

**PROOF OF EVIDENCE OF EILEEN PATERSON BA(HONS)
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**ON BEHALF OF
SOUTH GLOUCESTSHIRE COUNCIL**

Public Inquiry:

Land to the West of Park Farm, Thornbury

LPA REF:PT 18/6450/O

PLANNING INSPECTORATE REF APP/P0119/W/21/3288019

March 2022

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1.0 Qualifications and Experience

- 1.1 My full name is Eileen Jean Paterson. I hold a BA (Hons) in Town Planning from Leeds Beckett University. I hold a PG Dip Law and a PG Dip Legal Practice, both from the University of the West of England. I am a Chartered Member of the Royal Town Planning Institute, gaining my Chartered status in 1990.
- 1.2 I am the Manager of the Strategic Major Sites Team for South Gloucestershire Council and I have worked for the Council since June 2021. I am responsible for the Major Sites Team which determines and delivers the most significant major applications across South Gloucestershire.
- 1.3 Prior to joining South Gloucestershire Council, I was the Group Manager - Development Management at Mid Devon Council, the Strategic Development and Delivery Manager at Ashford Borough Council, and the Planning Delivery Manager for the Greater Cambridge Planning Partnership. Prior to this and for fourteen years I worked within Development Services at Brisbane City Council, Queensland, Australia (Nov 2004 – March 2018). From 1987 – 2004 I held planning positions in a number of Local Planning Authorities.

Declaration

- 1.4 The evidence I have prepared for the Public Inquiry in this proof of evidence is true and has been prepared in accordance with the guidance and code of the Royal Town Planning Institute. The opinions expressed are true.

Scope of Evidence

- 1.5 I provide planning evidence in respect of this appeal proposal ref APP/P0119/W/21/3288019
- 1.6 The scope of my evidence is set out as follows:
- Section 1 outlines my qualifications and experience
 - Section 2 provides a description of the appeal proposal
 - Section 3 provides the planning policy context
 - Section 4 outlines the Council's current Housing Land Supply position
 - Section 5 details the case for the Local Planning Authority

- Section 6 details the summary and conclusions

2.0 Appeal Proposal and Site Overview

Appeal Proposal

2.1 The appeal proposal seeks

“Outline planning permission (PT18/6450/O) is sought for erection of up to 595 dwellings (Use Classes C3), land for a Primary School (Use Class D1), up to 700m² for a Retail and Community Hub (Use Classes A1, A2, D1), a network of open spaces including parkland, footpaths, allotments, landscaping and areas for informal recreation, new roads, a sustainable travel link (including a bus link), parking areas, accesses and paths and the installation of services and drainage infrastructure, with access to be determined and all other matter reserved.”

2.2 The proposal includes 35% affordable housing, the provision of public open space, and a retail and community hub building within Classes A1, A2 and D1

2.3 As outlined in the description of development all matters except access are reserved.

Site Overview

2.4 The application site consists of 35.97 ha of land comprising agricultural fields bordered by hedgerow and woodland. The land is relatively level, at 10m AOD in the west, and sloping gently eastwards to approximately 15m AOD at the eastern boundary. 24.7ha of the overall site is classed as best and most versatile agricultural land. In terms of vehicular access, the site is accessed off Oldbury Lane. Parkmill Covert area of Ancient Woodland lies adjacent to the site to the west, a 15m (minimum) buffer zone is detailed on the parameter plans. A tree line runs along a line adjacent to the Pickedmoor Brook in the southern part of the site. There are woodlands to the south and west of the site providing screening from the open countryside. The site is not covered by a tree preservation order.

2.5 The Pickedmoor Brook runs from east to west through the southern part of the site. All built development is proposed within Flood Zone 1, as the site predominantly lies within Flood Zone 1. There are areas of Flood Zone 2 and 3 which are associated with the low lying land adjacent to the Pickedmoor Brook and extend between 100m and 150m into the site. There are two Public Rights of Way (PROW) crossing the site north/south between Oldbury Lane and the edge of Thornbury (OTH/18) and broadly east/west along the watercourse (OTH/13). No designated or significant

heritage assets lie within the site. The Grade I listed Thornbury Castle and St Mary's Church and Grade II listed Sheilling School are located approximately 500m to the south of the site. The northern boundary of Thornbury Conservation Area lies approximately 80 metres to the southern boundary of the site.

- 2.6 The application site is located on Oldbury Lane which bounds the site to the north and sits adjacent to Parkmill Farm which lies to the west of the site and the Park Farm development site lies to the east. The site lies in the open countryside and outside the settlement of Thornbury, adjacent to the settlement boundary to the east.

3.0 Planning Policy Context

- 3.1 In order to assess the acceptability or otherwise of this proposal, consideration must be given to both national and local policy as far as it is material.
- 3.2 In accordance with Section 38(6) of the Town and Country Planning and Compulsory Purchase Act 2004 all decisions must be made in accordance with the Development Plan unless material considerations indicate otherwise
- 3.4 For the purposes of this appeal, the Development Plan for South Gloucestershire Council comprises the South Gloucestershire Local Plan Core Strategy (Adopted) December 2013 (CS) (CD 1.1) and the South Gloucestershire Policies, Sites and Places Plan (Adopted) November 2017 (PSP Plan) (CD1.3).
- 3.5 The Core Strategy sets out the vision, community objectives and the spatial strategy for the plan period 2006 to 2027.

Adopted Development Policy

South Gloucestershire Core Strategy 2006 – 2027

- 3.6 The CS was adopted in December 2013. Overall, the CS makes provision for 28,355 new homes in the period 2006 – 2027, as identified under Policy CS15. The standard methodology for calculating housing need gives a requirement of 1353 dwellings to be provided each year. This rises to 1420.5 dwellings per year to take account of the 5% buffer. For the past three years the Council has exceeded its delivery target and is on track to meet the target of 1420.5 dwellings per year.
- 3.7 To provide this new housing and the necessary infrastructure to support sustainable communities, the plan's Strategy for Development concentrates new development within the Bristol North Fringe/ East Fringe urban areas, in places where essential infrastructure is in place or is planned. This will reduce the need to travel and commute, accompanied by a package of public transport measures and supported by other community infrastructure reflected in Policy CS5.

