwellings firstly to the main towns and then in turn to the primary and secondary villages. The calculation equates to a 15% growth in housing stock for each village over the plan period – 120 in the case of Chilcompton – subject to a maximum requirement for any primary village of 70 dwellings. Table 9 sets out the requirement for each village over the 2006-29 period, 70 dwellings in the case of Chilcompton. As this figure was already exceeded with 78 dwellings built or committed at the time, no further development was proposed.
9. The LPP2, finally adopted in December 2021, as only a subsidiary plan, did not review the strategic policies of the LPP1 but identified additional housing sites to meet its minimum requirements and to support housing land supply with a view to enabling an uplift in housing growth. The result is a revised housing provision in Table 4a of 12,755 dwellings over the 2006-29 plan period, some 555 dpa. This is an increase of 32% over the CP2 figure and obviously of some assistance to housing land supply going forward. The LPP2 makes a series of allocations totalling 305 dwellings in villages but nothing at Chilcompton as by then 156 dwellings had been built or committed, significantly more than the LPP1 'planned level' of 70¹. The largest allocations at primary villages are 70

¹ LPP2 Chapter 11.6

dwelling at Nunney and 40 dwellings at Westbury Sub Mendip which address the LPP1 Table 9 shortfalls of 54 and 40 dwellings respectively. No allocations of the scale of 95 dwellings are made, the size of the scheme in this case.

10. However, in the absence of a review of the LPP1 as required by paragraph 33 of the National Planning Policy Framework (NPPF), five years have elapsed since adoption². The housing requirement should now be assessed by the standard method of calculating local housing need, some 599 dpa, rather than the CP2 figure of 420 dpa. Due to this additional requirement, it is agreed that the Council can currently only demonstrate 3.5 years supply of deliverable housing land. It follows that Policies CP1, CP2 and CP4 are out of date insofar as they restrict new housing. The presumption in favour of sustainable development (the tilted balance) in paragraph 11(d)(ii) of the NPPF therefore applies. This is an important material consideration to be taken into account in determining this appeal.
11. Since the housing provision in CP2 is out of date, the detailed way in which the figure would be made up is also out of date. The guideline of 15% growth in housing stock in each rural settlement and 'village requirement' for just 70 dwellings in Chilcompton therefore cannot be decisive in this case. However, the basic principles of CP1, CP2 and CP4, that the majority of development should be in the five towns, that the primary villages are the most sustainable in the rural area and that their individual growth should be proportionate, do not conflict with the NPPF, remain valid and should be given significant weight. Indeed, the appellant does not seriously dispute these principles.
12. The appellant argues that Chilcompton is the most sustainable primary village and thus the most suitable for growth. According to the Rural Settlement Role & Function Paper it has the second highest population, is the only village with all the services and facilities surveyed, has a journey to work bus service, a high ratio of jobs to households, few specific constraints, and the highest overall sustainability score of 20 points. However, the report dates from 2012, uses 2001 census data, and has not been updated. Various changes including the number of jobs and bus service alterations were discussed at the inquiry. With Beckington, Evercreech, Draycott and Nunney on 18 or 19 points in 2012 the village may no longer be the most sustainable. In particular, the ability of the primary school to accept additional children is a major factor.
13. The 'requirement' for only 70 dwellings in Chilcompton over the plan period was arbitrary even when set. The latest figure of 171 dwellings built or committed, or 266 dwellings with the scheme, does not in itself demonstrate whether its growth would be proportionate. However, 171 dwellings amounts to a 22.4% increase over the 2006 housing stock of 762 and the scheme for 95 more would result in a 35% increase, significantly more than the guideline figure of 15%. Whilst the appellant notes that Beckington and Norton St Philip will see higher growth in their housing stock of 38.8% and 43.9% respectively (including their LPP2 allocations), the absolute number of extra houses in those villages will be much lower. Most villages will see significantly lower levels of growth, several well below 15%.
14. The appeal scheme would not significantly increase the proportion of new housing to be provided in rural areas above the 20% proposed in the LPP1, but no single scheme would. Expressing the 35% increase in households in

² To address this, LPP2 Policy LP1 requires an immediate review of both the LPP1 and LPP2.

Chilcompton as 1.5% per annum also sounds modest, but this disguises the rapid increase that would occur in just two or three years as the scheme is built out. The population would increase by about 9.4% over that short period.

