

SECTION 2 – ITEM 7

Application No:	19/P/3091/OUT	Target date:	06.02.2020
Case officer:	Angela Norris	Extended date:	31.07.2020
Parish/Ward:	Churchill Blagdon And Churchill	Ward Councillors:	Councillor Patrick Keating
Applicant:	Mr David O'Nions		
Proposal:	Outline application for the erection of a dwellinghouse (all matters reserved for subsequent approval.)		
Site address:	Land at Jubilee Lane, Langford		

REFERRED BY COUNCILLOR KEATING

Summary of recommendation

It is recommended that the application be **REFUSED**. The full recommendation is set out at the end of this report.

The Site

The application site is located outside Churchill, in the countryside. It is a field on the northside of Jubilee Lane. On the west side of the site is a dwelling, 'Eastlands', which is one of a pair of 2 houses. On the east side is a public footpath with fields and on the north and south side are fields.

The Application

Outline permission is sought for the erection of a detached dwelling with all matters to be dealt with at Reserved Matters stage

Relevant Planning History

Year	Reference	Proposal	Decision
2019	19/P/0992/FUL	Change of use of land to use as a caravan site for the siting of three timber lodge style caravans and associated operational development	Refused
2018	18/P/2196/FUL	Change of use of land to use as a caravan site for the siting of three timber lodge style caravans	Refused
2017	16/P/2723/F	Change of use of land to use as a caravan site for the siting of three timber lodge style caravans and associated operational development	Withdrawn

Policy Framework

The site is affected by the following constraints:

- Outside the settlement boundary for Churchill
- Horseshoe Bat Zone C
- PROW – AX14/44/40 on east side of site
- In Landscape Character Area Type – J2: River Yeo Rolling Valley Farm

The Development Plan

North Somerset Core Strategy (NSCS) (adopted January 2017)

The following policies are particularly relevant to this proposal:

Policy Ref	Policy heading
CS1	Addressing climate change and carbon reduction
CS4	Nature Conservation
CS10	Transport and movement
CS12	Achieving high quality design and place making
CS14	Distribution of new housing
CS33	Smaller settlements and countryside

Sites and Policies Plan Part 1: Development Management Policies (adopted 19 July 2016)

The following policies are particularly relevant to this proposal:

Policy	Policy heading
DM1	Flooding and drainage
DM2	Renewable and low carbon energy
DM8	Nature Conservation
DM10	Landscape
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM28	Parking standards
DM32	High quality design and place making
DM34	Housing type and mix
DM71	Development contributions, Community Infrastructure Levy and viability

Sites and Policies Plan Part 2: Site Allocations Plan (adopted 10 April 2018)

The following policies are particularly relevant to this proposal:

Policy	Policy heading
SA2	Settlement boundaries and extension of residential curtilages

Other material policy guidance

National Planning Policy Framework (NPPF) (February 2019)

The following is particularly relevant to this proposal:

Section No	Section heading
1	Introduction
2	Achieving Sustainable Development
4	Decision-taking
5	Delivering a sufficient supply of homes
9	Promoting sustainable transport
12	Achieving well designed places
15	Conserving and enhancing the natural environment

Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- North Somerset Parking Standards SPD (adopted November 2013)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- Creating sustainable buildings and places SPD (adopted March 2015)
- Development contributions SPD (adopted January 2016)
- Accessible Housing Needs Assessment SPD (Adopted April 2018)

Consultations

Copies of representations received can be viewed on the council's website. This report contains summaries only.

Third Parties: 9 letters of objection have been received. The principal planning points made are as follows:

- Site outside village settlement boundary. Development is contrary to North Somerset Landscape Character SPD and local plan policies
- Unnecessary development as surfeit of building land in Churchill
- Third application on the site, first for a dwelling, second for holiday lodges and now this application. Previous reasons for refusing the erection of a dwelling on the site still valid
- Will set precedent for more development north of Jubilee Lane
- Jubilee Lane is single track with limited passing places and limited visibility at access from Stock Lane so will cause traffic danger, especially with increase in traffic
- Lane used by walkers and children and is considered a footpath and bridleway
- Ladymead Lane is already a rat-run with considerable traffic for surgery, school and supermarket
- There is regular flooding of site and any septic tank will be affected and effluent will flow over neighbouring grazing land which will be affected