- 3.8 Thornbury is a settlement identified for specific development in Policy CS5 within a revised settlement boundary, with the policy stipulating that new development will be of a scale appropriate to revitalise the town centre and strengthen community services and facilities., The appeal site is located in the open countryside beyond the defined settlement boundary for Thornbury and is not an allocated site for housing development, as a result the proposal is in direct conflict with Policy CS5.
- 3.9 Policy CS32 sets out the vision and partnership priorities for Thornbury. Amongst other things, it requires development proposals to ensure that the current character and setting of Thornbury's open spaces, which contribute strongly to the attractiveness of Thornbury, is maintained and enhanced. It also requires the conservation and enhancement of the special character and significance of Thornbury's historic assets and their settings, and the development of high quality housing and associated local infrastructure in accordance with the strategy for development and Policy CS33.
- 3.10 Policy CS33 identifies two areas for housing, as shown on Figure 13 of the Core Strategy plan. The Settlement Boundary for Thornbury was amended at the Core Strategy Examination to reflect revisions to Policy CS5 to include allocation of land for housing at Park Farm and Morton Way North. Park Farm, which is to the north of Thornbury near to the Castle School, was identified as having potential for up to 500 dwellings to be delivered within the plan period. This site has been given planning permission and is under construction. It states that development will be planned comprehensively in accordance with the vision, Policy CS32, and high quality urban design principles as set out in Policy CS1. A further site was identified at Morton Way North for 300 dwellings, which was added into the plan to provide a sufficient housing land supply with an additional 20% buffer and ensure choice and competition in the market.
- 3.11 Thornbury is a historic market town; however the site is located outside the settlement boundary of Thornbury. This means that the appeal site is within the open countryside beyond the settlement boundary of Thornbury.
- 3.12 Policy CS34 focusses on the vision for the rural areas and sets out a series of criteria for development proposals, including the protection, conservation and enhancement of the rural areas' heritage. Policy CS34 also seeks the protection of Best and Most versatile Agricultural Land, the unique and valuable setting provided by the rural areas to the urban areas, maintenance of the settlement boundaries around rural settlements and provision of affordable housing.

3.13 Policy CS9 identifies that the natural and historic environment is a finite and irreplaceable resource. The Council seeks to protect and manage South Gloucestershire's environment and its resources in a sustainable way through a series of criteria which, for the purposes of the appeal proposal, include:

Maximise opportunities for local food cultivation by

- (a) Avoiding the best and most versatile agricultural land and;
- (b) Safeguarding allotment sites

South Gloucestershire Policies, Sites and Places Plan

3.14 The Policies, Sites and Places Plan (PSP Plan) does not include additional housing allocations. However, housing and mixed use residential sites allocated in the 2006 South Gloucestershire Plan, which have not yet been built out are retained and included within Part 2 of this plan.

3.15 The PSP Plan includes development management policies which should be read alongside the relevant chapters in the Core Strategy. For the purposes of the issues to be determined at this appeal, the most important development management policies are discussed in this proof. However these are not exhaustive as there are other policies that are the most important for determining the application and which are not in issue. The complete list of policies that are most important for determining the application are:

South Gloucestershire Local Plan Core Strategy Adopted December 2013

- CS1 High Quality Design
- CS2 Green Infrastructure
- CS4a Presumption in favour of sustainable development
- CS5 Location of development
- CS6 Infrastructure and Developer contributions
- CS8 Improving accessibility
- CS9 Managing best and most versatile land
- CS11 Distribution of Economic Development Land
- CS14 Town Centres and Retail
- CS15 Distribution of Housing
- CS16 Housing density
- CS17 Housing Diversity
- CS18 Affordable housing
- CS23 Community Infrastructure and cultural activity

- CS24 Green Infrastructure, sport and recreation standards
- CS32 Thornbury
- CS33 Housing opportunity
- CS34 Rural Areas

South Gloucestershire Local Plan: Policies, Sites and Places Plan adopted November 2017

- PSP1 (Local distinctiveness)
- PSP2 (Landscape)
- PSP2 (Trees and woodland)
- PSP6 (Onsite renewable and low carbon energy)
- PSP8 (Residential amenity)
- PSP9 (Health Impact Assessments)
- PSP11 (Active travel routes)
- PSP16 (Active travel routes)
- PSP17 (Heritage assets and historic environment)
- PSP18 (Statutory wildlife site: European Sites and Sites of Special Scientific Interest (SSSIs))
- PSP19 (Wider Biodiversity)
- PSP20 (Flood risk, surface water and watercourse management)
- PSP21 (Environmental Pollution and Impacts)
- PSP28 (Rural Economy)
- PSP32 (Local centres, parades and facilities)
- PSP37 (Internal Space and accessibility standards for affordable dwellings)
- PSP40 (Residential development in the countryside)
- PSP42 (Self Build & Custom house building)
- PSP43 (Private amenity space standards)
- PSP44 (Open space, sport and recreation)

Heritage Assets and the Historic Environment

- 3.16 Policy PSP17 (Heritage Assets and the Historic Environment) requires development proposals to protect and where appropriate, enhance or better reveal the significance of heritage assets and their settings. Accordingly, they should be conserved in a manner that is appropriate to their significance.
- 3.17 With regard to development within the setting of a listed building, the policy requires development to preserve and, where appropriate, enhance those elements which contribute to their special architectural or historic interest. Where proposals affect the architectural or heritage significance the policy

stipulates that the Council may seek the implementation of measures and/or management plans to secure the restoration of the heritage assets and/or their setting or contributions towards such works.