15. In conclusion, were the scheme to go ahead, Chilcompton would be at the leading edge of village growth during the plan period. There are no examples of single schemes of the size of 95 dwellings elsewhere and the scheme would not be 'small' in line with LPP2 paragraph 3.28. The scheme would therefore skew the spatial strategy of the development plan away from the main towns and deliver a less sustainable pattern of growth for Mendip district than the LPP1 intends³. However, unless repeated in other villages, it would not seriously undermine the strategy overall and would amount to limited harm. Ultimately, the more important issue is whether the proposal would be a disproportionate or inappropriate addition to Chilcompton. This cannot be determined mathematically but depends on an assessment of the scheme in relation to the village concerned.

Character and appearance

16. The housing development of up to 95 dwellings would take the form of a cul-de-sac estate accessed from Hoecroft, a semi-rural lane on the outskirts of the village forming part of the B3356 which runs south-east from Naish's Cross. The appeal site of about 4.65 ha comprises two gradually rising fields used for grazing purposes, bounded by well-trimmed hedges and occasional hedgerow trees. Existing residential properties fronting Stockhill Road and Hoecroft Gardens lie to the west and north whilst others on Hoecroft face the proposed access and one, Croft House, projects into a corner of the site.
17. The application was accompanied by a Landscape and Visual Impact Appraisal (LVIA) from Aspect Landscape Planning Ltd and at appeal stage this was supplemented by further evidence from the appellants and a detailed critique by Potterton Associates Ltd. The evidence included a series of viewpoints in the local area and five wireframe visualisations. This material, together with discussion at the inquiry, provided a full airing of the issues.
18. The village has a distinctive layout and position within the landscape, being elongated in form along the east-west B3139 road with long linear extensions to the north along The Street and south west along Stockhill Road. The built-up core of the village lies between the B3139 and the old railway line, where there is some commercial land and a small number of medium sized housing estates. Elsewhere the settlement comprises mainly frontage development with only minor cul-de-sacs. The result is that areas of countryside extend into the heart of the village, and this forms a key part of its character which would be affected by the scheme.
19. In terms of its landscape setting, the steep sided River Somer valley lies just to the north of the built-up core of the village with the countryside to the south, of which the appeal site forms part, rising steadily to the 220 m contour at Blacker's Hill. The main part of the village lies in the valley below the 190 m contour, and gently slopes down to the east. However, with the mile long linear development along Stockhill Road to one side, the appeal site rises above the main village to about 200 m, the height difference from the north-west corner to the southern boundary being a noticeable 9.7 m. As a result

³ LPP2 paragraph 3.28 states: 'Further growth in these villages... does not reflect the adopted spatial strategy'

there are views up towards the site from numerous properties in the village as well as public views from adjacent roads and some footpaths. The top of the site overlooks the village and the new housing would do likewise.

20. The relationship of the site to the village and the significantly rising ground are therefore key factors. Whilst the site is adjacent to the 'development limits' of the village to the west and north, to the west this comprises the linear mostly frontage development along Stockhill Road and to the north frontage development along Hoecroft with two small culs-de-sac Hoecroft Gardens and Westmead. Both comprise fingers of development extending into the open countryside with, to the north of Hoecroft, a visually important grass field designated as an Open Area of Local Significance by LPP1 Policy DP2 and hence protected from development. The proposal would not therefore comprise a logical extension of the village as claimed but would be seen as an unduly large, individual estate, detached from its main built-up core which starts at Naish's Cross and the northern end of Rock Road. It would be incongruously located, encroaching into the countryside which extends into the heart of the village, eroding its character. A scheme of up to 95 dwellings here would be out of scale in relation to the smaller estates in the main core of the village. Views from the Open Area of Local Significance into the countryside to the south, albeit private land and filtered through the trees along Hoecroft, would be lost to be replaced with views of a large housing estate on rising ground. This would erode the attractive semi-rural character of this part of the village.
21. Neither the appeal site or the surrounding area form part of a designated or protected landscape. The Landscape Assessment of Mendip District published in 1997 describes the landscape around Chilcompton as complex but places the area south of the B3139 in the Emborough-Picot Ridge landscape character sub-area. This area is characterised by rectilinear fields, infrequent hedgerow trees and some urban fringe influences including Stockhill Road, some scattered housing and the industrial estate on the site of the old colliery on Rock Road. The appeal site and its surroundings are representative of this landscape. The site comprises attractive grazing fields with well-maintained hedgerow boundaries, is in good condition, forms an important part of the rural setting of the village and is clearly visible from nearby roads and footpaths. Whilst there is no public access onto the site itself and there are urban influences including some adjacent housing and a minor power line, the site and surroundings should be seen as having medium value, not of national importance but much valued locally.
22. The landscape and visual impact of the proposal would be mitigated by retaining the majority of boundary hedgerows, providing linear green open spaces with new native tree, hedge and shrub planting along its external boundaries, an area of new woodland in the south-east corner of the site and street trees within the housing layout. Apart from the woodland, boundary planting would be limited to a strip of about 10 m which would not screen the buildings or strengthen landscape character but simply integrate the development into the extended village. This peripheral landscaping, which would take many years to become established, would therefore have only a limited effect in reducing the landscape and visual harm of the proposal.
23. The proposed change from open pasture to residential housing estate would fundamentally change the rural character of the site, altering its nature and function, which can only be seen as high magnitude change, notwithstanding