- Will have negative impact upon ancient meadow and affect wildlife including bats and badgers
- There will be loss of good agricultural land which is needed for sustainability and to prevent global climate change
- Need to protect green space since the major housing development has taken place to south
- There are ample suitable, available and affordable houses in Churchill for the person who needs to be cared for, especially in the surrounding new developments

One letter of support has been received. The principal planning points made are as follows:

- No previous flooding on the land in 30 years
- Jubilee Lane is quiet country lane, little used by traffic, so no conflict with an additional house.
- Self-builders are struggling to gain planning permission.
- This would be specifically designed building for a specific occupier to reside in and be cared for by the family.
- Difficult to find suitable accommodation in the correct location and to modify to specific needs.

Churchill Parish Council: “Objects to the planning application on the grounds of a) Flooding & drainage issues. b) Outside village boundary c) Inadequate access to property”.

Principal Planning Issues

The principal planning issues in this case are (1) principle of residential development on the site, (2) provision of self-build and custom housing, (3) provision of special needs housing, (4) Human Rights Act 1998, (5) impact upon the character and appearance of the area, (6) impact upon the living conditions of neighbours, (7) highway safety and parking matters, (8) access, (9) the natural environment and ecology, (10) setting of listed building, (11) community infrastructure levy, and (12) other matters.

Issue 1: Principle of residential development on the site

The site is outside Churchill’s settlement boundary, and in the open countryside. Churchill is defined as a ‘Service village’ in policy CS32 of the Core Strategy, and this policy allows residential development outside its settlement boundary, provided that the site adjoins the settlement boundary. Although the site is next to two other dwellings, they are a group in the open countryside surrounded by fields and are a substantial distance from the settlement boundary, approximately 0.65 km (by road), which runs along Pudding Pie Lane. Whilst the site is near to the new housing development on land between Pudding Pie Lane and Stock Lane, it is not adjacent to the site as it is separated by fields. In addition, that site was allocated as a residential site within the Local Plan. This current application site is not allocated for housing in the Site Allocations Plan. The adopted development plan sets out how sustainable development is delivered within North Somerset.

The proposal to erect a dwelling on this application site needs to be assessed under policies CS14 and CS33 of the Core Strategy and policy SA2 of the Site Allocations Plan.

Policy CS14 of the Core Strategy, relates to the distribution of new housing in North Somerset, and directs new housing to the main towns and service villages, or sites abutting the settlement boundary. This site does not fall into any of these categories. In addition, policy CS33 of the Core Strategy, which relates to residential development in the countryside, restricts such new residential development, and only allows replacement dwellings, residential sub-divisions, residential conversions of buildings where alternative economic uses are not appropriate or dwellings for essential rural workers. This proposal for a new dwelling on the site does not fall into any of these categories. Furthermore, policy SA2 of the Site Allocations Plan which relates to settlement boundaries reinforces the importance of residential development being within settlement boundaries. As such the development of new dwellings outside a settlement boundary is not acceptable.

In conclusion the proposed erection of a dwelling on this site does not accord with policies CS14 and CS33 of the Core Strategy and policy SA2 of the Site Allocations Plan, so is therefore, unacceptable development in principle.

As the proposal is to erect a dwelling in the countryside, the Council's 5 year housing land supply position should also be considered. Currently the Council can only demonstrate 4.4 years supply of housebuilding land. In this respect paragraph 11 of the NPPF states that:

"Plans and decisions should apply a presumption in favour of sustainable development....."

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;*
or
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

In this context , "out of date" includes, applications involving the provision of housing, where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in NPPF paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.

Paragraph 12 of the NPPF says that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed. A shortfall in housing supply is one of those considerations.