- 3.18 Policy PSP17 requires development proposals involving or affecting heritage assets should demonstrate: 'The significance of the heritage asset(s) affected; the impact of the proposal on the significance of their heritage asset(s) and their setting(s), and how the development will protect, enhance, or better reveal the significance of the heritage asset(s) and their settings. The level of detail should be proportionate to the significance of the heritage asset(s) affected and the nature of the works
- 3.19 The conservation of South Gloucestershire's heritage assets is a priority for the Council and as a consequence, where development would result in harm to the significance of a heritage asset or its setting, planning permission will only be granted when it can be clearly demonstrated that all of the following criteria can be met:
- *the proposal results in public benefits that outweigh the harm to the heritage asset, considering the balance between the significance of the asset affected, the degree of harm and the public benefits achieved;*
 - *there is no other means of delivering similar public benefits through development of an alternative site;*
 - *the harm to the heritage asset is minimised and mitigated through the form and design of the development and the provision of heritage enhancements;*
- 3.20 In reviewing the development plan policies in respect of heritage, Policy CS9 of the Core Strategy 2013 does not have any requirement to balance the harm to the heritage asset as against the public benefits of the proposed development. This means that Policy CS9 is not consistent with paragraph 202 of the National Planning Policy Framework. However Policy PSP 17 of the Policies Sites and Places Plan 2017 is reflective of the advice given in the NPPF.
- 3.21 Thus, there is a conflict in the approach to assessing the impact of the proposal upon heritage assets within CS9 of the Core Strategy as against policy PSP17 of the Policies Sites and Places Plan. S.38(5) of the Planning and Compulsory Purchase Act 2004 provides that if to any extent there is a conflict between two policies the conflict needs to be resolved in favour of the policy contained in the last document to be part of the development plan. In this case this is PSP17. Clearly in terms of heritage assessment

PSP17 is the most important policy in the development plan not CS9. For this reason, whilst policy CS9 is not consistent with the NPPF and arguably out of date for that reason as there is a later policy that forms part of the development plan that is consistent with the NPPF and which is to be preferred over CS9 it is considered that CS9 is not one of the most important policies for determining this proposal in relation to heritage issues.

- 3.22 In this case the proposed development would cause less than substantial harm to the setting of the designated heritage assets, and the public benefits do not outweigh the harm. The proposal is in direct conflict with PSP17. The reasons for this are set out later in this proof.

Residential Development in the Countryside

- 3.23 PSP40 outlines that residential development in the countryside outside settlement boundaries will be acceptable for rural housing exception initiatives, rural workers dwellings and in certain circumstances replacement of existing single dwellings, conversion and re-use of existing buildings for residential purposes 'where they do not have a harmful effect on the character of the countryside, or the amenities of the surrounding area'.
- 3.24 Policy PSP40 seeks to allow some residential development in certain circumstances and this is reflective of the approach taken in the NPPF. Policy PSP40 is consistent with the NPPF and therefore should not be regarded as being out of date.
- 3.25 The proposal does not fall within the exceptions for development in the open countryside allowed under PSP40 as the housing proposed is not a rural housing initiative and does not comply with the provisions of a rural exception site, despite its location in the rural area outside the settlement boundary of Thornbury.

Emerging Policy Documents

The West of England Spatial Development Strategy (SDS)

- 3.26 The SDS will set out the broad locations for growth to meet the need for homes and jobs across the west of England over the next 20 years, based on capacity and what is deliverable. The local authorities of Bath and North

East Somerset, Bristol City Council and South Gloucestershire Council are working with the West of England Combined Authority to produce the SDS.

- 3.27 Between Autumn 2020 and Winter 2021 there was a programme of online engagement and there has been ongoing engagement with stakeholders on the evidence base. The draft SDS will be published in due course and will be subject to a statutory consultation process for 12 weeks.

South Gloucestershire Local Plan 2020

- 3.28 The purpose of the South Gloucestershire Local Plan 2020 is to update and replace the Council's adopted Core Strategy and Policies, Sites and Places Plan, to set out the vision to manage the sustainable development and growth of South Gloucestershire. The next Local Plan will detail the spatial objectives, locational strategy, and planning policies, including allocations for new homes, employment sites and other land uses in line with the requirements of the West of England Combined Authority Spatial Development Strategy (SDS), together with the associated key social and physical infrastructure needed to support sustainable communities in South Gloucestershire.

- 3.29 A draft plan 'Regulation 18' consultation document was published and consulted upon in November 2020. A second draft plan 'Regulation 18' consultation document Phase 2 Urban, Rural and Key Issues was published on 7th February 2022 and open for public consultation. This consultation will last until March 2022.

Thornbury Neighbourhood Plan

- 3.30 The Regulation 14 draft of the Thornbury Neighbourhood Plan (TNP) was consulted on in February 2020. The TNP was submitted to the South Gloucestershire Council on 22 October 2020. Consultation on the submission was delayed due to Government Covid restrictions, with the consultation taking place between 11th June 2021 and 23rd July 2021 under Regulation 16.

- 3.31 The TNP was reviewed by an Independent Neighbourhood Development Planning Examiner in November 2021. The Council published the final report on 14 December 2021. The Independent Examiner (IE) recommended that the Plan proceed to Referendum subject to modifications to the Plan and concluded that the Referendum area should not go beyond the neighbourhood area.

- 3.32 In line with Regulation 18 of the Regulations, the Council published the decision statement on 8th February 2022. The decision stated South Gloucestershire Council is satisfied that the Thornbury Neighbourhood Development Plan, subject to all recommended modifications as detailed in the IE's Report meets the basic conditions. This plan can proceed to Referendum with a date for the 31st March 2022. The result of the Referendum is expected to be known on 1st April 2022.
- 3.33 The plan has now reached a stage where it attracts significant weight given that it has been endorsed by an independent examiner and assuming it is endorsed by the referendum will become part of the development plan by the time a decision on this appeal is made. (Core Document 1.9)
- 3.34 Policy 11 – Preserving Historic identity states within the Conservation Area, development should respect the provisions of the 2004 Thornbury Conservation Area Note 2004, produced by South Gloucestershire Council, the following elements of which are especially pertinent:
- Maintain the views over the lowland levels and the Severn Estuary and the open aspects to the west and north with the old town walls set within open space and the open space identified within the town development boundary

National Planning Policy

National Planning Policy Framework July 2021 (CD1.10)

- 3.35 Government planning policy is set out within the National Policy Framework which was published in July 2021. The NPPF is a material consideration in the assessment of a development proposal.