open space and landscaping as part of the layout. Currently part of the gradual transition from the main built-up core of the village to the unspoilt countryside without urban influences further south, the sensitivity of the site and surrounding landscape to the scheme should be seen as medium. Overall, even taking account of the screening effect of hedgerows and nearby housing, the appellant's LVIA underestimates the significance of the effect of the scheme on the landscape character of the site and its surroundings. This should be seen as substantial adverse, as assessed by the Council.

24. In addition, the character of the area would be adversely affected at night with numerous residential and street lights visible across a large housing estate on rising ground where at present there are none.
25. To assess the visual impact of the proposal, the LVIA identifies 16 viewpoints (VPs) around the site and wireframe visualisations were produced for five of these on completion of the scheme and at year 10. However, the VPs were not agreed with the Council and exclude any to assess the impact on occupiers of adjacent residential properties, despite these being accepted as high-sensitivity receptors. In addition, obvious VPs opposite the entrance to the site (Council photo C) and from Stockhill Road between Nos 17-19 (A) are missing and the position of VPs 3 and 9 obscure the views through the gateways concerned.
26. The housing on Stockhill Road and Hoecroft Gardens which backs onto the site to its west and north would screen most views of the proposal from users of these sections of road. For example, from Naish's Cross (VP1), any rooftops would be seen with existing housing in the foreground so the visual impact would be only minor adverse. Intervening housing would also screen views from some of the more distant viewpoints, eg VP14. However, where there are views through to the site, such as VP2 through the garden of Rock View or glimpses between Nos 19-31 Stockhill Road, an in-depth housing estate behind the frontage housing would be readily apparent changing the existing village edge character to a more built-up area.
27. The proposal would have its greatest visual impact from public viewpoints along Hoecroft where the site access would require the removal of all 65 m of hedge between Croft House and Rock View (C). Six residential properties directly face this hedge, with first floor windows overlooking the fields. These residents, high-sensitivity receptors, together with pedestrians and other road users, would see a change of high magnitude. Although some of the hedge would be reinstated behind the visibility splay and the site entrance would be landscaped, the current view of a rural hedge, or from first floor windows the grass fields, would be replaced by a wide and deep residential estate rising up in the view to the top of the site. The visual impact would be major adverse, reducing slightly over time as the landscaping takes effect.
28. Along Rock Road (VP3) the character of a rural lane with a well-maintained hedge and open field behind would change but the scheme includes substantial woodland planting in the south-east corner of the site adjacent to the road. Over time this would largely screen the new housing behind resulting in medium change; with few pedestrians along this section of road the receptors have less sensitivity leading to an assessment of minor to moderate adverse impact as the woodland becomes established.
29. Footpath 5/26 crosses the fields between Rock Road and Stockdale Road a short distance to the south of the appeal site and includes VPs 4 to 7. Walkers

on this route enjoying the countryside are high-sensitivity receptors. Whilst the definitive path lies to the south of a hedgeline this is not often reinstated across the arable field so users generally walk alongside the low hedge with views over it towards the site. Walking west the proposed woodland in the south-east corner of the site would reduce to a 10 m strip which would do little to screen the new houses. Although as one walks the views of the site become more distant and the housing along Stockdale Road more apparent, the introduction of a large housing estate would be a moderate magnitude change. However, by greatly consolidating the fragmented development in these views and bringing the village much closer, the proposal would have a moderate to substantial adverse impact when seen by footpath users.

