



Appeal Decision

Inquiry held on 31 May-2 June & 6-7 June 2023

Site visits made on 30 & 31 May 2023

by Nick Fagan BSc (Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2023

Appeal Ref: APP/D0121/W/23/3315584

Land southwest of Warren Lane and north of Weston Road, Long Ashton BS41 9DA

- 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 Long Ashton Land Company against the decision of North Somerset Council (the Council or Local Planning Authority, LPA).
 - The application Ref 21/P/3076/OUT, dated 4 November 2021, was refused by notice dated 5 August 2022.
 - The development proposed is in the form of an application for outline planning permission for the erection of up to 35no dwellings, allotments and associated access, parking, drainage infrastructure and landscaping, with new access off Weston Road for approval and appearance, layout, scale and landscaping reserved for subsequent approval.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A two-week period following the close of the Inquiry was allowed to finalise the Section 106 agreement (the S106) between the two main parties. This was signed, dated and submitted, with only insubstantial minor amendments, on 22 June 2023 and where necessary I address the obligations in it below.

Main Issues

3. The main issues are:
 - (1) Whether the proposed development would cause less than substantial harm to the significance of the Gatcombe Roman Site Scheduled Monument (the SM) and, if so, whether that harm would be outweighed by any public benefits; and
 - (2) Whether the proposals would result in inappropriate development in the Bristol & Bath Green Belt and, if so, whether any benefits arising from it would amount to the very special circumstances (VSCs) necessary to outweigh such harm and any other harm.

Reasons

Effect on the Scheduled Monument (the SM) – The Heritage Issue

4. The appeal site (2.22ha) is situated next to the western edge of the village, within the SM, the full description of which is 'Roman settlement, part of an

associated field system and earlier Iron Age settlement remains at Gatcombe Farm', which comprises an area of circa 34ha. The listing description summarises it as a Roman settlement, associated irregular field system and earlier Iron Age settlement remains overlooking the Land Yeo valley. It was first listed on 5 December 1955, extended in the 1990s to include areas to the north and east of the walled area at Gatcombe Farm itself and extended again on 27 November 2014 to include the appeal site and the field immediately to its west (together known as Bridgeman's Fields), also owned by the appellant.

5. It is listed as a SM for three reasons:
 - * Rarity: as a Roman small urbanised settlement with associated field systems, and with evidence of earlier occupation, the Gatcombe settlement is relatively rare in a national context;
 - * Potential: the site as a whole has a high potential for adding to our understanding of the contemporary agricultural and industrial methods, and the social and economic changes that the Roman Conquest brought;
 - * Group value: the area probably formed part of a wide network of Roman sites, with links to settlements in Bath and most probably Bristol.
6. The listing description describes the Romanising of the original Iron Age settlement in circa 50-80 AD and its growth to become an important commercial agricultural trading centre with several phases of farmsteads, the last of which was deserted in c. 200 AD. A wall up to 5m thick was constructed in the late third or early fourth century, enclosing an area of c.7ha, a villa complex occupied between c. AD 280 and AD 380. The settlement included at least 19 associated subsidiary buildings to the Roman villa, including one with stone foundations. This wall was composed of good quality lias limestone masonry on the inner and outer faces, with an inner filling of carboniferous limestone or marl. The width of the wall foundations suggests an original height of 3m-4m, a size which is unusual and rare for this type of Roman site. During the same period the northern part of the site was extensively redeveloped. The once fairly dispersed population at Gatcombe probably retreated behind this defensive wall. Coin evidence shows that the settlement was occupied throughout the Roman period.
7. The irregular aggregate field system occupies the area to the north and east of the settlement (c.20ha), including the appeal site. The field system is defined by a series of linear banks and lynchets which survive between c.0.5m-0.75m in height and 1m-2m in width. These are orientated along the slope of the hill and divide the area up into a series of rectilinear plots. Holloways lead from the north-west of the walled settlement and to the east of Gatcombe Farm.
8. Several archaeological investigations have been carried out since the initial discovery of the Roman site identified during the excavation of the railway cutting (immediately south of Weston Road) in 1838-39: first in the late C19 when a mosaic pavement c.3rd century AD was removed (probably from the villa), then in 1954, 1965 and 1967-76, the post-war excavations as part of a research and training programme for Bristol University students. The more recent investigations carried out in 2012/3 to the east of Gatcombe Farm confirmed that the land had been divided into fields or enclosures by the first or second century AD, with pit-like anomalies containing industrial waste (probably from metal working) that is most likely associated with these enclosures.