Presumption in favour of Sustainable Development

- 3.36 Paragraph 11 sets out the presumption in favour of sustainable development and states:

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.”

3.37 At footnote 8 it is clarified

This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); 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.

3.38 As stated under Paragraph 74, Local Planning Authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. South Gloucestershire's Core Strategy was adopted December 2013, therefore the strategic policies are more than 5 years old.

3.39 For the purposes of this appeal the 5 years supply is therefore assessed against local housing need. Paragraph 74 requires that the supply of specific deliverable sites includes a buffer. In this case, a 5% buffer to ensure choice and competition in the market for land is appropriate as South Gloucestershire has delivered at least 85% of its housing requirement (in fact it has delivered 133% confirmed by the results of the Housing Delivery Test result for 2021 published by DLUPHC on the 14th January 2022). The Council currently has a 5 year housing land supply of 6.14 years and this is dealt with in Section 4 of this proof and my proof for Housing Land Supply.

3.40 For the purposes of decision-taking, paragraph 11 states that development proposals that accord with an up to date development plan should be approved without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, the application of a tilted balance should be applied whereby planning permission should be granted unless 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 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. The NPPF deems that the most important policies for determining the application will be out of date if a local planning authority does not have a five year supply of housing calculated as set out in the NPPF or if the most important policies for determining the application are out of date in that they are not consistent with the NPPF. It is the Council's case that South Gloucestershire Council does have a five year supply when it is calculated in accordance with the NPPF and that the most important policies for determining the application are not out of date and therefore the tilted balance does not apply in this appeal. Even if it does it is the Council's case that the adverse impacts of the proposal significantly and demonstrably outweigh the benefits.

- 3.41 Paragraph 60 highlights a key aim of the Framework to increase the supply of housing,

'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'

- 3.42 Given that the council has a healthy five year supply it is already supporting the Government's objective of significantly boosting the supply of homes by this fact. If the Council is correct and it does have a five year supply and the most important policies for determining the application are consistent with the NPPF then the tilted balance in Paragraph 11 is not engaged. The policies in the development plan should be given full weight and any conflict with these policies will only be justified where there are sufficient material considerations to indicate a departure from the adopted development plan.

- 3.43 If, contrary to the Council's case, it does not have a 5 Year Housing Land Supply, and/or the most important policies for determining the proposal are out of date then the proposal should be considered in the context of whether the tilted balance in paragraph 11 should be applied. This states that development proposals should be granted permission unless 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 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 my view both the exceptions apply in

the alternative so in any event permission should be refused. I set out my reasoning for this later in my proof.

3.44 The importance of the considering the impact of new development on the significance of designated heritage assets is dealt with in section 16 of the NPPF.

3.45 Paragraph 199 of the NPPF outlines that great weight should be placed on the conservation of designated heritage assets irrespective of whether the potential harm amounts to less than substantial harm to its significance:

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

3.46 Paragraph 200 requires that any harm from a development within the setting of a designated heritage asset should have clear and convincing justification;

Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

3.47 Paragraph 202 refers to the less than substantial harm to the significance of a heritage asset being weighed against the public benefits of the proposal:

Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

3.48 Paragraph 174 of the NPPF highlights the need for planning decisions to contribute to and enhance the natural environment by

b) recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.

3.49 At footnote 58 the NPPF emphasises the importance of agricultural land stating:

Where significant amount of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

4.0 Housing Land Supply

Council's Position in respect of Housing land Supply

- 4.1 The Council's position regarding the five year is substantially set out in my evidence on Housing Supply matters.
- 4.2 The Housing Delivery Test result for 2021 was published by DLUPHC on the 14th January 2022 and confirmed the HDT result for South Gloucestershire Council was 133% - so substantially above the required 'pass mark' of 85%. This means that the past delivery of housing has not fallen below the required level set out in the NPPF and no consequences for any under delivery will apply to South Gloucestershire Council (NPPG Housing Supply and Delivery Para. 042). Therefore, in accordance with NPPF para 74, the appropriate buffer to be applied to the Local Housing Need figure (calculated using the Standard Method) is 5% to ensure choice and competition in the market for land. It can therefore be concluded that as set out in paragraph 60 of the NPPF, South Gloucestershire is supporting the objective of significantly boosting the supply of homes in its area by maintaining a substantial and sufficient supply of land to come forward as needed.
- 4.3 Indeed in considering the Council's supply figures it can be seen that the Council has a healthy supply of housing

Table 1: December 2021 The Five-year land supply calculation is as follows:

	<u>Numerator (identified supply)</u>	Dwellings
A)	Total identified deliverable supply 2021/2022 – 2025/26.	8,724
	<u>Denominator (housing need)</u>	
B)	Standard method for calculating Local Housing Need based on ONS 2014-based HHPs for the 10-year period 2021-31 and 2020 affordability ratios (ONS)	1,353
C)	5% buffer to ensure choice and competition in the market for land (NPPF para.73 a) (B x 0.05)	67.6
D)	B+C	1,420.5
E)	<u>Five-year land supply (A/D)</u>	6.14 Years

Table 2 December 2021 Five year Land supply calculation showing Five year requirement of 7,102.5 dwellings

	<u>Numerator (identified supply)</u>	Dwellings
A)	Total identified deliverable supply 2021/2022 – 2025/26.	8,724
	<u>Denominator (housing need)</u>	
B)	Standard method for calculating Local Housing Need based on ONS 2014-based HHPs for the 10-year period 2021-31 and 2020 affordability ratios (ONS)	1,353
C)	Standard method requirement for 5 years	6,765
D)	5% buffer to ensure choice and competition in the market for land (NPPF para.73 a) (B x 0.05)	67.6
E)	B+C	1420.5
F)	5 year requirement (E x 5)	7,102.5
G)	<u>Five-year land supply (A/D)</u>	6.14 years

5.0 THE CASE FOR THE LOCAL PLANNING AUTHORITY

Approach to Heritage (Reason for Refusal 1) (Appendix A)