30. The sensitivity of views from Stockhill Road near VP9 are also high, being seen both by walkers through the wide gap next to No 45 and the residents of about ten houses with first floor windows overlooking the site. These are the only residents noted as receptors by the LVIA. The new housing estate would be set back by just one field from the road with only limited screening provided by a low hedge, two or three hedgerow trees and the 10 m strip. With the major loss of rural outlook, the visual impact here would be substantial adverse.
31. Finally, on a tour around the site, there would be a substantial adverse impact on missing viewpoint A with its view up towards attractive grazing land. Whilst seen in a built-up context between Nos 17-19 Stockhill Road, the view brings walkers a valuable appreciation of the adjacent countryside, reinforcing the character of the village in its rural setting. The new estate would completely fill this view substituting a more intensively built-up character.
32. The LVIA thus significantly underestimates the visual impact of the proposal on many surrounding public viewpoints and the receptors involved. However, as pointed out by the Council, the most serious omission is the failure to assess the impact on nearby residential occupiers. Whilst recognising there is no right to a view, the appellant accepts that these are high-sensitivity receptors who would be adversely affected by the visual impact of the scheme at home every day. Their sensitivity as receptors is particularly high when views from ground floor windows or private rear gardens are involved as in many cases here.
33. The appeal site has a close visual inter-relationship with about 50 properties adjacent to the site. Six two-storey houses on Hoecroft directly face the frontage of the site across the road, about ten on Stockhill Road face it across a small field and about 10 properties on Wells Road have more distant views across the Open Area of Local Significance up towards the site, albeit filtered through the trees on Hoecroft. About 20 properties on Stockhill Road and Hoecroft Gardens back directly onto the site with views across it. Some have little or no screening, in particular Nos 17 & 19 Stockhill Road, 7 Hoecroft Gardens and Rock View. Most notable of all the two-storey Croft House backs onto the site with its rear elevation, unscreened, only a metre or so from the field boundary. The failure of the LVIA to even mention this house, the single most affected by the scheme, is particularly hard to explain.
34. As with landscape impact, the change from open pasture to built-up residential housing estate would fundamentally harm the rural character of the site resulting in an adverse visual impact for the residents concerned. The 10 m wide landscape strip would integrate the housing into the village rather than screen it. The magnitude of visual change as seen by these residents would be

high, in a few cases very high, with the impact only increased by the location of the new housing on rising ground, well above the level of rear gardens in some cases. As high sensitivity receptors the significance of the visual impact on these residents would therefore be major adverse in the case of Croft House, Rock View, the six houses on Hoecroft, 7 Hoecroft Gardens and Nos 17 & 19 Stockhill Road. The visual impact on receptors in other adjacent properties would be substantial adverse and those further afield moderate adverse. The submitted LVIA fails to include this assessment.

35. In conclusion, the proposal would significantly harm the character and appearance of the area, adversely affecting the form of the village and surrounding landscape. It would not comprise a logical extension to the village, being an unduly large, individual estate, detached from its main built-up core. It would be incongruously located, encroaching into the countryside which extends into the heart of the village, eroding its character. The LVIA underestimates the effect of the scheme on the landscape which would be substantial adverse. The visual impact from nearby public viewpoints is also underestimated, including from Hoecroft which would be major adverse, reducing only slowly over time as the landscaping takes effect. The LVIA also fails to assess the visual impact on residents living in about 50 properties around the site where the impact on high sensitivity receptors would be major adverse in some cases, most notably Croft House. Taking these considerations together, the overall adverse impact of the scheme would be substantial in conflict with LPP1 Policies DP1, DP4 and DP7.
36. Contrary to Policy DP1, the proposal would detract from the maintenance and enhancement of local identity and distinctiveness, fails to appreciate the built and natural context, and fails to recognise that distinctive townscapes, views, scenery and other features collectively generate a distinct sense of place and local identity even though these may not always be formally recognised. Contrary to Policy DP4 the scheme would degrade the quality of the local landscape and fails to demonstrate that its siting and design are compatible with the pattern of natural and man-made features of the relevant landscape character area. Finally, contrary to Policy DP7, the proposal would not be of a scale, form and layout that would be appropriate to the local context. Whilst these policies are out of date insofar as they restrict new housing, their policy principles do not conflict with the NPPF, remain valid and should be given significant weight.
37. The proposal would also conflict with one of the key aims of the Chilcompton Village Design Statement, adopted by the Parish Council in 2015. This notes on page 5 that the built form of the village and the existing development limits mean that views of the countryside around the village are often visible from within it. These countryside views include those from viewpoints A and C which would become views of a built-up area.