In terms of the sustainability of the site, Government advice is to reduce the need for private car journeys, so locating development in areas where car journeys are the only form of travel is not supported or encouraged. Regarding this site, it is considered that options other than the private car are not realistic, as facilities within Churchill would not be easily accessed by walking or cycling. Jubilee Lane lacks pavements and where it meets Stock Lane there is no pavement on Stock Lane. The pavement only starts some distance down the road. Stock Lane is a heavily trafficked road which would be dangerous to walk along on the carriageway. Although there is a bus stop south of the entrance to the Vets School, the future residents of the proposed dwelling would not be able to walk to it because of the lack of pavements on the first half of Stock Lane. Furthermore, it is an infrequent service that could not be relied upon for most necessary journeys, so would not be a genuine alternative sustainable form of travel. In addition, although there is a public footpath near to the site that leads to Pudding Pie Lane, this is across fields, which are unlikely to be used in winter months/dark nights or inclement weather. Consequently, most trips would be by private car, as public transport options are not convenient. Therefore, creation of an additional dwelling on this site would not accord with Para 103 of the NPPF, which advises that the planning system should actively manage patterns of growth to support the objectives of walking cycling and public transport use. It also advises that development should be focused on locations that can be made sustainable, through limiting the need to travel and where there is a genuine choice of transport modes. Therefore, it is considered that the site is an unsustainable location for a new dwelling and there are no special circumstances or any specific need for a dwelling that would overcome the advice on avoiding unsustainable homes in the countryside.

In terms of other adverse impacts, a number of planning appeals that relate to the development of individual dwellings outside the Churchill settlement boundary have been dismissed. There are many similarities between those sites and proposals and this current application. These decisions have also supported the Council's residential strategy of restricting new dwellings to inside settlement boundaries despite the lack of a 5-year housing land supply. The first appeal relates to a site on land opposite Churchill House in Churchill Green (ref: 18/P/2512/FUL). The proposal was to erect a single dwelling on the site, and the proposal was dismissed at appeal on 29 May 2019 (PINs ref: APP/D0121/W/19/3224042). In the decision, the Inspector discussed in detail the reasons why location of the site outside the settlement boundary was an unsustainable location, and why the proposal conflicted with the residential strategy in policies CS14 and CS33 of the Core Strategy. The Inspector stated in paragraph 10:

"10. The appeal proposal would not fall, therefore, within any of the exceptions set out in Policy CS33. As a consequence, it would result in an unsustainable and sporadic form of development within the countryside that the settlement strategy of the NSCS seeks to prevent. Paragraph 4.92 of the NSCS confirms that this strategy has evolved from the high demand for new housing within the open countryside and the need to retain and protect the district's rural character."

The current proposal would have the same impact on the countryside. Another appeal decision relates to a site on land to the south of Camelot in Churchill Green (ref: 18/P/4940/FUL). This application was also for the erection of a single dwelling on the site. The application was refused, and it went to appeal (PINs ref: APP/D0121/W/ 19/3227975) which was also dismissed on the 22 August 2019 on the grounds of an unsustainable location outside of the settlement boundary and the conflict of the proposal with the residential strategy in the local plan. In the section on Location and Proposed

Development in paragraphs 7 – 20 in the decision notice, the Inspector detailed the reasons why the proposal was unacceptable and in paragraph 20 stated:

“20. In summary on this matter, the proposed development would cause significant harm as it is not in an acceptable location in relation to access to everyday services and facilities. Its occupiers would be reliant on less sustainable modes of transport to access those services and facilities. Accordingly, the development would not accord with the NSCCS policies CS14 and CS33, which seek to avoid perpetuating unsustainable patterns of development and, instead, steer development to those locations where there are most opportunities for employment, services and transport accessibility. The development would also conflict with the Framework which contains similar guidance.”

It is considered that there are many similar circumstances between this current application site and the two sites in Churchill Green. This site is some distance from the settlement boundary and in the countryside where there are limited options other than private car transport. It would also erode the rural character of the countryside around the village (see below).

To conclude, whilst one new dwelling may make a limited contribution towards meeting housing need within the authority, it still does not outweigh the negative impact of siting a dwelling in this unsustainable location. Therefore, the principle of proposed residential development on this site is unacceptable and is contrary to policies CS14, CS33 of the Core Strategy and policy SA2 of the Site Allocations Plan.

Issue 2: Provision of self-build and custom housing

The applicant has stated that he intends to undertake a self-build project on the site, and that this should outweigh the objections to the proposal. Since the introduction of the Self-build and Custom Housebuilding Act 2015 the Council has a duty to keep a register of individuals and associations who are seeking to acquire serviced plots of land within the authority's area for their own self-build and custom housebuilding. The Housing and Planning Act 2016 amended the Self-build and Custom Housebuilding Act and introduced a duty to grant planning permission for enough serviced plots of land to meet demand for self-build and custom housebuilding. The National Planning Practice Guidance is clear that there is no duty on authorities to grant permission on land which specifically meets the requirements expressed by those on the register, and there is no obligation on the Council to provide plots to those individuals who have registered themselves. The Council is committed to promoting and supporting self-build and custom housebuilding on appropriate sites, wherever possible, and will promote any known opportunities to those on the register as and when they arise.