9. These investigations comprised the 2012 Magnetometer Survey Report and the 2013 Archaeological Evaluation¹. The former investigated the whole of the extended SM site, whilst the latter essentially evaluated the appellant's original development site (the appeal site and adjacent western field) by a series of trial trenches (T1-13). T2-5 were located within the appeal site. The excavation of T3, the most easterly of the trenches, revealed a single ditch orientated northwest/southeast at its western end, which contained three sherds of broadly Roman pottery and corresponded to a linear anomaly identified by the Magnetometer Survey.
10. Although the appellant acknowledges that this feature may well be associated with the wider field system connected with the Roman settlement, it maintains that these pottery sherds could equally have been introduced into a much later enclosure ditch as a result of manuring and other medieval/post-medieval agricultural practices. The other trenches on the appeal site only revealed medieval/post-medieval to modern finds associated with agricultural practices.
11. The appellant also refers to a trial trench evaluation undertaken in 2019 on the land at 1 Warren Lane, the bungalow and its rear garden on the corner of Weston Road, undertaken in connection with that site's redevelopment for three new dwellings subsequently granted permission in 2021. Three trenches were excavated, none of which revealed any artefactual material pre-dating the modern period. The appellant argues that this is further evidence of the absence or highly dispersed nature of buried archaeological remains surviving this far east (over 400m) from the walled compound of the Roman settlement.
12. On this basis the appellant's archaeology witness maintained that in his extensive experience it was unlikely that further excavations on the appeal site would reveal any more significant archaeological features beyond what the trial trenching to date had already revealed; or, to paraphrase Donald Rumsfeld (as referred to by the LPA's advocate), there would be few 'known unknowns' revealed. However, while that may be the case, it may not be, because there could of course be more 'known unknowns' or indeed 'unknown unknowns'. In other words, more archaeological features of significance buried on the site, albeit unlikely given the Magnetometer Survey and the additional more detailed geophysical survey and trenching commissioned by the appellant at the time of its requested Review (appeal) of the DCMS's² decision to extend the SM onto its land in 2014.
13. However, the appellant's case fails to address the substance of the continuing opposition to the development of the appeal site by the LPA and Historic England, specifically that part of it that was extended as recently as 2014, as I set out below. In this respect, the appellant's case set out in its Historic Environment Desk-Based Assessment of July 2021³ submitted with the application is muddled, because although it acknowledges the appeal site lies within the SM (which it refers to as the 'Settlement') it incorrectly insists on assessing the proposed development on the SM's setting. That is incorrect because the appeal site is a part of the SM, and therefore should not be assessed as forming part of its setting. That Assessment confuses its own definition of 'Settlement' with the Roman walled town.

¹ CDs 1.15 & 1.16

² Department for Digital, Culture, Media & Sport

³ CD 1.17

14. There is no dispute between the parties that the Gatcombe Farm area c.400m to the west of the appeal site is the most important part of the SM, certainly in terms of the Roman archaeological remains. But that does not mean that its agricultural hinterland is unimportant to its significance as a heritage asset, even though the appeal site cannot be seen from the Roman settlement area within its walls. That is because of the SM's rarity as an example of a Roman small, urbanised settlement or town with associated field systems with evidence of earlier occupation and its potential for adding to our understanding of the contemporary agricultural and industrial methods, contained in the Reasons for Designation in the SM's Listing Description as set out above. In other words, it is listed not just because of the archaeological remains within the Roman walled town.
15. After all, the SM was extended in 2014 following the investigations in 2012/13 and, as Historic England makes clear in its objections to the proposal, the Review of that decision as requested by the appellant was unsuccessful – the decision to extend the SM was upheld, despite the additional geophysical surveys and evaluation trenching. It is unclear what if any additional documentation or case was put to DCMS by the appellant by way of this Review because I have not been provided with it. But it is reasonable to conclude that I would have been provided with such if the appellant considered that it added to or enhanced its heritage case. In any case, the Review upheld the decision to add the appellant's two fields to the SM. It is uncontested that the government's default position is that SMs should be preserved, so far as possible, in the state in which they have come down to us today.⁴
16. In terms of the historical value of the site it is clear from the SM's Listing Description that the use of the fields to the north and east of the villa complex and walled town in association with this Roman settlement was a prime reason for its designation, not least because this illustrates a rare example of such a Roman settlement taking over in time the earlier Iron Age settlement and associated field system.
17. The appellant argues that the physical backdrop to the east of the SM is the western end of Long Ashton with its post-war houses and that extending the built-up area of the village further westwards onto a field that cannot be seen from Gatcombe Farm itself would not therefore affect the significance of the SM, whose principal importance lies in the evidence of its Roman remains. It claims that the new eastern boundary of the SM is merely one of geographical convenience. I disagree. It is inevitable that its boundary follows clear physical features and that it, for instance, excludes the houses on the western side of Warren Lane, because the construction of those dwellings could or would have likely led to the loss of any buried archaeological remains. It is of course possible that the field system associated with the Roman settlement extended beyond Warren Lane to the east, but for the same reasons – development involving intrusive groundworks – it would have not been sensible to extend the SM's boundary further to the east.
18. In any case, although the modern field boundaries bear little similarity to the pre-Roman or Roman field boundaries, the trench evaluations have revealed some of the original ditches and lynchets/earthworks and some of the latter can still be seen when looking up the slope of the appeal field. It is notable that

