

LOCAL PLANNING AUTHORITY REF: 19/01840/OUT
PLANNING INSPECTORATE REF: APP/R3325/W/20/3259668

CASTLE CARY TOWN COUNCIL OBSERVATIONS

The above Appeal against refusal by South Somerset District Council has been considered on 1st March 2021 by Castle Cary Town Council Planning Committee which was unanimously of the opinion that the Appeal should be **dismissed**.

In asking that the developer's Appeal be dismissed the Town Council strongly supports South Somerset District Council's decision to refuse the outline application.

1. As the parish council representing Castle Cary the Council recalls there were 68 letters of objection to the outline scheme, mainly on grounds of excessive development, development contrary to the 'direction of growth' outside the settlement boundary, damage to the open countryside, adverse impact on services, increased traffic and highway dangers, too many new houses in Cary already, the undermining of local democracy by disregard of the Neighbourhood Plan (NP) passed by referendum and general concern about the adverse cumulative impact on this small market town.

2. Castle Cary and Ansford, being adjacent parishes, together form the thriving local market town of Castle Cary with its retail, market and supporting services located in an historic centre (primarily High Street and Fore Street) of some distinction: the market house, library and museum represent the community hub of the town. There are some 112 Listed buildings (the central market house being grade II*), 2 scheduled monuments and 4 conservation areas.

3. The Town Council regards policies and principles rather than a host of arguable and contentious details as key to its observations on the appeal which the Inspector is to consider in the light of the current situation.

THE DEVELOPMENT PLAN

4. Future development needs to be carefully planned if the town is to retain its overall ambience, reputation and economic prosperity as a classic, historic market town attractive to local people, visitors and tourists alike. The wider countryside which retains much of its early landscape is an important setting for the town together with the conservation area of Ansford parish. The natural environment of landscape features is treasured by the people of Castle Cary and Ansford for visual amenity, well-being and general quality of life.

5. The application is clearly contrary to certain requirements of the South Somerset Local Plan (LP) of 2015 and the Castle Cary and Ansford Neighbourhood Plan made after referendum in 2019. The Council respectfully submits that the appeal decision should take full account of these two plans which together constitute the statutory development plan.

6. The NP is an up-to-date element in the development plan because SSDC has identified a Housing Land Supply (HLS) of 6 years, a significant margin beyond the 5 year rule and a margin beyond any quibbling about statistics. The appellants' Housing and Delivery Supply study recognizes an HLS of 5.57 years but raises questions about delivery impacting on this.

7. The Council considers that build rates (which are dependent on developers' decisions about the market and not SSDC's decisions) should **not** be a factor in assessing the rigour of SSDC's identification of its HLS. Simply because some developers with

planning consent may have chosen to act slowly does not justify giving consent to others. A premise that granting more and more planning permissions means more and more houses will be built within a useful timeframe is dubious to say the least.

8. The site in question is quite outside the boundary of the development area, is not now allocated for development and lies beyond the 'direction of growth' set out in the Local Plan. Indeed, to quote the SSDC officer report it lies 'significantly beyond the area identified as the direction of growth'. The LP map shows bars lying across the 'direction of growth' area; they do not possess arrow heads and are thus to be taken as applying only to the 'direction of growth' area lying beneath them and not to areas beyond the A371.

9. The Town Council has never considered land to the north of the A371 major road as being within the 'direction of growth' because (1) the A371 is an obvious physical and topographical boundary to the compact nature of the two parishes; (2) there has never been an identified need to allocate land beyond the A371 for housing or other development – it has not been taken forward as a Preferred Option - and certainly not on the scale envisaged in the application; and (3) it would have served no practical purpose to include land to the north of the A371 (including the application site) in the Neighbourhood Plan because as open countryside it is already regulated by relevant national policies.

10. In passing, the Council sees little merit in the alleged precedent cited by the appellants of a Somerset County Council primary school development at Somerton: the present agricultural field site lies beyond the direction of growth at Castle Cary/Ansford whereas the Somerton school site is immediately adjacent to the edge of the marked direction of growth at its origin and is essentially contiguous with existing built up properties.

11. The NP states that further housing development proposals should be ‘paused’ when there is ‘a substantially greater supply of permissions for housing development within the NP area than the LP minimum requirement’. This is certainly the present state of affairs and while the NP referred to the ‘direction of growth’ it clearly also applies to sites, as in the present case, not falling within the ‘direction of growth’.