- 5.1 I have stated in section 3 of my proof that Policy PSP17 of the Policies, Sites and Plans is the preferred policy for assessing the impact of the proposal on the setting of heritage assets. Policy PSP17 (2017) reflects the advice given in the National Planning Policy Framework from 2012 and is a common thread through the iterations of the NPPF since 2012 up to and including the current NPPF published in July 2021. Policy PSP17 is consistent with the NPPF and this is the most important policy for heritage within the Council's development plan. For the reasons explained below the proposed development is contrary to Policy PSP17.
- 5.2 Paragraph 199 of the NPPF states that great weight should be given to a designated asset's conservation. The more important the asset, the greater the weight should be and clear and convincing justification is needed for any harm. This is irrespective of whether any potential harm amounts to ...less than substantial harm to its significance. Mr Burns' evidence sets out the impact of the proposed development in heritage terms. In particular that it will cause less than substantial harm to the setting of the Grade I listed Thornbury Castle and the Grade I listed St Mary's Church within Thornbury. As both heritage assets are Grade I listed, both properties are of exceptional interest which means that the less than substantial harm to the setting of both buildings must be given not only be given great weight which is the starting point but that even more weight that this should be given to the harm. In my view this means that very great weight needs to be given to the harm. In short, it is a very heavy burden indeed for the appellant to overcome and it is against this very great weight that any public benefits should be assessed. Moreover, there is also harm to the setting of the grade II listed Sheiling School and the Thornbury Conservation Area. This compounds the harm and adds further to the weight to be given to it.
- 5.3 It is also important to recognise that there is also harm to the former deer park which Historic England consider is of "*considerable local importance particularly as part of the wider landscape which developed around the Castle during the mediaeval and early post-mediaeval periods*".
- 5.4 In considering the proposal as against Policy PSP17 it is necessary to consider:
1. The significance of the heritage assets affected which are clearly of high importance given their status, grading and group value;

2. The impact on their setting which comprises less than substantial harm and which should attract very great weight indeed;
3. How the development will protect, enhance or better reveal the significance of the assets and their setting which they will not.

5.5 In accordance with policy PSP17, where, as is the case here, there is harm to the significance of heritage assets permission should then only be given if all of the following can be met:

1. The proposals result in public benefits that outweigh the harm, considering the significance of the assets affected, the degree of harm and the public benefits achieved. In my view they do not for the reasons set out below.
2. There is no other means of delivering similar public benefits through development of an alternative site. In my view clearly they are. The public benefits that this proposal gives rise to are mostly, if not entirely, generic to any housing scheme. There are many other sites that are allocated in the Core Strategy that are meeting the need for housing, given that there is a five year supply, and which will deliver these benefits.
3. The harm to the heritage asset is minimised and mitigated through the form and design of the development and the provision of heritage enhancements. This cannot be complied with. The fundamental problem with the proposal is that it changes the appeal site from rural to suburban. It is not really possible to mitigate that change which is what adversely affects the setting of the heritage assets. The creation of a priority vista (and glimpses) from the housing estate through the appeal site towards the church tower fundamentally alters what is important about how the appeal site contributes to the setting of these highly graded assets. There is no heritage enhancement provided or claimed by the appellant.

5.6 In addition, PSP17 requires that local important heritage assets should be preserved and enhanced. Given the harm to the locally important deer park this also is not complied with.

- 5.7 Policy PSP17 of the Policies Sites and Places Plan is the most important development plan heritage policy for determining this appeal. Clearly the proposal is in conflict with policy PSP17.

Benefits

Market and Affordable housing

- 5.8 The council has a five year supply and is meeting the NPPF objective of boosting housing supply. The Core Strategy allocations are on track to deliver the required level of housing to meet the standard method calculation and therefore a five year supply with an additional 7,000 units in the post Core Strategy period.
- 5.9 The proposal will provide 595 homes which represents a moderate public benefit but as well as having a comfortable five years supply, this also needs to be seen in the context of development of the allocated sites for Thornbury as identified in Policy CS33 of the Core Strategy and other sites that have gained permission either through a grant from the local planning authority or on appeal due to there previously being no five year supply or a marginal five year supply. 800 dwellings were identified in the Core Strategy and planning permission has been given for another 605 dwellings, giving a total commitment of 1405 dwellings over the core strategy period some of which remain to be built out over the next five years and beyond. The proposed development would increase the commitment to 2000 dwellings in and around Thornbury. This means that the appropriate and commensurate level of growth identified in the Core Strategy has been already well exceeded and will be further exceeded with this proposal.
- 5.10 The proposal would make a nominal contribution of dwellings in the Council's housing land supply position in the current monitoring period, allowing for reserved matters to be submitted and conditions discharged. It is likely that the construction of houses would only commence towards the end of the current monitoring period. In my view the overall delivery would be negligible when the Council has a healthy 5 year housing land supply of 6.14 years. The weight to be attributed to market housing of 387 dwellings would be moderate.
- 5.11 The appeal proposal would also include the provision of 35% affordable housing (208 dwelling) which would be in accordance with Core Strategy Policy CS18 and would be secured through a s106 obligation. It is common ground that the provision of affordable housing is a public interest benefit

and one in my view should be given a significant weight as a material consideration.

Sustainable Transport

- 5.12 The access and movement principles for this proposal include the provision of a sustainable transport link through the Park Farm development to provide a clear legible and convenient connection to Thornbury town centre for pedestrians, cyclists and public transport users. This is required to meet the criteria of Policy PSP11 that safe useable walking and or cycling routes that are an appropriate distance to key services and facilities.
- 5.13 The proposal involves a series of highway works to mitigate the impact of the development upon the existing highway network and to meet the requirements of policy PSP11. The highway works includes works to Oldbury Lane and Butt Lane; Butt Lane junction with Gloucester Road and Morton Way; A38 junction with B4509; Gloucester Road in Thornbury near the Anchor Inn; A38 junctions at B4061 Almondsbury and at Church Road and works to junction 14 of the M5. This provides a benefit beyond the development.
- 5.14 The new bus service proposed to serve the development is also a public benefit beyond the development. Overall I consider that the proposed transport and access benefits attract moderate weight.