Services and facilities

38. Reflecting local concerns, the Council argue that with the appeal scheme and the resulting 35% growth in households over the 2006-29 period it is 'almost inevitable' that the existing services and facilities in the village will be put under significant strain. However, additional patronage from new residents can only be of benefit to the private sector businesses in the village which include shops, public houses and various services. In relation to community facilities,

no evidence was presented for example of a quantified shortage of playing field provision or unmet demand for use of the village hall.

39. One of the GPs at the local surgery objects to the proposal as the service is already overstretched, and states that further patients in the village with no extra resources would be likely to lead to a watered down service. However, GP services are under pressure across the country and this is not a reason to prevent development. Chilcompton is one of six villages in the district with a GP facility⁴, a branch of the St Chad's practice in Midsomer Norton. This gives the opportunity for appointments in the village, reducing the need to travel. Even if some appointments need to be made at Midsomer Norton, for relatively irregular visits to the GP this is not unduly burdensome. There is no evidence that the practice is turning away new patients from its catchment area which would require registration at a surgery elsewhere and would potentially have sustainability implications.
40. However, there is one issue that raises significant implications for the need to travel, namely the capacity of the village primary school, the St Vigor and St John Church School. This primarily serves a specific united benefice area⁵ and forms part of the Bath and Wells Multi Academy Trust. The single form entry school, currently rated outstanding, is popular and regularly oversubscribed so all its seven year groups are full. Whilst recent admissions data shows those from the benefice have not been turned away from reception⁶, 18 in-year admission requests⁷ have been turned down in the last three years so these children, presumably from the village, have to go elsewhere, generating private car journeys and an unsatisfactory situation for the children and their parents.
41. There is no dispute that the 95 dwelling scheme would generate about 31 extra primary age children and the appellant has agreed to contribute £566k to the local education authority (LEA) to fund the necessary places. The Section 106 agreement states that this is for the expansion of the village school and a concept plan shows how an eighth classroom could be provided at the end of the main corridor. The LEA confirm that it is common for schools to have mixed year groups with 9 primary schools in Somerset operating an 8 class system. However, as an academy school not under the direct control of the LEA there has to be agreement with the Academy Trust and this is not in place. An email from the headteacher dated 9 December 2021⁸ states one additional classroom would 'clearly not be acceptable' without further classrooms for a larger two form entry school. There are no plans for a larger school of this nature and insufficient space on the site.
42. This leaves the school expansion plans uncertain, a deeply unsatisfactory position for the inquiry where the sustainability credentials of Chilcompton are a critical issue. The school is already under pressure, without additional places the children generated by the scheme (or those they displace) would have to be accommodated elsewhere generating daily traffic movements primarily by private car. Every primary village has a school, the most important facility used to assess their suitability for additional development⁹. Whilst the LEA project slightly reducing pupil numbers over the period to 2025, this would not

⁴ Rural Settlement Role & Function Paper table B

⁵ The United Benefice of Chilcompton with Downside and Stratton on the Fosse

⁶ 2019 and 2021 data show a small number from outside the benefice gaining a place.

⁷ Requests for older children to join year groups following reception.

⁸ via Ms Moon

⁹ Rural Settlement Role & Function Paper paragraph 4.3 and table B

provide sufficient capacity and discounts the possibility of some parents from the LPP2 MN1 allocation for 250 dwellings on the edge of Midsomer Norton opting for the school rather than more local alternatives. Living within the benefice, they will have the same right to a place as those from Chilcompton¹⁰.

43. The S106 agreement is clear where the funding is to be spent but the Academy Trust is not a signatory to it. The appellant has perhaps understandably dealt with the LEA as the statutory consultee responsible for providing school places and maintains that great or considerable weight should be given to their position in accordance with *Shadwell Estates Ltd*¹¹. However, in the unusual circumstances of this case there are cogent and compelling reasons to doubt whether the LEA plan is deliverable. The LEA would of course provide the school places needed but not necessarily in Chilcompton. In the event of ongoing disagreement the LEA could seek to vary the S106 agreement and spend the funds to expand a school elsewhere. This may not happen, but the hostage to fortune is too great to set aside in this case.
44. In conclusion, there is no evidence that the services and facilities of the village are unable to accommodate the quantum of housing proposed with the notable and important exception that there are no definitive agreed plans for expansion of the primary school. Notwithstanding the provision of funding in the S106 agreement and the intentions of the LEA, in the absence of agreed plans the proposal would require a significant number of primary school children to be educated outside the village, generating daily journeys by private car. This would be contrary to paragraph 105 of the NPPF, would fatally undermine the primary village status of Chilcompton as a location for additional housing development, and would be a significant adverse impact of the scheme.