⁴ Ancient Monuments and Archaeological Areas Act 1979 & DCMS Scheduled Monuments policy 2013 (CD 16.1)

the Roman pottery sherds were discovered in a ditch close to Warren Lane in the most easterly trench on the site. Whilst I accept that a discovery of this minor nature would not of itself justify scheduling, its presence here illustrates the link between the rare form of the Roman settlement and its agricultural hinterland on the site of a previous Iron Age settlement. The retention of both the eastern fields as part of the historical agricultural landscape associated with the Roman and indeed pre-Roman settlement is therefore an important part of the SM's significance. The appellant acknowledges that this would cause less than substantial harm (albeit at the lower end of the scale) to the SM's significance, absent of any consideration of the heritage benefits, to which I now turn.

The Heritage Balance

19. National Planning Policy Framework (NPPF) paragraph 202 requires any less than substantial harm to the significance of a designated heritage asset to be weighed against the public benefits of the proposal. Such benefits can be anything that delivers economic, social or environmental objectives as described in NPPF paragraph 8, and not just heritage benefits which I deal with first below.⁵
20. In terms of physical effects, the appellant's contention is that the impact of the development on buried remains could be mitigated through an appropriate programme of archaeological investigation (including the involvement of the local community and other archaeological stakeholders) and recording to be agreed via a condition with the LPA and Historic England. It also cites by way of precedent in this respect the many Scheduled Monument Consents for a series of archaeological excavations on various parts of the SM over the years, including for the trial trenching on the appeal site. Indeed, the appellant argues that such mitigation and recording would add to the archaeological knowledge of how the SM developed over time and would help to disseminate such knowledge and consequently be a public benefit.
21. I agree that such archaeological mitigation could in principle be a benefit, for the reasons set out in the *Hayes* judgement⁶. But there are number of factors to consider here. Excavation of the site would mean the removal of any archaeological artefacts (if indeed there are any) and would destroy the field's historic illustrative value by removing part of the SM's agricultural associated field system, a main reason for its designation. The development would require Scheduled Monument Consent (SMC), and this would be difficult to obtain given Historic England's fundamental objection to it. For these reasons I doubt, in the circumstances of this particular SM, that this is really a benefit. Even if it is, it is a very modest one.
22. In terms of the non-physical effects, the appellant avers that the harm to the agricultural hinterland of the Roman settlement is minor because there is already the context of the built development of the western part of Long Ashton and the consented development at 1 Warren Lane and on the builder's yard on the south side of Weston Road such that, effectively, the proposal would simply round off the western edge of Long Ashton. However, for the reasons set out above, the agricultural fields within the SM are an important part of its significance and I cannot agree that the appeal site's loss in its Long

⁵ Planning Practice Guidance Paragraph: 020 Reference ID: 18a-020-20190723

⁶ CD 7.1

Ashton fringe context is therefore a benefit at all. On the contrary, it would clearly be harmful.

