



Appeal Decision

Site visit made on 22 August 2022

by Robert Parker BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2022

Appeal Ref: APP/Q3305/W/21/3288474

Land North of Warminster Road, Beckington

- 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 Mr Lewis Knight of Stonewood Partnerships against the decision of Mendip District Council.
 - The application Ref 2020/2298/OTS, dated 5 November 2020, was refused by notice dated 16 June 2021.
 - The development proposed is development of up to 45 dwellings and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application is submitted in outline with details of access provided for consideration at this stage. All other matters are reserved for future approval. The application was accompanied by a site sketch layout, a revised version of which has been submitted with the appeal in response to the reason for refusal (RfR) relating to drainage. I have treated these plans as illustrative.
3. A signed unilateral undertaking (UU) has been submitted as part of the appeal. The Council is satisfied that this addresses RfR No 5. I shall refer to the provisions of the UU later in my decision.
4. The Mendip District Local Plan 2006-2029: Part II Sites and Policies (LPP2) was adopted in December 2021, after the application was determined. The LPP2 is the subject of legal challenge and the case is due to be heard in the autumn. Interested parties have requested that the appeal be placed on hold until the outcome of the challenge is known. The main parties agree that the appeal should not be delayed. The general principle is that a plan is valid unless and until declared unlawful and on this basis I shall proceed to a decision.

Main Issues

5. The main issues are:
 - a) whether the proposal complies with the spatial strategy of the development plan;
 - b) whether the education and healthcare infrastructure of Beckington is adequate to accommodate the proposed development and, if not, whether the scheme makes satisfactory provision to mitigate the impacts;

- c) the effect of the proposed development on the character and appearance of the area;
- d) whether the scheme is capable of making adequate provision for surface water drainage, in order to ensure that it does not increase the risk of flooding elsewhere; and
- e) the effect on the safe and efficient operation of the local highway network.

Reasons

Spatial strategy

6. To enable the most sustainable pattern of growth for the district, Core Policy 1 of the Mendip District Local Plan 2006-2029 Part I: Strategy and Policies (2014) (LPP1) seeks to direct the majority of development towards the five principal settlements of Frome, Glastonbury, Shepton Mallet, Street and Wells in order to reinforce the roles of these settlements as market towns serving their wider rural catchments.
7. Within the rural parts of the district, LPP1 Core Policy 1 provides for new development that is tailored to meet local needs. Beckington is identified as a 'Primary Village'. These villages offer key community facilities (including the best available public transport services) and some employment opportunities making them the best placed to accommodate most new rural development.
8. The policy stipulates that development outside the development limits will be strictly controlled and will only be permitted where it benefits economic activity or extends the range of facilities available to the local communities.
9. Core Policy 2 of the LPP1 makes provision for 1780 dwellings in the Villages¹ over the plan period. Paragraph 4.31 of the supporting text explains that one of the two broad principles in distributing new rural development was that levels of new development in each place should be appropriate to their existing scale and have regard to environmental constraints. The Council sets out village housing requirements based on a proportionate growth equating to 15% of the existing housing stock. The principle of proportionate growth and planned housing being provided at a scale commensurate with the existing housing stock is enshrined within LPP1 Core Policy 2 (criterion 2.c.) and Core Policy 4 (criterion 1).
10. Table 8 of the LPP1 set a 'requirement' in Beckington for 55 dwellings. The Council's evidence, which is not contested, states that 100 dwellings had been completed over the plan period to 21st March 2022, with a further 11 homes under construction or with permission. An additional 28 dwellings have been allocated at land off Great Dunns Close as part of the LPP2, as a contribution to meeting the requirement for 505 dwellings in the north-east of the district. The quantum of development already committed within Beckington represents a 40% growth in the housing stock over the plan period or approximately two and a half times the village requirement. The local plan figure of 55 dwellings is not expressed as a maximum, but it is evident that this level of growth was considered both proportionate to the scale of the village and appropriate to meet local housing needs.

¹ defined as Primary Villages, Secondary Villages and other Villages

11. The appeal site lies outside of the development limits and as such the proposal would be contrary to Core Policy 1 of the LPP1. The scheme would deliver an additional 45 dwellings in a settlement which has already absorbed a significant amount of housing over a relatively short period, over and above the quantum of development envisaged in the local plan. Having regard to commitments to date, I consider that the proposal would be disproportionate to the scale of Beckington and it is therefore in conflict with the spatial strategy of the LPP1.