Other matter - access

45. The proposed access to the site, not a reserved matter, would be via a priority controlled junction from Hoecroft, the B3356, which would be widened along the site frontage. The junction would include sections of 2 m wide footway on both sides which would link with off-site highway improvements between the site and Naish's Cross. These would provide traffic calming with two give way points¹² to oncoming traffic and a continuous footway to the Co-op and the village beyond. The footway improvements would link the existing disjointed sections, albeit a substandard 1.2 m width in places and requiring pedestrians to cross the road three times as well as at Naish's Cross.
46. The local highway authority (LHA) raise no objection to these arrangements subject to conditions and a S106 agreement. The traffic impact analysis estimates the scheme would generate about 50 two-way vehicle movements in each peak hour, less than one per minute, which would not cause capacity issues at the site entrance or any nearby junction. A residential travel plan is also proposed to promote sustainable modes of transport.
47. Having reviewed local accident data, the appellant concludes there are no particular road safety issues in the vicinity. However, Hoecroft, the B3356, narrows between Croft House and Dulverton Cottage just to the east of the site entrance and bends sharply to the south, limiting forward visibility. A large

¹⁰ No distance criterion is used within the benefice area.

¹¹ *Shadwell Estates Ltd v Breckland DC* WL 127846 (2013) paragraph 72

¹² The appellant's witness advised that traffic waiting at the first give way point would not obscure the visibility of oncoming traffic from those turning right out of the scheme.

vehicle is unable to pass a car here and there is no footway, nor along Rock Road to the north. There is strong local concern about the effect of the scheme on highway safety here although these concerns are apparently not shared by the LHA.

48. Since northbound traffic on the B3356 splits about 50:50 between Hoecroft and Rock Road and about 40% of scheme traffic would use the B3139 (east) out of the village¹³, it is hard to explain the LHA decision not to model any scheme traffic using Rock Road (north). Whilst the flows involved would not result in any capacity constraints, this would increase the scope for pedestrian/vehicle conflict in the narrow lane between Croft House and Dulverton Cottage.
49. This is important because 95 dwellings would generate a significant number of pedestrian movements every day and many of these, perhaps half, would be heading towards the key village facilities of the school, village hall and doctors surgery. The most direct route to these is along Rock Road and the inquiry heard that existing residents of Westmead walk this way. Whilst the footway to Naish's Cross would be improved and some may use this roundabout route, the scheme would undoubtedly generate extra pedestrian movements between Croft House and Dulverton Cottage and then along Rock Road (north) where there are no footways. The significantly increased number of pedestrians walking this route would lead to highway safety dangers that would offset the benefit of the footway improvements to Naish's Cross.

Planning Balance¹⁴

Development Plan

50. The proposal lies outside the development limits of Chilcompton and conflicts with the spatial strategy of the plan as set out in LPP1 Policies CP1, CP2 and CP4. The proposal would also significantly harm the character and appearance of the area, adversely affecting the form of the village and surrounding landscape contrary to LPP1 Policies DP1, DP4 and DP7. These six policies are the most important for determining the application but due to the significant housing land supply shortfall are out of date. Some further housing outside development limits will inevitably be required to supplement that supply.
51. It follows that the tilted balance in the NPPF is engaged in this case and there is a presumption in favour of granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
52. Whilst recognising this presumption, the basic principles of these six policies do not conflict with the NPPF, remain valid and should be given significant weight. The view that they should only be given limited weight underplays their continuing importance.

Benefits

53. The principal benefit of the proposal is the provision of up to 95 dwellings. This is a significant benefit which would contribute towards local housing needs and the NPPF objective to significantly boost the supply of homes. It would be particularly beneficial in this case as the Council can only demonstrate 3.5

¹³ Eddisons Transport Assessment Figures 1 and 5

¹⁴ The relative but not quantifiable terms substantial, significant, limited and minor are used.

years supply of deliverable housing land, well short of five years which is itself a minimum requirement. This figure has reduced from 3.8 years supply in December 2020 and there is no prospect of further allocations coming forward through the local plan review for a lengthy period. Completions in 2020/21 have already fallen short and the trajectory for housing delivery over the next five years appears ambitious. The appellant has a strong track record with developers having already expressed interest in the site so there is little doubt the scheme would be delivered within the five-year period.