The first base period for the duty to permission plots was 2016. During that year six people registered interest in building their own home within North Somerset. The regulations require that by 3 years later (October 2019) the Council should have provided enough plots to meet demand. As at October 2019, CIL records show that 43 self-build plots had been approved, well in excess of the level of registrations.

Acknowledging that the number of registrations is increasing, the Council will be exploring the best way to ensure that enough plots are permitted to meet need in the future. This will be explored through the new Local Plan process and may lead to specific allocations for self-build plots, requiring a proportion of the plots on new developments to be for self-builders, or a combination of the two. The current adopted policy position on self-build in

the adopted DM plan (policy DM34) is that the Council is generally supportive of self-build housing. This does not, however, mean that the locational strategy will be disregarded on applications for self-build plots.

As the siting of the proposed new dwelling would be contrary to the locational strategy, it is considered that the fact that it would be a self-build project does not outweigh the overarching locational strategy and so is unacceptable.

Issue 3: Provision of special needs housing

The applicant has stated that the proposed new dwelling is also to be specially designed to provide accommodation for a disabled family member so that they can be cared for by the family in the home. Information has been submitted on the medical and therapeutic needs of the family member.

The personal circumstances of an applicant are not normally sufficient reason to grant planning permission. The planning legislation makes it quite clear that decisions must be made in accordance with planning policies or other material considerations. In this application it is considered that the personal circumstances of the applicant would not be sufficient justification to allow a new house in the countryside, which would be contrary to the local planning policies which relate to and restrict new residential development in the countryside.

This current application is very similar to a recent application, which was to erect a dwelling in the side garden at Lilac Cottage, Whitecross Lane, Banwell (ref: 18/P/3989/OUT). That site was in the countryside outside the Banwell settlement boundary. The proposal was for the applicants to build a house in their garden for retirement and would be designed to be accessible for elderly persons. Planning permission was refused and subsequently the applicants appealed against the decision (PINs ref: APP/D0121/W/19/3221377). The appeal was dismissed in December 2018 and in paragraph 17 of the decision the Inspector stated that:

“17. The appellants’ personal circumstances have been cited in support, but these are not sufficient reason to overcome the objections I have found, in particular the incompatibility with development plan policy and the harm caused to local rural character.”

Consequently, when determining planning applications, the personal circumstances of the applicant do not carry significant weight in decisions, especially if it relates to the erection of a dwelling outside a settlement boundary and in the countryside. Allowing personal circumstances to weigh in favour of an approval would set a precedent that could be followed by many other applicants who wish to build a new house in the countryside.

Therefore, the principle of proposed residential development on this site is unacceptable and is contrary to policies CS14, CS33 of the Core Strategy and policy SA2 of the Site Allocations Plan.

Issue 4: Human Rights Act 1995

The applicant considers that the Local Planning Authority (LPA) should take account of Human Rights legislation when considering this application as they have special personal circumstances, having a disabled daughter. The most relevant part of the Human Rights Act in this case appears to be Article 8 (Right to respect for private and family life, home

and correspondence). The LPA is aware of the implications of the human rights' legislation and that an applicant does have a human right to a dwelling and that this is material consideration in all applications. However, the guidance from Central Government regarding assessing the weight of material considerations in planning applications is for the LPA rather than the courts to decide. It advises that the policies and guidance contained in the hierarchy of development plans are the starting point for most decisions and it is for the LPA to exercise its judgement in determining the balance of considerations, where there are competing priorities and policies.

Whilst the applicant has quoted English case law, as examples of personal circumstances being given substantial weight as material considerations in decisions, the cases of *Westminster City Council v Great Portland Estates plc* [1985] and *South Buckingham DC and Another vs Porter*, are significantly different to the current application. One related to existing occupiers of business premises in Westminster and dealt with change of use of land, being assessed under the 1971 Planning Act. The other in South Buckingham related to land bought in the Green Belt by a gypsy family. Consequently, it is considered that these cases do not set a precedent for consideration of this application, and do not outweigh the government advice on allowing the LPA to exercise its judgement.