Ecology

- 5.15 The proposed development would not result in the loss or deterioration of irreplaceable habitats, and the proposal incorporates a number of measures to overcome the impact of the development on species found on the site and is anticipated to produce a net biodiversity gain in accordance with the NPPF This approach ensures the proposal meets the criteria of Policy PSP 19 Wider Biodiversity and the NPPF. I consider that the net biodiversity gain is a public benefit that attracts moderate weight.

Public Open Space

- 5.16 The informal recreational open space and the natural and semi natural open space are provided in excess of the Development Plan provisions, most of this land is not appropriate for residential development as it is located within the floodplain. It will link with the public open space provided as part of the Park Farm development which provides a benefit beyond the

development. The provision for children and young adults and the provision meets the policy requirements. A financial contribution will be sought through the s106 obligation for off site provision of public open space and/or enhancement, and a maintenance for the contribution would be provided for outdoor sports facilities and allotments. The open space would be open to resident and non-residents of the development. Taking account of the provision of open space which provides a benefit beyond the development, I attach low to moderate benefit to this wider benefit

Education/Community with Retail

- 5.17 The submitted Land Use Parameter Plan shows an area set aside for a primary school in the north east part of the site, close to the boundary with the Park Farm development. The Education officer has confirmed that the development of this size and in this location has generated a need for a one form entry school. It is clear that the school is needed to cater for this development and to prevent other schools suffering pressure for a demand in places. I consider that the proposal for the school is policy compliant, but that the school proposal has come from the demand/need that would be generated by the overall proposal and I attach neutral weight to this benefit of a school.
- 5.18 The proposed development also includes a 700sqm retail/community building located to the south east of the primary school site and close to the boundary with the Park Farm development. As this is an outline proposal, limited information has been submitted as to the usage of the building, though there has been a suggestion that the building could accommodate a health centre which would come from the demand generated by the overall proposal. I attach neutral weight to this benefit.

Economic

- 5.19 I consider that there will be economic benefits from the construction phases of the proposal in terms of availability of employment opportunities and spending power. However, these benefits would be of a temporary nature and would be similar to any other construction phase for a development of this size and does not offer anything above that. In terms of permanent economic benefits, this would happen with any development of this size and the same can be said for Council Tax and CIL receipts. I consider that the economic benefits attract moderate weight.
- 5.20 I have considered carefully the weight to be attached to the public benefits associated with this development, and in particular the significant weight I

have allocated to the provision of affordable housing. However, the weight attached to those benefits cannot outweigh the strong presumption of refusing this proposal and the very great weight given to the less than substantial harm to the significance of both Grade I properties, Thornbury Castle and St Mary's Church and the Thornbury Conservation Area and the Grade II Sheiling School.

- 5.21 Therefore in applying the approach set out in paragraph 202 of the NPPF and in weighing the less than substantial harm to the significance of the designated heritage assets as against the public benefits of the proposal it is clear to me that the benefits clearly do not outweigh that harm to which very great weight should be given.
- 5.22 Moreover as set out above, the proposal also does not accord with the most important heritage policy, namely, PSP17.
- 5.23 Therefore in applying the approach set out in paragraph 11(d) and in applying paragraph 202 of the NPPF there is a clear reason for refusing the development.

Approach to loss of Agriculture land (Reason for Refusal 2) (Appendix A)

- 5.24 Policy CS9 reminds us that the natural environment is a finite and irreplaceable resource and to avoid the development of best and most versatile agricultural land. Both policy CS9 and policy CS34 of the Core Strategy require development proposals to protect the best and most versatile agricultural land. The Core Strategy was adopted in 2013. These policies were aligned with paragraph 112 of the NPPF first published in 2012.
- 5.25 Paragraph 112 also sought to protect best and most versatile land and stated' *Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality*'.
- 5.26 This advice has continued through the various iterations of the NPPF since 2012, including the most recent 2021 iteration through paragraph 174 and footnote 58. It is my view that both policies CS9 and CS34 are relevant and up to date development plan policies, which accord with the advice within the NPPF which seeks to protect this type of land.

- 5.27 This proposal will develop 24.7 hectares of best and most versatile agricultural land. The development site comprises 35.97ha of farmland. 14.4 ha are classed as Grade 2 - very good quality which is 40% of the overall total. A further 10.3ha of the site are classed as Grade 3a – good quality which is 29% of the overall total. 69% of the development site is classed as Best and Most Versatile Agricultural land. Of the remaining land 3ha. (8%) is Grade 3b - moderate and 7.1ha. (20%) is Grade 4 – poor. The grade 4 land is within the public open space and floodplain. The proposal is in conflict with policies CS9 and CS34 of the Core Strategy.
- 5.28 Footnote 58 of the NPPF states “*where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality*”. In my view this proposal will give rise to significant development of agricultural land. Overall 24.7ha. of best and most versatile land will be developed which in my view is a significant development of best and most versatile agricultural land
- 5.29 It is also clear that the development of this agricultural land is not necessary.
- 5.30 Indeed, it is difficult to see how the development of this land could be regarded as necessary. The Council has a healthy 5 year housing land supply figure of 6.14 years with deliverable supply of 8724 dwellings over the five year supply period. There is plenty of land allocated in the tank to deliver approximately another 7,000 dwellings after the Core Strategy period ends in 2027. The site is not allocated under policy CS33 of the Core Strategy which identified two areas for housing development within Thornbury, namely Park Farm and Land at Morton Way to deliver 800 dwellings. An additional 605 dwellings have also been given approval, beyond this planned development of Thornbury. Some of these sites are to be built out.
- 5.31 The proposal is therefore not compliant with the requirement of the NPPF is so far as it is concerned with best and most versatile land.
- 5.32 Even if it was considered necessary to develop more land for housing areas of poorer quality agricultural land should be used. No evidence has been provided to demonstrate that there are no other areas of poorer quality land in South Gloucestershire even if there is a need for more housing at this time (which clearly there is not).