54. Housing delivery in a large part of the district, including four of the five main towns and many primary villages, is currently restricted until the effects on water quality in the Somerset Levels RAMSAR site can be adequately mitigated. The appellant argues that additional housing in unaffected areas such as Chilcompton will therefore be even more necessary, on the other hand the Council claim the situation is temporary and being resolved. In any event, delivery from several sites has been excluded from the five-year housing land supply calculation due to the need for phosphate mitigation so this factor has already been taken into account.
55. The proposal would deliver up to 29 affordable dwellings, 30% of the total, which complies with LPP1 Policy DP11. This would be a significant benefit. 65% would be for social rent and the remainder shared ownership. There is no dispute that affordable housing is much needed in the district, with high house prices and low affordability, and this is even more the case in Chilcompton. There were 1,636 households on the district waiting list in April 2021 with a need for 240 affordable homes per annum but a predicted supply of only 140 with the average delivery of affordable housing running at 20% of the total. In Chilcompton, 50 affordable dwellings have been delivered since 2006 but with no further supply planned the current waiting list of 34 households represents a real need that the scheme would help meet.
56. The proposal would deliver economic benefits with an estimated construction spend of £10.4m, gross value added of £4m, 88 construction and 96 indirect jobs during the build period. On completion about 112 economically active residents in the scheme would spend over £2.9m annually and generate £1.6m in Council Tax over 10 years. This would be a limited benefit as the expenditure would be spread over a wide area, not just the district.
57. The scheme would include green infrastructure and public open space including play space and informal walking routes to meet the needs of the development. These areas would also be accessible to existing village residents, although as a cul-de-sac with no planned connection to Stockhill Road and a relatively long footway access from Naish's Cross they may not be well used by the village as a whole. This would consequently constitute a minor benefit.
58. The proposal would provide improvements in biodiversity with new habitat creation and an overall net gain in horseshoe bat habitat. This would include hedgerow creation, new trees and shrubs, wildflower grassland and specific enhancements for hedgehogs, amphibians, reptiles, birds and invertebrates. However, biodiversity improvements could be implemented on the land without housing and bats could be adversely affected prior to the habitat becoming fully effective. Overall this would be a minor benefit of the scheme.
59. Finally, the scheme would provide an improved pedestrian footway towards Naish's Cross which would benefit the existing residents of Westmead, Hoecroft

and Hoecroft Gardens. However, as explained above, this would be offset by the disadvantage of generating additional pedestrian movements along the narrow section of lane between Croft House and Dulverton Cottage and along Rock Road (north) where there are no footways. This factor is therefore neutral in the planning balance.

Adverse impacts

60. Were the scheme to go ahead, Chilcompton would be at the leading edge of village growth during the plan period. There are no examples of single schemes of the size of 95 dwellings elsewhere and the scheme would not be 'small' in line with LPP2 paragraph 3.28. The scheme would therefore skew the spatial strategy of the development plan away from the main towns and deliver a less sustainable pattern of growth for Mendip district than the LPP1 intends. However, unless repeated in other villages, it would not seriously undermine the strategy overall and would amount to limited harm.
61. The proposal would significantly harm the character and appearance of the area, adversely affecting the form of the village and surrounding landscape. It would not comprise a logical extension to the village, being an unduly large, individual estate, detached from its main built-up core. It would be incongruously located, encroaching into the countryside which extends into the heart of the village, eroding its character. The LVIA underestimates the effect of the scheme on the landscape which would be substantial adverse. The visual impact from nearby public viewpoints is also underestimated, including from Hoecroft which would be major adverse, reducing only slowly over time as the landscaping takes effect. The LVIA also fails to assess the visual impact on residents living in about 50 properties around the site where the impact on high sensitivity receptors would be major adverse in some cases, most notably Croft House. Overall, the adverse impact would be substantial.
62. There are no definitive agreed plans for expansion of the primary school. Notwithstanding the provision of funding in the S106 agreement and the intentions of the LEA, in the absence of agreed plans the proposal would require a significant number of primary school children to be educated outside the village, generating daily journeys by private car. This would be contrary to paragraph 105 of the NPPF, would fatally undermine the primary village status of Chilcompton as a location for additional housing development, and would be a significant adverse impact of the scheme.