23. The appellant argues that the new knowledge derived from the proposed archaeological investigations of the appeal site secured via condition, together with that from previous investigations, would be used to provide public interpretation panels/ information boards to tell the story of the SM's currently hidden history. That would be a benefit in that it would draw the attention of local residents and visitors to the presence and historic interest of the SM when they may well otherwise not be aware of it. But the development would deplete the agricultural hinterland within which the Roman settlement existed, and conflict with the purposes of its designation as well as potentially removing any or all remaining significant archaeological remains from the appeal site. Such a moderate benefit would clearly not outweigh the harm to the significance of the SM.
24. The third claimed heritage benefit of the proposal would be a moratorium on ploughing the appellant's field immediately to the west of the appeal field, delivered via the S106. The appellant argues that continued ploughing with modern heavy tractors runs the risk of destroying possible archaeological artefacts, in part due to wetter winters/springs, and that ceasing such ploughing would therefore be a benefit. I agree that this is a risk but the fact that the field has been ploughed for hundreds of years means the likelihood of any artefacts of significance remaining to be unlikely. Nonetheless, it is a risk and I attribute moderate weight to this benefit. For the reasons above the heritage benefits, assuming that the archaeological mitigation is such a benefit, do not in themselves outweigh the identified harm to the significance of the SM. I now turn to the appellant's other identified benefits.
25. The scheme would provide 35 units in the context of a local affordable housing need of 108 units over the next five years and I accept that, given the in-principal interest to the proposed development by the two Registered Housing Providers (RHPs)⁷, they could be built within the next five years. I accept that even if one or more other sites were identified in or around the village that would potentially be acceptable in policy terms, it is unlikely that any affordable houses would be built on them within the next five years. For these reasons the 35 affordable housing units provided by the proposal scheme carries substantial weight.
26. There would be temporary economic benefits from the construction activity of the dwellings for local businesses and ongoing benefits for local shops and businesses arising from the spending power of the new residents, even though these residents may already live in the village, simply because there would be likely to be an overall population gain. However, while such housing and concomitant economic growth is a general benefit, such growth could and probably will in due course be created elsewhere in the locality in accordance with adopted and emerging policy. Economic benefits from development are only truly benefits when that growth is at the right time and in the right place, because those benefits could, should and inevitably would in due course be delivered elsewhere. Consequently, I attribute limited weight to this benefit.
27. The scheme would provide public open space 508% larger than the LPA's policy requirement, which I accept could be an attractive facility. But, while it could

⁷ Appendix 4 of Mr Clinton's Rebuttal Proof

be used by the residents of the wider village, I would question whether that would really be likely to happen to any great extent, given that it would be right on the western end of Long Ashton on the far side of the new affordable dwellings. I suspect when village residents were to walk in this area that they would rather walk through the countryside, for instance on the public footpath off the upper end of Warren Lane through the fields in the northern part of the SM, rather than through an area more closely linked to the new affordable housing. Anyway, as far as I am aware, there is no shortfall of POS in Long Ashton.⁸ Existing local children would be more likely to play in play areas closer to their homes than in the proposed open space on the appeal site. I therefore give this benefit very limited weight.

28. It is uncontested by the LPA that there would be a biodiversity net gain considerably beyond that in its local plan and the 10% emerging requirement in the Levelling Up Bill: a 42% net gain in habitat units and a 130% gain in hedgerow units. But I only attribute moderate weight to this benefit because it would be at the cost of developing approximately 60% of an open field and providing public open space on most of the rest of it that generally only the scheme's residents would be likely to use; such BNG benefits could be provided on other fields or sites, in other words as part of development in the right place at the right time.
29. I accept that the provision of 875m² of allotments and a community orchard will fulfil a Long Ashton Neighbourhood Development Plan (made in May 2015) objective to deliver such, per Policy LC6 of that Plan. But precisely for that reason, as the appellant accepts, such a benefit should certainly carry no more than moderate weight, even though I accept that such allotments would or could be made available to any residents of Long Ashton, who would also be able to avail themselves of the community orchard.
30. None of the above benefits of the scheme outweigh the harm to the significance of the SM. Even if I was to attribute moderate weight to the heritage benefits, significant weight to the economic benefits, and substantial weight to the POS provision and BNG, as well as substantial weight to the provision of the affordable housing and moderate weight to the allotments and community orchard – as the appellant argues I should – these benefits would come nowhere near to outweighing the clear harm to the SM's significance as a designated heritage asset.