- 5.33 Furthermore, the proposal is contrary to policies CS9 and CS34 of the Core Strategy which seek to protect the best and most versatile agricultural land and the NPPF
- 5.34 Overall, I consider that harm caused by the loss of the best and most versatile agricultural land should be given moderate weight in the overall planning balance. This is in addition to the very great weight that should be given to the harm to the designated heritage assets.

Approach to the Spatial Strategy (Reason for Refusal 3) (Appendix A)

- 5.35 Policy CS5 outlines the locational strategy for development in South Gloucestershire over the plan period. The policy sets the settlement boundary for Thornbury. It is considered that the proposal is contrary to Policy CS5 of the development plan as it lies outside the settlement boundary of Thornbury in the open countryside. Core Strategy Policy CS5 states: "In the open countryside, new development will be strictly limited."
- 5.36 The Spatial Strategy of the Core Strategy outlines that the main focus for housing growth is identified as the North and East fringes of the Bristol Urban Area. Additional speculative growth outside the settlement of Thornbury is not consistent with the spatial strategy, which co-locates housing development with employment opportunities and access to services on the Bristol Northern and Eastern Fringe. This sustainable approach is illustrated in the Core Strategy Context Plan
- 5.37 Policy CS5 states: "At Thornbury, new development will be of a scale appropriate to revitalise the town centre and strengthen community services and facilities." This is consistent with the Core Strategy's allocation of additional housing sites at Thornbury, outlined in Policies CS32 and CS33. It was considered at the time that these two allocations would be of a scale sufficient to achieve the objective of strengthening community services and facilities. In any event since that time a further 605 units has been permitted. The appeal is located outside the defined settlement boundary for Thornbury and is not allocated for housing. As a result, the proposal is in direct conflict with Policy CS5 5 d. I am of the view that significant weight should be given to this conflict in policy. Where a local authority has a good supply of land it is difficult to see why settlement policies should not attract substantial weight.

- 5.38 Policy CS15 outlines the distribution of housing over the Core Strategy plan period 2006-2027 and includes 800 dwellings at Thornbury. To accommodate this planned growth at Thornbury the settlement boundary for Thornbury was extended to include the Park Farm and Morton Way allocations. This was consistent with the spatial strategy which identified that there would be a limited amount of new development at Thornbury to meet local needs.
- 5.39 The explanatory text supporting Policies 32 and 33 of the Core Strategy outline the approach to Thornbury, as detailed below:
- “Two of the primary aims of the Policies CS32 and CS33 are to increase the vibrancy of Thornbury’s town centre and the viability of its primary schools and other community facilities. Encouraging an increased number of younger families to live in Thornbury and therefore increasing the number of children attending the town’s primary schools, will help to achieve these objectives.”
- 5.40 Policy CS32 of the Core Strategy and Figure 13 provide the vision for Thornbury and partnership principles to guide development proposals. Policy CS33 identifies two housing opportunity areas, both of which have been granted consent and are in the process of being built out. In addition, developments at Post Farm (125 dwellings), Land West of Gloucester Road (130 dwellings) and Cleve Park (350 dwellings) have more recently been granted consent in conflict with the Core Strategy through the application of the tilted balance.
- 5.41 The total existing commitments at Thornbury, which include the planned housing opportunity areas and the additional speculative consents, are now considerably in excess of the 800 dwellings identified in the Core Strategy to meet local needs and revitalise the town of Thornbury.
- 5.42 The addition of a further 595 dwellings outside the settlement boundary, and on top of the existing commitments, is not needed to meet the Core Strategy Objectives. In addition the 595 dwellings are not required to ensure that the Council has a five year housing land supply. The Council has shown that it has a healthy 5 year housing land supply figure of 6.14 years with deliverable supply of 8724 dwellings over the five year supply period. Whilst this proposal would add to the five year supply, the impact would be nominal. This speculative residential development is not required for the Council to meet its five year housing land supply figure, which has been established as 6.14 years.

- 5.43 As there is no demand for this speculative development to ensure the Council has a healthy five year land supply, there is consequently no justification for this development to breach the previously extended settlement boundary of Thornbury as shown on the Core Strategy Fig 13
- 5.44 Policy CS34 outlines the vision for the rural areas and sets out a series of criteria for development proposals under points 1-13. The proposal is in direct conflict with Point 1 of CS34 which states that development proposals will protect, conserve and enhance the rural areas' heritage. As outlined in Mr Burns' evidence, the proposal would cause less than substantial harm to the setting of two Grade I heritage assets adjacent to the proposal site area, the Thornbury Conservation Area and the Grade II listed school.
- 5.45 Policy CS34 also requires the protection of Best and Most Versatile Agricultural Land under Point 2. The development site comprises farmland at Grade 2 (very good quality) soils with some areas of Grade 3a (good quality) which will be lost and is therefore in conflict with Point 2 of the Policy.
- 5.46 The proposal is therefore contrary to Policies CS5 and CS34 of the Core Strategy. The conflict with these policies, which I consider should be given full weight as the Council can demonstrate a five year housing land supply, indicates that the principle of development in this location is not acceptable and the proposal is in conflict with the development plan.

6.0 SUMMARY AND CONCLUSIONS

- 6.1 The starting point for the decision maker is the adopted development plan. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states: “If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.”
- 6.2 In my view the proposals are contrary to the development plan in particular policies PSP17; CS5; CS9; CS 33 and CS34 and as result permission should be refused. Despite compliance of the proposal with other parts of the development plan I consider that overall the proposal conflicts with the development plan for the reasons set above.
- 6.3 I also consider that overall the most important policies for determining this application are up to date i.e. that they are consistent with the NPPF for the reasons already given. I consider that these policies are CS1, 2, 4a, 5, 6, 7, 8, 9 (agriculture), 14, 17, 18, 23, 24, 33 and 34 of the Core Strategy; and policies PSP1, 2, 3, 6, 10, 11, 17, 19, 20, 21 and 24 of the Policies, Sites and Places Plan. In relation to those policies which the proposal conflicts with I consider that these policies are up to date for the reasons given.
- 6.4 For the reasons set out above, and summarised below, I consider that this proposal is in conflict with the adopted development plan and the policies within the NPPF.