Infrastructure

(i) Healthcare

12. The appeal submission includes a letter from Beckington Family Practice (BFP) to clarify its position on the proposed development. The letter explains that there is a pressing need to extend or relocate the main doctor's surgery in Beckington. This is due to a growing patient list and the closure of the Freshford Branch Surgery in 2018. The remaining premises is operating on many days at full room capacity, and this does not take account of the LPP2 allocation for 28 dwellings at Great Dunns Close. The appellant contends that there is no certainty about that scheme being delivered; however, as an allocation in a recently adopted plan it is fair to assume that the site will come forward.
13. I am told that architects have been engaged to consider the relative merits of expansion versus relocation. However, there is no preferred option at this stage and no decisions have been taken. The UU would gift land to the surgery for expansion purposes, but this would not secure the extension itself. Neither would there be any financial contribution towards relocation of the surgery, in the event that this is deemed by the surgery to be the most viable option.
14. The BFP letter concludes that the surgery is 'potentially' capable of absorbing the additional patient numbers generated by the appellant's development, provided that the development allows for the physical expansion of the surgery facilities either by extension or relocation of the current premises. Although there is some tacit support for the appeal scheme from the BFP, there is no certainty that the necessary healthcare infrastructure would be delivered, or that the existing surgery premises could cope with the additional patient numbers in its present state.
15. LPP1 Core Policy 4 seeks to ensure that where development imposes burdens which exceed the capacity of existing facilities, new development is phased for delivery in line with improvements to the relevant infrastructure. The policy stipulates that the timing and detail of all contributions will be carefully considered in order to ensure that appropriate infrastructure or mitigation measures are delivered and put in place before the development is completed and/or occupied. LPP1 Policy DP19 sets out the principles for development contributions and relevant delivery mechanisms. The proposal would bring forward a significant number of new dwellings without any guarantees or certainty over the timing of improvements to healthcare infrastructure. For this reason, there would be conflict with the aforementioned policies.

(ii) Education

16. The Education Authority advises that 11 first school pupils would be generated by the appeal scheme. Since there is limited capacity at Beckington First School, and no ability to expand, it advises that the development would need to

fund expansions at other schools to accommodate the additional children from Beckington. There would also be a need to fund transport for those pupils for the duration of their tenure at school. The submitted UU makes provision for these financial contributions, in addition to contributions to middle schools.

17. The Council is concerned that the need to transport children out of the village is indicative of unsustainable development. It contends that any new resident would reasonably expect their child to be able to attend the village school. I would agree with this proposition, particularly as Beckington is a Primary Village and the Education Authority has a local schools for local pupils policy.
18. The Somerset School Population Forecast predicts that the number on roll at Beckington First School will fall slightly until 2024. Consequently, there will be up to 13 spare school places that would be available to occupants of the proposed development. The appellant also points out that 6 pupils from the 2021 intake lived outside of catchment with no older siblings at the school, and that it would be more sustainable – in terms of reducing the need to travel by private car – for such places to be allocated to village residents who can then walk to school.
19. The School Population Forecast does not take account of other developments in the village, notably the allocated site at land off Great Dunns Close. This would generate 7 pupils, in addition to the 11 generated by the appeal scheme. LPP2 Policy BK1 states that there may be capacity to accommodate the pupils from the allocation, depending on the timing of development. However, it acknowledges that contributions may be required to fund transport to alternative schools. This suggests that the school is already operating near capacity.
20. Matching pupil numbers to school capacity is an imprecise science and therefore an element of judgement is required. However, on the information presented, there is a high probability that the proposal would lead to Beckington First School being oversubscribed and children having to be transported to schools in other settlements. Despite the appellant's assertions to the contrary, I have no confidence that this would be a short term situation. The inability of the local school to meet the needs of the development, notwithstanding the financial contributions being made towards the expansion of other schools, lends weight to my conclusion that the proposal amounts to disproportionate growth of this Primary Village.

Character and appearance

21. The appeal site is sandwiched between the built-up area of Beckington and the A36 dual carriageway with frontages onto Goose Street and Warminster Road. It has two distinct parts. The northern section comprises an area of immature woodland whereas the southern section is an arable field most of which slopes gently down towards Warminster Road. To the west is a triangular shaped parcel of undeveloped land which buffers the site from a new housing scheme at Shepherds Way, although this development abuts the site at one point. Adjacent to the south-eastern corner of the site is the Beckington Tennis Association which provides a pair of floodlit tennis courts, pavilion and parking.
22. The proposed housing development would take place on the farmland in the southern half of the site. This rising land is clearly visible from Warminster Road in views through a field gate entrance. It is also experienced by walkers using the public footpath which runs within the site and along its western boundary,

between Warminster Road and Goose Street. When traversing this route there is a clear sense that the site forms part of the countryside. Traffic on the A36 is audible but it not visible due to the screening effect of boundary vegetation. The land has a distinctly rural character, despite the proximity of the A36 and housing in Shepherds Way, and it forms part of the setting to the village.