Conclusion on Heritage Issue

31. Consequent on the proposal failing the heritage balance in NPPF paragraph 202, it would be contrary to the relevant development plan policies. It would fail to conserve the significance of the SM, an important heritage asset in North Somerset, contrary to Core Strategy Policy CS5 (Landscape and the historic environment). It would also clearly conflict with Policy DM6 (Archaeology) of the North Somerset Sites and Policies Plan: Part 1 in that the proposed development would destroy any archaeological remains on the site rather than preserve them 'in situ' and that such destruction would harm the significance of the SM. As per NPPF paragraph 199, I give great weight to the SM's conservation, irrespective that the harm is less than substantial, not least due to its rarity as a Roman small town with associated field systems with evidence of earlier Iron Age occupation.

⁸ X-X of Mr Clinton, Day 4 of Inquiry

The Green Belt Issue

Inappropriate development?

32. NPPF paragraph 147 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances (VSCs). New buildings, as proposed here, are regarded as inappropriate development subject to a number of exceptions, as set out in NPPF paragraph 149, including sub paragraph 'f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites)'.
33. This wording is quite specific in that it purposely defers to 'policies set out in the development plan'. That indicates to me that the government has deliberately deferred the circumstances of when and where 'limited affordable housing' can qualify as a sub paragraph f) exception to the specific wording and requirements of LPAs' own local plan policies, which chimes with the plan-led system set out in NPPF paragraph 15.
34. The relevant policy here is CS17 (Rural exception schemes), which states that housing schemes for 100% affordable housing to meet local needs within small rural communities – as proposed here – will be supported where they meet five criteria: a) to e). The last (freestanding) paragraph of CS17 says that such exception schemes will be acceptable adjacent to the settlement boundaries of Service Villages (including Long Ashton) and elsewhere adjacent to the main body of the settlement, but not in the Green Belt unless justified by VSCs. However, the Council accepts that this part of the Policy is out-of-date because it pre-dates the introduction of exception f) in the latest version of the NPPF. In other words, the Council accepts that the proposed affordable housing could be found to be not inappropriate development. However, to do so, it would still have to meet all five criteria in the Policy.
35. The Council acknowledges that criterion a) is satisfied – the development meets an identified local need demonstrated by the appellant's updated housing needs survey⁹; as is criterion e) – the affordable housing would be provided in perpetuity as secured by Section 9 and Schedule 1 of the S106. The Council disputes that criteria b)-d) are met.
36. Criterion b) is that the development is supported or initiated by the parish council (PC). This criterion, on its face, is not met because Long Ashton PC did not initiate the proposed development and have consistently objected to it.¹⁰ The appellant argues that the PC's objection cannot amount to a veto on the proposal if it doesn't amount to a reasoned planning objection. I agree that the PC must raise valid relevant material planning objections. The question is: does it?
37. Cllr Cartman, Long Ashton Parish Councillor and North Somerset Councillor for Long Ashton Ward, attended the Inquiry on behalf of the PC. Following the close of the Inquiry he sent in a summary of the comments he made on Day 1 of the Inquiry on which he was cross-examined.
38. It is clear from Cllr Cartman's summary that the PC's Planning Committee, in response to the LPA's emerging update of its local plan, undertook to assess the

⁹ CD 2.1

¹⁰ CDs 15.2 & 15.3

Green Belt land that surrounds Long Ashton in terms of possible development options by setting up a Green Belt Working Group. This Group initially assessed the various sites on the edge of Long Ashton set out on the map attached to Cllr Cartman's written comments, and draft assessments of these sites were also summarised on an attached table. It is unclear whether such comments are the final opinion of the PC about each of these sites and they are not in the public domain, so I give them very limited weight.