Substantial weight should also be given to the public interest objectives of protecting the countryside and securing a sustainable pattern of development across the district. Both of these principles are set out in the National Planning Policy Framework and the adopted policies of the local development plan, and as guided by government advice is the starting point of all planning decisions. Therefore, they carry substantial weight in decisions, and to allow the proposal would be contrary to these policies and the public benefits they seek to secure.

Consideration has been given to the personal circumstances of the applicant, but it is considered that there is no overriding need for the proposed new dwelling to be sited in the countryside rather than a Service village or town.

In conclusion, the personal circumstances have been considered. On balance it is considered that human rights of the applicant, in this instance, would not be breached and not to such an extent as to outweigh the significant weight attributed to the adopted development plan policies. Consequently, it is considered that in this case there are no special circumstances that override the policies that prevent residential development in the countryside, so the application should therefore be refused.

Issue 5: Impact on the character and appearance of the area

The site is an undeveloped field, which is close to an isolated group of two dwellings. However, the area around the site has a spacious rural character with fields between other development. Policy CS5 of the Core Strategy and policy DM10 of the Sites & Policies Plan require that new development does not harm the character of the landscape. By developing a dwelling in this field, it would erode the openness of the area and it would create ad hoc encroachment into the countryside. There is considerable pressure for residential development in and around Churchill and Langford and an additional dwelling would add to ribbon development that is eroding the surrounding countryside. As such it would harm the rural character of the area.

In terms of the landscape character of the area, the site is within an area identified as J2, River Yeo Rolling Valley Farmland in the adopted Landscape Character Assessment SPD.

This landscape is affected by forces for change that include ubiquitous development along roads. The character is weakened by village infilling and ribbon development. The Landscape Strategy for this landscape is to conserve the peaceful, rural nature of the landscape, and to strengthen the area of weaker character particularly where the landscape is affected by modern infill and ribbon development along roads. The guidelines are to limit village infilling and ribbon development. Consequently, adding an additional new dwelling in this location would exacerbate the ribbon development along Jubilee Lane and Stock Lane that is weakening the rural nature of the landscape, and would be contrary to the strategy set out in the SPD.

The importance of the character of the area has been demonstrated by a recent appeal decision that was dismissed on the 14 January 2019. The case was for the development of six houses on land off Front Street, (application ref: 17/P/5546/OUT – Appeal ref: APP/D0121/W/18/3212455). The Inspector concluded, that despite the Council not being able to demonstrate a 5 year supply of deliverable housing sites, the harm to the character of the area outweighed the contribution of the six dwellings to the housing supply.

Regarding the detailed design of the dwelling, as the proposal is at outline stage, full details of the exact siting, scale, height, layout and design of the proposed new dwelling or the style or materials to be used have not been submitted. The only plans submitted are indicative of a dwelling sited to the front of the site in the south west part of the site. The indicative plans show a footprint and building line that would be similar to that at 'Eastlands' to the west of the site. If it were considered acceptable to erect a dwelling on this site, such location within the site, its scale of footprint and building line is likely to be acceptable in terms of design. Nonetheless it is considered that any dwelling on this site would unacceptably harm the character of the rural area.

To conclude it is considered that the proposed development would be out of keeping with the rural character of the area and would erode and harm the countryside close to Churchill. Therefore, it is considered that the proposal is contrary to policies CS5 and CS12 of the Core Strategy, policies DM10 and DM32 of Sites & Policies Plan (Part 1) and the advice contained within the Landscape Character Assessment SPD.

Issue 6: Impact upon the living conditions of neighbours

As an outline application, there are no details of the siting of the proposed new dwelling within the plot, its proposed height and the position of side windows. Therefore, it is difficult to assess the full impact of the proposed development on the living conditions of the occupiers of the neighbouring dwelling, Eastland which is to the west of the site. Nonetheless, from the indicative plans submitted showing the layout, it is likely that a new dwelling on the site could be only 7 metres from the side elevation of Eastland. As Eastland has large windows in the east side elevation, there could be some adverse impacts upon the living conditions of the occupiers of the neighbouring dwellings. However, conditions could be put on any outline permission to restrict impact of the development if the outline planning permission were to be granted.