Heritage

- 6.5 Mr Burns’ evidence identifies that there is less than substantial harm to the setting of the two Grade I properties Thornbury Castle and St Mary’s Church, the Thornbury Conservation Area and the Grade II listed school. The NPPF advises that in paragraph 199 that great weight should be given to the assets conservation. With harm to two Grade I buildings, a Grade II listed building and the Conservation Area the greater very great weight should be given to this harm. Paragraph 202 states where development proposals lead to less than substantial harm to the significance of a designated historic asset this harm should be weighed against the public benefits of the proposal.
- 6.6 In my planning judgement when weighing the harm to the heritage assets identified by Mr Burns above, it is clear that the heritage harm outweighs

the public benefits of the proposal and there is no clear and convincing justification to grant planning permission. Accordingly, the application of paragraphs 199 and 202 of the NPPF provide a clear reason for the refusal of planning permission. The proposals are also in conflict with PSP17 for the reasons already explained.

Agricultural Land

- 6.7 The proposal results in a significant development of best and most versatile agricultural land which is not necessary as the site is not required to contribute to the five year housing land supply as the Council has a healthy 6.14 years housing land supply
- 6.8 The loss of this BMV is contrary to policies CS9 and CS34 of the development plan and contrary to the advice in paragraph 174 and footnote 58 of the NPPF.

Spatial Strategy

- 6.9 The site is located outside of the settlement boundary of Thornbury, is not included in the locational strategy of the Core Strategy, and as such is contrary to the development plan. The proposal is contrary to policies CS5 and CS34 of the Core Strategy and PSP40 of the Policies, Sites and Places Plan which seek to locate development in more sustainable locations. The proposal also falls outside the housing opportunity area to the North of Thornbury (500 dwellings) and Land off Morton Way (300 dwellings) identified under Policy CS33 of the Core Strategy and Policy CS32 which directs the new development planned for Thornbury in the Core Strategy. Policy CS15 outlines the distribution of housing over the Core Strategy plan period 2006-2027 and includes 800 dwellings at Thornbury at the Park Farm and Morton Way development sites, the proposals fall outside of these allocations, and is in excess of them. The spatial strategy of the core strategy directs growth to the north and east fringes of Bristol, the allocations in these areas benefit from coordinated infrastructure packages and more sustainable locations.
- 6.10 The proposal is therefore contrary to Policies CS5 and CS34 of the Core Strategy. This conflict with the strategic policies of the development plan should be given significant weight and would ordinarily indicate that planning permission should be refused. This indication is further reinforced as there is not a need for this speculative housing development as the Council can demonstrate a healthy 5 year housing land supply figure of 6.14 years.

- 6.11 Even if it is concluded that there is not a five year supply or that the most important policies for determining the application are out of date there are clear reasons for refusing permission in applying paragraph 11 d (i).
- 6.12 Even if it is concluded that that this is not so and the tilted balance does it some way apply it is considered that the adverse impacts do significantly and demonstrably outweigh the benefits when harm to heritage, agricultural and the location of the site outside the settlement boundary is considered as against the benefits.
- 6.13 As a result of my conclusion under the first part of the policy within paragraph 11 d) of the NPPF it is not strictly necessary to consider the proposal in the context of the tilted balance under the second part. However, for completeness I have provided below my conclusions on the tilted balance.
- 6.14 As set out above I consider that the development gives rise to the following benefits
- Provision of 387 market dwellings (moderate weight)
 - Provision of 208 affordable dwellings (significant weight)
 - Accessibility/transport (moderate weight)
 - Ecological (moderate benefit)
 - Public open space (low to moderate weight)
 - Associated Economic benefits (moderate weight)
- 6.15 These benefits need to be balanced against the following adverse impacts of the proposal:
- Less than substantial harm to the significance of the Grade I listed Thornbury Castle and the Grade I listed St Mary's Church, the Thornbury Conservation Area and Grade II Sheiling school (very great weight)
 - Harm to the local interest of the deer park (low to moderate)
 - Conflict with the spatial strategy in the adopted development plan (significant weight)
 - Loss of best and most versatile agricultural land (moderate weight)
- 6.16 In my opinion the adverse impacts significantly and demonstrably outweigh the benefits of the proposal and therefore the proposal should be refused on this basis were it to be considered that the tilted balance applies.

6.17 Therefore, however the proposal is approached permission should be refused

APPENDIX A – Reasons for Refusal.

1. The proposed development would cause less than substantial harm at the lower end of the spectrum to the setting of the Grade I listed Thornbury Castle and St. Mary's Church and the Grade II listed Sheiling School and Thornbury Conservation Area. Great weight is required to be attached to this harm and applying PSP17 and paragraph 202 of the NPPF it is not considered that the public benefits of the proposal outweigh that harm.
2. 14.4ha, 40% of the site is grade 2 and 10.3ha, 29% is grade 3A agricultural land. The proposed development would develop most of this land. The development of this amount of high quality agricultural land is considered to be significant. Policy CS9 seeks to avoid the development of best and most versatile land and paragraph 174 of the NPPF seeks to protect soils in a manner commensurate with their quality. Paragraph 175 seeks to allocate land for development with the least environmental value and requires that where significant development of agricultural land is necessary poorer quality land should be preferred to higher quality land. In light of the Council having a five-year supply it is not considered that the development of this land is necessary and, in any event, it is not of lower quality land. The proposal is therefore contrary to policy CS9 and paragraphs 174 and 175 of the NPPF.
3. The proposal development is speculative in nature and would result in development beyond the defined settlement boundary of Thornbury in the open countryside, beyond the scale of development considered appropriate and provided for to revitalise the town centre and strengthen community services and facilities in Thornbury. Therefore, the proposal is contrary to policies CS5 and CS34 of the adopted South Gloucestershire Core Strategy
4. In the absence of a Section 106 legal agreement to secure the following:
 - On-site public open space and a contribution towards off-site sports facilities
 - The delivery of self-build or custom plots
 - Affordable housing of a suitable tenure mix and unit types
 - Highway works and Travel Plan
 - Land for Education purposes