39. Nonetheless, these comments – including the map of sites and initial assessment of them – do demonstrate that the PC's objections, as expressed by Cllr Cartman on Day 1 are backed up by at least an initial assessment of the merits of various Green Belt sites on the edge of the village, including the appeal site. It is clear from the draft comments in the table why the appeal site as well as sites on the eastern edge of the Long Ashton were considered to be key entry points to the village which would fundamentally impact its setting and be contrary to the Green Belt's purposes, whereas some other sites would not have such an adverse impact on the Green Belt.
40. The appellant argues that these sites are fundamentally unacceptable for various reasons. That may well be the case, but there may be some of or parts of these sites that could be developed with minimal impact on the Green Belt and other designations, as indeed the Council has been considering in its emerging local plan to date, albeit not those sites on the eastern side of the village which are crucial in terms of maintaining its physical separation from Bristol. Certainly, some of them are less visually imposing and their loss would not have such a marked visual impact as the development of the appeal site on the Green Belt. Indeed, some of the Green Belt sites that would 'fatten' the village (as Cllr Cartman referred to it), rather than increasing its length, would have a lesser impact on Green Belt purposes in my opinion, contrary to the appellant's landscape evidence.
41. Additionally, there is Church House and adjacent car park site leased to the PC by the Council, which given its ownership is perhaps well suited to potential development for purely affordable dwellings, albeit this is a much smaller site than the appeal site.
42. The point that the Council and the PC make is that the appellant has not sought to investigate any of these sites to develop affordable housing on them but has merely decided to pursue development of the appeal site, which it already owned by 2011. I accept that it is unlikely any such sites could be developed for affordable housing within the next five years but acknowledge that the Council has provided 95% of its affordable housing requirement in the plan period to date, a good record compared to many LPAs, which makes it likely that it will achieve its target for affordable housing delivery by the end of the plan period.
43. It is not my role to determine whether any alternative Green Belt site on the edge of Long Ashton could or should be developed in preference to the appeal site for affordable housing. All I am endeavouring to assess here is whether the PC has raised a valid relevant material planning objection. For the above reasons I consider it has. For these reasons the proposed development fails to comply with CS17 b).
44. CS17 criterion c) is that the site search has followed a sequential approach with priority given to sites within any settlement boundary, sustainability principles, and avoiding sensitive locations.

45. I don't believe the appellant has followed any particular site search, let alone a sequential one, for the following reasons. The appellant purchased the site in 2011, before the Council's Core Strategy was even found sound and adopted in April 2012. It was therefore unlikely to take account of the wording of CS17, which wasn't even an adopted policy at the time it decided to purchase these two fields on the western edge of the village, which were not then part of the SM. It clearly cannot be criticised for doing so at the time. However, planning policy has moved on and the SM was extended to include its two fields in 2014. The risk of such things happening is simply part and parcel of the nature of the development industry and the developer bears that risk. Even in 2011 the appeal site lay within the setting of the SM. The appellant did not indicate in its evidence that it had pursued any sequential site search, other than the one it provided in hindsight at this appeal. For these reasons I cannot conclude that the development would comply with CS17 criterion c).
46. CS17 criterion d) is that the scale of development is appropriate for the location. 35 dwellings are certainly not very many compared to the size of the village as a whole, and the density of the proposed development is low when taking into account the amount of POS. But the question is whether these 35 dwellings should be built on this site.
47. The site is very visually prominent from Weston Road when travelling in both directions because it rises up to the north from the road. Driving westwards from the village it feels like Warren Lane and Wildcountry Lane mark its western edge. Driving eastwards towards the village this field very much defines its western agricultural fringe. I acknowledge that there will be the three new dwellings at 1 Warren Lane and the five new dwellings at the Builders Yard on the opposite side of Weston Road. But there are already a pair of semi-detached dwellings on the corner of Warren Lane and the Builders Yard is quite self-contained behind a thick hedge and fencing.
48. The proposed development would result in a major westward extension of the village onto a field that marks the clear start of the open countryside, which is also an important part of the SM. While it is intended to plant a new boundary hedge and trees to the development's western boundary, these would take some time to mature, and this would be a less effective visual boundary to the village than Warren Lane is.
49. As such the development would have a marked effect on the visual openness of the Green Belt in a sensitive village fringe location on rising ground, which would be contrary to Green Belt purposes a) and c): to check the unrestricted sprawl of large built-up areas, and to assist in safeguarding the countryside from encroachment. It would not therefore be of an appropriate scale, contrary to CS17 criterion d). In deciding that the development would result in clear visual harm to the openness of the Green Belt I have fully taken into account the *Euro Garages* judgement¹¹; clearly in this case the proposed development will cause much greater harm to a greenfield site than the development in that case did to an already developed site within the Green Belt.
50. In summary, the proposed development is contrary to criteria b)-d), despite complying with a) and e). Consequently, it would be contrary to Policy CS17 as a whole, which requires compliance with all the criteria, as well as Policy DM12. Because of this the development does not meet the exception in NPPF paragraph

¹¹ *Euro Garages Ltd v SSHCLG (QBD) [2018] EWHC 1753 (Admin)*

149 f), which defers to relevant local plan policies. Accordingly, the new buildings proposed would be inappropriate development in the Green Belt.