12. Castle Cary and Ansford face a projected population growth of over 50% (as evidenced by Mr Roach), about 30% above the next nearest projection (Crewkerne) and well ahead of all other SSDC settlements on current permissions. It is not surprising therefore that the NP requires a ‘pause’ for the small town to adjust. In short, Castle Cary and Ansford do not need more houses than those currently consented. This is a disproportionate and unnecessary development. The South Somerset Local Plan Review 2016-2036 stated ‘Having regard to the amount of development in the pipeline in Castle Cary already, there is no need to take this additional site forward as a Preferred Option.’

13. Castle Cary already has ample affordable and open market houses built and in development. At a local site the developer Abri now intends to change plans for all 75 dwellings on one site to affordable status (ref. 20/00999/DPO): yet more will lead to over-provision.

BALANCED COMMUNITIES

The Local Plan states that for large site planning applications of 10 houses or more there should be an over-arching principle of creating sustainable, inclusive and mixed communities.

The Council is strongly of the view that Castle Cary must have a mix of housing (including larger homes, single storey , and sheltered housing) in order to promote a good social mix and

preserve the character of this modest market town, its infrastructure and the local area.

The NP recorded (para. 5.4 onwards) 650 dwellings completed or with permission. That is almost 75% in excess of the minimum requirement of 374 in the LP period to 2028. This over-provision arose because SSDC did not secure a 5 year Housing Land Supply. The situation has changed now because an HLS of 6 years has been achieved but the level of provision has caused a good deal of resentment at what can be regarded as unfair treatment. Added to this there are brownfield sites yet to be developed to which preference ought now to be given.

Housing in Castle Cary and Ansford needs time to settle down: there has been a trend in the last year or so for developers with permission to apply for variation of the ratio of affordable to open market homes to be changed sharply towards affordable, in some cases well above the norm of 30% and verging on 100% in some cases. While the Town Council supports affordable housing it wants to see balanced, mixed communities integrated into the town's central facilities.

That is an important factor in the Council's wish to pause further release of greenfield sites in the 'direction of growth' unless clear justification based on strictly local circumstances can be shown. The appellant's site does not have such justification.

THE CENTRE OF GRAVITY

14. The Town Council wishes to retain the central focus of the town's historic, retail and community facilities in the High and Fore Streets because they are the backbone of economic prosperity. Permitting development beyond the A371 boundary of the 'direction of growth' would seriously undermine keeping housing developments within that focus.

15. The present case represents an unnecessary step in shifting the centre of gravity away from the shopping and community area. It would create a planning gateway which the Council fears would permit creeping housing sprawl into the countryside and weaken the town's retail businesses, leading ultimately to pressure for out-of-centre shopping. It is clear from experience in many other towns what a deleterious effect than has on any high street. The Council regards the vitality and viability of the historic centre as crucial.

LANDSCAPE AND VISUAL AMENITY

16. The Council is especially concerned to preserve the environmental setting of the town in open countryside and strongly supports the SSDC view that development on the appealed site would impact adversely on the landscape and visual amenity of this sweep of open countryside at the northern entrance to Castle Cary and Ansford. This would be even more damaging if it led to creeping sprawl beyond.

17. This is supported by the independent review commissioned by SSDC of the developer's landscape and visual impact assessment (LVIA): at para. 8.7 the review states that the proposals do not comply with the NP policy and at para. 9.3 observes that the proposals would have a 'permanent, major adverse effect on the landscape of the site itself, which constitutes significant harm to that part of the local landscape resource'. And concludes, contrary to the developer's LVIA, that this fundamental change from a rural to urban environment 'cannot be mitigated'.

18. Building 200 houses with associated roads and street lighting in a field would disbenefit the landscape and would in practice be irreversible. It is therefore contrary to policy EQ2 of the Local Plan, DP1 of the NP and para. 170 of NPPF.

19. Castle Cary railway station is of some historic interest and it can also be appreciated for its unusual setting in a rural environment. A principal view from the station for through passengers and those alighting and boarding at Cary is the immediately adjacent field rising to a perceivable or apparent ridge. Building 200 houses on it would change that tranquil rural vista for ever.

SUSTAINABILITY: ROADS, NOISE, POLLUTION, PHOSPHATES, SERVICES, EMPLOYMENT AND EDUCATION

20. From a sustainability perspective existing housing development consents already impose an increasing burden on local services. Castle Cary and Ansford has only one doctors' surgery and one dental surgery.