Issue 7: Highway safety and parking matters

Although the indicative layout plan shows an access and parking area, these matters are reserved for subsequent approval at Reserve Matters Stage, so they are not showing the final arrangement on the site. Again, conditions could be put on any outline permission

concerning the access and car parking if the outline planning permission were to be granted.

Local residents have raised concerns, about the increase in traffic generation on this narrow lane and its impact upon the junction of Jubilee Lane and Stock Lane. However, this has been assessed and is considered acceptable and in accordance with policies CS10 and CS11 of the Core Strategy and policies DM24 and DM28 of the Sites and Policies Plan (Part 1).

Issue 8: Access

Pedestrian access to the site is poor, because Jubilee Lane lacks any form of pavements. The site access opens straight onto the carriageway and because it is a narrow carriageway there is conflict between pedestrians and vehicles. For pedestrians walking westward to Churchill along Ladymead Lane there are no pavements until the Ladymead Lane meets the main road through Churchill. Although Ladymead Lane is a residential road beyond its junction with Pudding Pie Lane, it lacks pavements and is very difficult to walk along to the village hall.

As explained above walking eastwards towards Stock Lane, there is no pavement where Jubilee Lane meets Stock Lane. In Stock Lane the pavement only starts some distance down that road and is only on one side of the road. As previously mentioned, Stock Lane carries high volumes of traffic and is the main route into Langford and Churchill from Congresbury. As such it is dangerous to walk along on the carriageway. Consequently, the occupants would not be able to walk to the supermarket in Langford.

Although there is a public footpath across the fields to Pudding Pie Lane, which is near to the site, it is unlikely that it would be used to access the primary school and Doctors' surgery. This is because such footpaths are unlikely to be used in winter months, when there are dark nights, and it would not be used in inclement weather.

Given the poor pedestrian access to the site, the creation of an additional dwelling on this site would not accord with Para 103 of the NPPF, which advises that the planning system should actively manage patterns of growth to support the objectives of using alternative modes of transport such as walking to the car. In addition, it would not accord with policy DM24 of the Sites and Policies Plan (Part 1) as the site is not easily accessible by non-car modes, including walking. Consequently, this proposal would not support the aims and objectives of sustainability.

Issue 9: Natural Environment and Ecology

The site is Grade 2 agricultural land, so the development of this site would result in the loss of good agricultural land. In Para. 170 of the NPPF, LPAs are advised that planning decisions should contribute to and enhance the environment. In Para. 170 (b) of the NPPF it also advised that the wider benefits from natural capital should be recognised. It advises that the economic and other benefits from the best and most versatile agricultural land should be considered in any application. As such, the loss of this Grade 2 agricultural land is a material consideration in this application. As it is considered that there are no special circumstances for development of this site for a new dwelling, the loss of agricultural land weighs against the proposal.

Regarding protected species and the ecology of the site, the bat corridor on the eastern side of the site would not be disrupted by the development and can be protected through conditions. However, this is on the basis that the proposed dwelling would remain as indicated on the south western part of the site and is not moved further eastwards or northwards. This would need to be secured by condition. It must be noted that if planning permission were to be granted for this development, a condition would be required on the permission to secure Biodiversity Net Gain (BNG) on the site.

Therefore, in relation to the indicative plans, the proposal complies with the requirements of the Conservation of Habitats and Species Regulations 2017, the Natural Environment and Rural Communities Act 2006, policy CS4 of the North Somerset Core Strategy, policy DM8 of the Sites and Policies Plan (Part 1) and the Council's Biodiversity and Trees SPD.

Issue 10: Setting of Listed Building

The proposal does not affect the setting of any listed buildings.

Issue 11: Community Infrastructure Levy

The Council's Community Infrastructure Levy (CIL) Charging Schedule took effect on 18 January 2018. This means that the development may be liable to pay the CIL. The Charging Schedule and supporting information can be viewed on the website at www.n-somerset.gov.uk/cil.