23. The scheme would transform the character of the site through the introduction of a formal vehicular access, 2.5 storey dwellings, roadways and an attenuation pond, together with a tall acoustic screen along much of the eastern boundary. This would represent a harmful encroachment of urban form onto farmland at the edge of the settlement. There are no landscape designations covering the site and the parties agree that it is not a valued landscape within the meaning of Paragraph 174 (a) of the National Planning Policy Framework ('the Framework'). Nevertheless, the loss of rural character resulting from development outside of the built-up part of the settlement is a negative factor which weighs against a grant of permission.
24. The appellant has undertaken a comprehensive Landscape and Visual Impact Assessment (LVIA), together with an addendum prepared for the purposes of the appeal. These conclude that the site is well contained and visually and physically discrete within the wider settled landscape. I would agree with the findings of the assessment insofar as the wider impacts are concerned. The site is enclosed by hedging and it does not have the same 'expansive' character as farmland to the east of the A36. The visual impacts of the appeal scheme would be localised but that does not mean they are of no consequence. In my opinion, the LVIA underplays those impacts in reaching its findings.
25. Accordingly, I conclude on this issue that the proposal would be materially harmful to the character and appearance of the area. There would be conflict with Policies DP1 and DP4 of the LPP1 insofar as they seek to ensure that development proposals contribute positively to local identity and distinctiveness and do not significantly degrade the quality of the local landscape. The RfR cites LPP1 Policy DP7 but this relates to high quality design and would be more relevant to any reserved matters application.

Surface water drainage

26. The submitted technical note states that if testing shows it is viable, the surface water discharge from the site would be via infiltration methods. However, the geology underlying the southern section of the site casts significant doubt over the practicality of such an approach. The appellant has therefore given consideration to alternative drainage solutions.
27. The first of these is to construct an attenuation basin within the site and to direct the output of this, with flows restricted to greenfield rates, to a watercourse approximately 215 m to the west of the site, to be achieved through the installation of a new section of surface water sewer via a requisition by Wessex Water. The development at Shepherds Way already connects to this watercourse upstream of the proposed connection. This in itself does not demonstrate that the watercourse is suitable, or that it has the capacity to receive runoff from the proposed development. The watercourse is not shown on any publicly available mapping and it has been described previously by Somerset County Council SuDS inspectors as shallow and poorly maintained with questionable design and implementation of the downstream headwall

connection from this ditch. The appellant has no objection to providing a survey of the watercourse but would prefer that this be the subject of a condition.

28. The second option is to direct attenuated flows to a culverted watercourse on the south side of Warminster Road. The Highway Authority has prescriptive rights to discharge into this system and its gullies in the carriageway already connect to the culvert. I am told that the developer for the Shepherds Way development undertook a limited CCTV survey and identified minor defects that were to be rectified as part of that scheme. However, I have not seen any substantive evidence on its condition or ability to accommodate the additional surface water flows from the appeal scheme.
29. I acknowledge the possibility of at least one of the surface water drainage options being deliverable. At outline stage it can be appropriate to impose drainage conditions. However, it is important to demonstrate that the principle for the drainage strategy is sound, so that the condition(s) can be discharged at a later stage. Additional investigation is needed in this case to provide an appropriate level of confidence and ensure compliance with Policy DP23 of the LPP1. This policy is consistent with Part 14 of the Framework in requiring all development to incorporate appropriate water management measures to reduce surface water run-off and ensure that it does not increase flood risks elsewhere.

Highway matters

30. Permission was refused on the advice of Somerset County Council as Highway Authority, which had concerns over the adequacy of information submitted in relation to the transport impacts of the development. The application was accompanied by a Transport Assessment (TA) and Travel Plan Statement and these are supplemented by a Transport Appeal Statement (TAS). The Highway Authority does not provide any comments on the latter, but I note that the document is not intended to alter or undermine the conclusions of the TA.
31. The proposed site access, comprising a new priority junction onto Warminster Road in approximately the same location as the existing field access, would provide satisfactory visibility and it would be suitable to serve a development on this scale. There is already a pavement linking the site to the village centre, but this would be widened as part of the scheme. The desired 2m width is not achievable over the entire length, but its dimensions would be sufficient to accommodate two way pedestrian movement. A safe crossing point would also be provided on Warminster Road to the west of the site.
32. The traffic impact assessment within the TA and TAS indicates that the scheme would result in a modest uplift in traffic flows during weekday periods. This would not have a significant or demonstrable impact on the safe and efficient operation of the surrounding highway network. National Highways consider that there would be a cumulative impact on the strategic road network, in combination with other development in the area, and therefore the appellant has agreed to make a financial contribution towards improvements to the A36 White Row and Beckington roundabouts. This is secured by the UU.
33. The UU also secures the submission of a Travel Plan and the provision of electric vehicle charging points within the scheme. Particular points of concern in relation to the Travel Plan have been addressed within the UU, and the document must be submitted to the County Council for approval. Matters relating to the internal layout of the site, including car and cycle parking, would

be dealt with at the reserved matters stage. I have no reason to think that satisfactory provision cannot be made.