21. The proposed development (which was described in the South Somerset Local Plan Review 2016 – 2036 , Appendix 1, as 'relatively remote from the settlement's centre') would mean more road traffic, parking problems and congestion in the centre of Castle Cary because it is too far in walking distance for the less able elderly, mothers with toddlers and those with heavy shopping, and not on a direct bus route. On the national average occupancy rate some 480 people living on the proposed site would be car-dependent and otherwise largely isolated from the town.

22. There will be a significant extra load on local sewerage services and at a time when there is great concern about phosphate discharges in wastewater increasing pollution in the Somerset Levels and Moors to which the proposed development of 200 houses would add because much of the phosphate comes from human urine and washing powders. Natural England has advised the Somerset local authorities that they should undertake a

Habitats Regulations Assessment (HRA) before determining planning applications that may give rise to additional phosphates in the catchment. SSDC on 25 February 2021 agreed that in the absence of definitive guidance from Natural England the ‘phosphate load budget calculator’ would be its preferred method to assess development site potential impacts and would accept other impact and mitigation methods subject their being ‘justified and accepted’ by Natural England and the Somerset County Ecologist Service.

23. At the present time assessing site impacts and mitigations of the phosphate problem is clearly problematical for developers, LPAs and water companies alike. Indeed, Mr Roach in his evidence rightly refers to this problem as lacking both nationally an agreed site-specific quantification methodology and agreed site-specific mitigation strategies.

24. The appellant is therefore unable to demonstrate the site would be in compliance with significant advice or policy from a national agency.

25. The SSDC approach can only be regarded as an interim measure which could be overtaken by national policy decisions. No phosphate-relevant HRA appears to have been undertaken by a competent authority in respect of the effects of this development (in combination with other significant projects and plans of which there are several in the settlement area) on the protected Somerset Levels as recommended in the Guidance on the use of HRAs published on 22 July 2019, nor have any phosphate mitigation measures been proposed.

26. In the absence of an HRA and ‘justified and accepted’ mitigation measures it is therefore difficult to see how the present case could be in compliance with even interim measures of uncertain duration.

27. The appeal proposals suggest the mitigation of road and rail traffic and tannoy noise by installing mechanical ventilation in all 200 houses, not simply those adjacent to the A371 major road and the railway. Aside from the additional electricity consumption and, by implication, the idea that residents should not be opening their windows for natural ventilation (a factor to be stressed at the time of an ongoing pandemic), this does suggest that building 200 houses in close proximity to the A371 (a road looping three sides of the site) and the railway is very unsatisfactory. The noise level from the railway at night is shown in the Acoustic Report to be in excess of the recommended level when a window is partially open, a bedroom desirability at night for many individuals. What would be the noise effect on residents' open-air activities – leisure, gardening, children playing, outdoor meals, etc.? It appears contrary to paragraph 170 (e) of NPPF.

28. The Town Council also doubts the wisdom of creating a 200 house estate within a looping road subject to road traffic pollution on three sides and with only one site entrance and exit onto a heavily-trafficed road.

29. The Town Council is aware of occurrences of flooding at the lower end of the site which would be worsened by hard surfacing.

30. While it is the case that current employment opportunities are approximately consistent with the number of adults requiring jobs and Castle Cary has been especially successful in delivering employment land, in the Council's opinion based on its local knowledge gained over many years of local business and trade there is no serious prospect that new adult inhabitants of 200 houses – perhaps 300+ extra people - would readily find employment within Castle Cary and Ansford. The Council questions the weighting of employment assessments based on an industrial estate 'walkover' (two of the businesses being self-

storage – hardly a great source of jobs) and simple lists of employment prospects, some of which are undeveloped.

31. The NP made in 2019 (para. 10.6) refers to Ansford Academy having 600 secondary pupils with an overall capacity of 720. However, Somerset County Council’s pupil allocation table for 2020 on its website shows the Academy received 186 applications for a maximum of 120 places (its Pupil Admission Number set by the Governors). All of the other secondary schools listed were also oversubscribed. Although land at the school would allow for future expansion there is no clear prospect of this happening. Secondary age children from the appealed development would have little chance of being educated at Ansford and would have to travel some distance given the over-subscriptions elsewhere.

32. The Town Council respectfully asks that the Appeal be **dismissed**.