Issue 12: Other matters

Local residents have raised concerns about flooding of the site, which they say occurs on a regular basis. However, from the flood maps, the site is not identified as being within a high-risk flood zone. In addition, no potential surface water flooding is shown on the Environment Agency Updated Flood map for Surface Water 1 in 100. However, given the residents' concerns the Flood Risk Management (Drainage) Team have commented on this application. Although they are aware that ground water levels are high in this location, they have no records of floods on this site. The only records of localised flooding they have are on the corners of Jubilee Lane with both Ladymead Lane and Stock Lane. Whilst they accept that the normal system of soakaways would not be appropriate in this location, they consider that surface water from the site can be drained satisfactorily and the floor level should be raised, and this could be controlled by conditions. As such they have no objection to the proposal

All other matters raised by the consultees have been taken into account, but none is of such significance as to outweigh the considerations that led to the recommendation below.

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

As the proposal is for the erection of a single dwelling, the development falls within schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. However, the development does not meet the required thresholds and is not located within a sensitive area, so does not trigger the need for an EIA screening. Therefore, a formal EIA screening opinion is not required for this development.

The Crime and Disorder Act 1998

The proposed development will not have a material detrimental impact upon crime and disorder.

Local Financial Considerations

The Localism Act 2011 amended section 70 of the Town and Country Planning Act 1990 so that local financial considerations are now a material consideration in the determination of planning applications. This development is expected to generate New Homes Bonus contributions for the authority. However, it is considered that the development plan and other material considerations, as set out elsewhere in this report, continue to be the matters that carry greatest weight in the determination of this application.

Planning balance and Conclusion

This application is seeking the erection of one dwelling on a site outside a settlement boundary and in the countryside. The starting point for determining planning applications is the development plan. In this respect, the proposal is contrary to policies CS14 and CS33 of the Core Strategy and policy SA2 of the Site Allocations Plan. As the Council cannot demonstrate a 5 year housing land supply at present, Para. 11 of the NPPF advises that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, the so-called 'tilted balance' exercise.

The impacts of the development would outweigh the benefits in that the proposal would not only be contrary to the residential location strategy but would also unacceptably harm the rural landscape of the countryside around Langford and Churchill and result in loss of Grade 2 agricultural land. Although one additional new dwelling in North Somerset may make a limited contribution towards meeting housing need within the authority, it is still considered that this does not outweigh the negative impact of siting a dwelling in this unsustainable location where any future occupants would be heavily reliant on the private car as their means of accessing services and facilities.

The proposed new dwelling would be a self-build project that would cater for the needs of a disabled family member. However, these factors in themselves do not outweigh the local plan's residential strategy that restricts development outside settlement boundaries in the countryside. It has been shown that sufficient self-build dwellings have been completed within North Somerset, and it has been demonstrated by a recent appeal decision, that personal circumstances do not carry significant weight in planning decisions. Therefore, it is concluded that these matters do not outweigh the harm created by the erection of a new dwelling in the countryside.

It is considered that the proposed new dwelling would not adversely affect highway safety as safe access, parking and turning could be achieved on site. In addition, the safeguarding of protected species can be successfully managed and mitigated on the site.

To conclude, the principle of a proposed new residential development on this site would be unacceptable, as it would be contrary to policies CS5, CS12, CS14, CS33 of the Core Strategy, policies DM10 and DM32 of Sites & Policies Plan (Part 1), policy SA2 of the Site Allocations Plan and the advice contained within the Landscape Character Assessment SPD.

RECOMMENDATION: REFUSE for the following reasons:

1. The proposed dwelling would be located outside the Churchill settlement boundary and in the countryside where new residential development is strictly controlled in order to protect the character of the countryside and to prevent unsustainable development. The site has limited access to local services, facilities and employment opportunities, and as there is poor pedestrian access and lack of alternative modes of transport, future occupants would be reliant upon the private motor vehicle so this would result in an unsustainable pattern of development. The proposed development does not comply with any of the exceptions in policy CS33 of the North Somerset Core Strategy, and the proposal conflicts with Section 5 and Paragraphs 77-79 and 103 of the National Planning Policy Framework, and with the locational strategy for development set out in policies CS14 and CS33 of the North Somerset Core Strategy, and with policy DM24 of the North Somerset Sites and Policies Plan – Part 1.

2. The proposed development of a dwelling on the site, which is in the countryside, would, through building a dwelling on an undeveloped field, erode and harm the rural character of the area. As such, it would be contrary to policies CS5 and CS12 of the North Somerset Core Strategy, policies DM10 and DM32 of the North Somerset Sites and Policies Plan - Part 1 and the advice contained in the adopted North Somerset Landscape Character Assessment Supplementary Planning Document.