Balance

63. The proposal would deliver up to 95 dwellings within five years of which 30% would be affordable. Given the current shortfall and need for these, significant weight should be afforded to both these benefits and limited weight to the associated economic benefits. In addition, the provision of green infrastructure/public open space and biodiversity improvements as part of the scheme would be minor benefits.
64. On the other hand, the proposal would comprise limited harm to the spatial strategy of the development plan and, the clearly overriding and decisive factor in this case, substantial harm to the character and appearance of the area, including the form of the village and resulting landscape and visual harm. These adverse impacts significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies in the NPPF taken as a whole.

65. In addition, in the absence of agreed school expansion plans, the proposal would generate significant additional daily journeys by car, fatally undermining Chilcompton's status as a primary village suitable for additional development and a significant adverse impact of the scheme. However, for the avoidance of doubt, even if school expansion plans are agreed, the other adverse impacts are such that the conclusion in the previous paragraph would still apply.

Precedent

66. The appellant draws attention to a recently allowed appeal at Coleford¹⁵, a scheme for up to 63 dwellings on a single field adjacent to the development limits of another primary village where similar policy considerations applied. However, every village and site is different and the inspector in that case concludes that the scheme would not appear as an incongruous 'bolt on' and the level of impact to the landscape would be limited. By contrast, in this case the proposed housing estate would appear as an incongruous addition to the village and the level of landscape and visual impact would be substantial.

Conclusion

67. Having regard to the above, the material considerations in this case, including the presumption in favour of sustainable development, do not indicate a decision should be made at variance with the development plan.

68. The appeal should therefore be dismissed.

David Reed

INSPECTOR

¹⁵ APP/Q3305/W/20/3265459

APPEARANCES

FOR THE APPELLANT:

Christian Hawley	Barrister
Ben Wright BA PG DipLA CMLI	Senior Director, Aspect Landscape Planning
Andrew Collis BSc MSc	Assistant Planner, Gladman Developments
John MacKenzie BSc MRTPI	Planning Director, Gladman Developments
Dan Simpson BSc PhD CEcol	Director, Aspect Ecology
Phil Wooliscroft MSc HNC	Partner, Eddisons

FOR THE LOCAL PLANNING AUTHORITY:

Jack Smyth	Barrister
Charles Potterton BA DipLA CMLI	Potterton Associates Ltd
Nikki White BA PGDip MRTPI INZPI	Principal Planning Officer, Mendip DC
Martin Evans	Solicitor, Mendip DC

INTERESTED PARTIES:

Richard Morgan	Deputy Chairman of Chilcompton Parish Council
Sam Phripp	Mendip District Councillor for local ward
Richard Moon	Chairman, Chilmorton Against Rural Over-Development Public Inquiry Committee
Debbie Caple	Local resident
Geoffrey Kingman representing Amber Goodey	Local resident
Lewis Anderson	Local resident
Vyvyan Pugh	Local resident
Jane Undery representing A J Champions & Sons Ltd	Local business
Viv Moon	Local resident and Primary School Governor
Simon Smedley	Local resident
Paul Undery	Local resident

DOCUMENTS SUBMITTED AT THE INQUIRY

Opening and Closing Statements from the Appellant and Council

Plan of Chilcompton showing new dwellings built or committed since 2006

Draft Conditions – revised list submitted on 10 December

Completed S106 agreement and CIL Compliance Statement

CIL Statement from Somerset County Council as Local Education Authority

Chilcompton Against Rural Over-Development – petition with 148 signatories and list of speakers

Statements from Amber Goodey, Debbie Caple, Richard Moon, Sam Phripp, Richard Morgan, Vyvyan Pugh, Lewis Anderson, Steve Champion

Ecology Speaking Notes of Dr Simpson

Habitats Regulations Assessment

Regulation 9 (Habitats Regulations 2017) Report

Letter from Natural England dated 6 December 2021

Various emails dated 7-10 December from SCC Estates Planning Advisor together with concept plans for a single classroom extension at Primary School

Email from Headteacher of Primary School dated 9 December 2021 via Ms Moon

Mendip District Council LPP2 Main Modifications for consultation January 2020

Wider topography map of Chilcompton area

Map of Landscape Character Areas from Mendip Landscape Assessment 1997

First Admissions Allocation Summary for Primary School 2019 & 2021

Shadwell Estates Ltd v Breckland District Council WL 127846 (2013)

Spot height data from Aspect Landscape Planning and Jane Undery