34. Overall, I am satisfied that the transport evidence before me is robust. The scheme would provide safe and suitable access for all users and it would encourage sustainable modes of travel. There is no substantive evidence to indicate that there would be an unacceptable impact on highway safety, or that the residual cumulative impacts on the road network would be severe. The transport impacts of the development would be acceptable and as such I find no conflict with Policies DP9 and DP10 of the LPP1 or Part 9 of the Framework.

Other Matters

35. The local councillor has indicated that this site is preferred by the village over the site at Great Dunns Close and other sites. Be that as it may, the Great Dunns Close site is committed as an allocation in the development plan and on this basis it should be treated as being deliverable. Whilst that site is the subject of an appeal, there is no firm evidence before me to indicate that the land will not come forward for development within the plan period. In the event that the Great Dunns Close allocation is quashed by the courts that is a matter for the Council to consider. My decision on this appeal does not prejudice any decision the local planning authority (or any neighbourhood planning body) may make in respect of future planned housing sites in the village.
36. I note the concerns raised by local residents in relation to the adequacy of foul drainage. The Council is silent on this issue and I note from the officer report that no comments have been received from Wessex Water. I would have sought the views of the main parties in the event that I were minded to allow the appeal. However, since the appeal is being dismissed for other reasons this is unnecessary.

Planning Balance and Conclusion

37. It is common ground that the Council cannot demonstrate a 5 year supply of deliverable housing sites. The authority calculates the supply figure to be 4.1 years, but I note that the Inspector for a recent appeal case² at Stratton on the Fosse arrived at a lower figure of 3.5 years. Either way, the housing shortfall is significant. Consequently, the housing policies within the development plan are out of date and this engages Paragraph 11 (d) of the Framework. However, the basic principles of Core Policies 1, 2 and 4 as regards the distribution of development and proportionate growth remain relevant and consistent with the Framework. I therefore attach these policies substantial weight, whilst noting that limited weight can be afforded to the site's location outside of the development boundary.
38. Based on my consideration of the main issues, I find the proposal to be in conflict with the development plan taken as a whole. The site lies outside of the development limits in a location where development is strictly controlled. The scheme would also result in a level of growth which, taken in combination with other housing completions during the plan period, would be disproportionate to the scale of the village. Given the extent of recent housing development, which was evident during my visit, it is reasonable to conclude that local housing

² APP/Q3305/W/21/3285335

- needs are being met, notwithstanding the housing shortfall at district level. The allocated site at Great Dunns Close would be likely to meet any residual need.
39. The proposal would place additional pressure on Beckington First School and the Beckington Family Practice, neither of which can demonstrate sufficient spare capacity. The gifting of land to the doctors surgery would not guarantee a solution to the issue and the lack of expansion opportunities at the village school would necessitate transporting pupils to other schools. This would undermine the Primary Village status of Beckington and is not consistent with the principles of sustainable development.
40. The proposal would also result in harm to the character and appearance of the area and the countryside setting of Beckington. I have attached this factor moderate weight in the overall planning balance. The lack of certainty over the surface water drainage is a technical objection, but it further weighs against the development.
41. Against these harms I must balance the benefits. The proposal would boost the supply of homes and contribute to addressing the current housing shortfall. It would also make provision for 30% affordable housing (equivalent to 14 units) in line with LPP1 Policy DP11. These benefits carry significant weight in favour of the scheme. I have attached some limited positive weight to the benefits of providing public access to the woodland and an exercise trail within that area. The provision of monies towards off-site highway improvements and a Multi-Use Games Area would contribute to the delivery of wider benefits and this is another positive factor to be weighed in the balance.
42. The gifting of land to the doctor surgery and provision of a consolidated footpath link between the doctor surgery and the car park in Shepherds Way would both count as benefits, but the weight given to these is tempered by the fact that it does not guarantee a solution to the capacity issues. The proposed footpath connection between Warminster Road and Goose Street would be more accessible than the existing footpath but this is not a significant benefit, given that the existing route has amenity value as a rural footpath.
43. The proposal would bring the usual economic benefits of housing development during the construction phase and thereafter through additional consumer spending, New Homes Bonus and Council Tax receipts. I have factored these into the planning balance. The UU provisions relating to education contributions and public open space are designed to mitigate the impacts of the development and these are neutral considerations.
44. Overall, I consider the cumulative adverse impacts to be significant. These would significantly and demonstrably outweigh the benefits, despite the Council's housing land supply position. Accordingly, the presumption in favour of sustainable development is not engaged. The development conflicts with the development plan taken as a whole and other material considerations do not indicate a decision otherwise than in accordance with the development plan.
45. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Robert Parker

INSPECTOR