51. There was considerable argument about what the term 'limited affordable housing' meant in paragraph 149 f). However, I don't need to decide on whether the proposed development would or would not be 'limited' because it fails to comply with CS17; even if I did decide it was 'limited', it would still be inappropriate development in the Green Belt because of this.

Very Special Circumstances (VSCs)?

52. So, given this, do any VSCs exist in that, as NPPF paragraph 148 states, harm by reason of inappropriateness, loss of openness and any other harm is clearly outweighed by 'other considerations'. The other considerations here are the same benefits of the proposed development set out in the heritage balance above: the heritage benefits (the archaeological investigation and recording, interpretation boards and the no-dig provision for the appellant's western field), the 35 affordable dwellings for which there is a well-established need, the temporary and permanent economic benefits of construction and occupation, the POS 570% beyond the policy requirement, the considerable BNG beyond requirements, and the new allotments and community orchard.
53. These benefits fail to outweigh the heritage harm to the significance of the SM. Given that there is less than substantial heritage harm to the SM, a designated heritage asset, the tilted balance as set out in NPPF paragraph 11 d) does not apply.
54. So, the appellant's argument that the Council's spatial strategy for Service Villages as expressed in CS32 is out-of-date because of the lack of a 5-year housing land supply by the LPA does not apply. Although the site adjoins Long Ashton, a Service Village, it is in the Green Belt. Whilst the Green Belt preclusion within or adjoining Service Villages is only specified in the explanatory text (paragraph 4.85 of the CS) rather than in the Policy itself, I can't see how the proposed development could respect and enhance local character (first bullet point of CS32) and make a positive contribution to the local environment and landscape setting (fourth bullet point) when it would lead to such a visible loss of openness in the Green Belt and adverse impact to the site's character and appearance on rising ground on this important village fringe location. So, even if this proposal for 35 dwellings did fall within the definition of 'about 25 dwellings', it would still conflict with the Council's spatial strategy in Policy CS32.
55. The above benefits, the 'other considerations', including the substantial weight that I give to providing the affordable dwellings, do not come close to outweighing the heritage harm, to which great weight should be given, nor the harm to the Green Belt by inappropriateness and loss of openness, to which substantial weight should be given, nor the conflict with Policy CS32. The proposal would clearly constitute unacceptable unsustainable development.

Conclusion

56. For these reasons the appeal is dismissed.

Nick Fagan

INSPECTOR

APPEARANCES

FOR THE APPELLANT: *Dr Ashley Bowes (Cornerstone Barristers)* called:

- Robert Sutton, Cotswold Archaeology - Heritage
- Jonathan Berry, Tyler Grange – Landscape & Green Belt Effects
- Mel Clinton, Nash Partnership – Planning & Planning Balance

FOR THE LOCAL PLANNING AUTHORITY: *Mr Timothy Leader (St John's Chambers)* called:

- Catherine Lodge, Council Archaeologist – Heritage
- Mark Reynolds, Context Planning – Green Belt & Planning
- Roger Wilmot, Council Strategic Development Manager – Conditions & S106 round table discussion

INTERESTED PARTIES:

- Cllr Ashley Cartman, Long Ashton Parish Councillor & North Somerset Councillor for Long Ashton Ward

DOCUMENTS SUBMITTED AT THE INQUIRY OR SHORTLY AFTER

1. Statement by Cllr Ashley Cartman including appendices sent in on 7 June 2023
2. S06 signed, dated and sent in on 22 June 2023
3. Maps of Potential Nearby Sites in Long Ashton (Church House & car park, Land south of Parsonage Road, and Land north of Birdwell Primary School), which I saw on the accompanied site visit on Day 1 pm
4. Copy of *Euro Garages* judgement
5. Appellants Opening & Closing Submissions
6. Council's Opening & Closing Submissions
7. Additional comments by Mr Clinton on behalf of appellant dated 24 August 2023 in response to Cllr Cartman's Statement & Appendices of 7 June