



Appeal Decision

Inquiry Held on 15-18 May and 22-23 May 2018

Site visits made on 14, 18 and 21 May 2018

by David L Morgan BA MA (T&CP) MA (Bld Con IoAAS) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 19th September 2018

Appeal Ref: APP/Y3940/W/17/3182598

Land at Castle Street, Mere, Wiltshire BA12 6JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Robert Mitchell of Richborough Estates Partnership PLC against the decision of Wiltshire Council.
 - The application Ref 16/12217/OUT, dated 14 December 2016, was refused by notice dated 26 May 2017.
 - The development proposed is outline application for residential development (including affordable housing and GP surgery) in addition to associated open space, infrastructure and attenuation features with all matters reserved except for access.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application for planning permission was submitted in outline with all matters save access reserved. The appeal has been determined on the same basis.
3. The description of development set out in the template above differs from that in the initial planning application (and duplicated in the Planning Statement of Common Ground). It also differs from other descriptions set out in other proofs of evidence submitted to the Inquiry. The chosen description has been taken from the Council's decision notice as it includes reference to the inclusion of land for a GP surgery, reflecting an amendment to the proposals after initial submission. It was agreed at the Inquiry that this was the preferred description and is therefore applied above.
4. A signed and dated unilateral undertaking was submitted at the Inquiry facilitating the provision of 30% affordable housing on the site, provision of land for a GP surgery, the provision of public open space and provisions for its management and financial contributions towards education, waste and recycling, air quality and public art infrastructure. Whilst the provision of affordable housing and the GP surgery are considered below, as I have determined to dismiss the appeal I consider the other provisions no further in the decision.
5. Despite regular updates and advice at the Inquiry, there was an element of confusion as to the start-time and location of the Inquiry site visit held on the 18 May. This resulted in a number of interested parties not being able to attend

the pre-planned tour of the environs of the site and the site itself. However, main and other parties did attend the site visit and it was agreed at the reconvention of the Inquiry that those absent parties were satisfied that the key aspects they desired be taken into account had been duly accounted for. No further visit was therefore deemed to be necessary.

6. After the submission of the appeal but prior to its final consideration the revised edition of the National Planning Policy Framework (the Revised Framework) was published on the 24 July 2018. Both parties were given the opportunity to comment on the revisions therein. The parties have responded and their views taken into account in the considerations set out below¹.

Main Issues

7. In light of the evidence presented to the Inquiry I consider the main issues in respect of this case to be a) whether the proposed development can be considered to be locationally sustainable in relation to local services and facilities and with regard to policies of the Wiltshire Core Strategy (WCS), b) the effect of the development on the character and appearance of the area with particular regard to the open countryside and related policies of the WCS; and saved policy C6 of the Salisbury District Local Plan (SDLP), c), the effect of the development on the settings of Mere Castle, a scheduled ancient monument and the setting of Mere Conservation Area, both designated heritage assets and d) whether or not the Council can demonstrate a 5 year HLS and the implications of this with regard to policy set out in the National Planning Policy Framework (henceforth referred to as 'the Revised Framework').

Reasons

The site and its context

8. The site comprises an open area of gently undulating semi-improved grassland on the south side of Castle Street, Mere on the western periphery of the historic settlement, which evolved around the spine of the old A303. Although essentially nuclear in form, there is an extended limb of development to the south and east while the town has also spread along the road to the west, the greater limits of which now encompass a new employment site on the northern side of the road beyond the appeal site. The historic core of the settlement, defined by the conservation area boundary, terminates on the north side of the road a little to the east of the appeal site at the appropriately named Town's End.
9. When viewed from the south the town is dominated by the striking twinned land form of Long Hill and Castle Hill, a high narrow eminence running from east to west. The eastern heights were readily adapted to accommodate a formidable defensive complex, which though now substantively reduced, can still be clearly discerned. Reflecting its medieval origins and national archaeological importance, the site is a Scheduled Ancient Monument. Long Hill is also of archaeological interest with a sequence of barrows located across its top and south side. Unsurprisingly, both lie within the boundary of the Mere Conservation Area.
10. To the east of the site there are extensive ranges of horticultural glass houses while to the south the pastoral landscape opens out towards the Dorset County

¹ IDs 22 and 23.

border and the Cranbourne Chase Area of Outstanding Natural Beauty. To the west the site is bordered by the Gillingham Road, whilst beyond this lie both further undulating agricultural land and also what is evidently part of the once extensive parkland surrounding Zeals House and imposing, multi-phased Country house.

11. Traversing this landscape to the west, and crossing the southerly part of the site, is the Monarch's Way, a long-distance footpath tracing the route of the defeated and fugitive Charles II following the Battle of Worcester in the mid C17. It also forms part of a matrix of local Public Rights of Way in the vicinity of Mere that were evidently well used from my observations during site visits.

The proposals

12. An extended description of the development proposals is set out in the Statement of Common Ground (SoCG)². In summary however, they comprise access to Castle Street, up to 130 dwellings (including affordable homes), land for a GP surgery, attenuation ponds and public open space. Being in outline much detail is reserved, though an indicative masterplan is submitted, as is an indication of the mix of housing types.

Locational sustainability

13. Mere is defined as a Local Service Centre (LSC) under the terms of Policy CP1 of the WCS. These are defined as 'smaller towns and larger villages which serve a surrounding rural hinterland and possess a level of facilities and services that, together with improved local employment, provide the best opportunities outside the Market Towns for greater self-containment'. Anticipating the amount of development such centres may accommodate, CP1 goes on to state that 'Local Service Centres will provide for modest levels of development in order to safeguard their role and to deliver affordable housing'.
14. It is on the premise that the up to 130 homes proposed here constitute just under half the planned housing allocation for Mere under Policy CP2 of the WSC that the Council argue a breach of CP1. This is on the basis that such a proportion of the allocation cannot be seen as modest. Such a breach is, the Council assert, compounded by a breach of Policy CP17 of the WCS by the proposals, which fail to meet the expectations for managed growth set out in the supporting text of the policy. In essence, the concern of the Council is that due to the scale of housing proposed in the scheme, there would be an imbalance within the community between the provision of homes and available employment. This would result in the town being turned into a dormitory-type settlement with a predominance of out-commuting, thus compromising its sustainability under the terms of the policy.
15. The difficulty with this argument is that there is no evidence to suggest what the number of jobs relative to working population there are in Mere, or any data presented to establish that the current mix or balance is the optimal one, and one that would be harmfully imbalanced by these proposals. What is known though is that the town, as a LSC, should have sufficient population, a significant employment base, a very good range of services and inter alia excellent transport connections³ in order to fulfil its function. In my view, the proposals perform reasonably well against the locational criteria set out in

² ID15.

³ CD20 Wiltshire Council Topic Paper 3.

paragraph 5.90 of the WCS, which are the measure of any proposals' conformity with Policy CP17.

16. There are no other settlements within the Mere Community Area that can support significant numbers of new homes. Whilst there is a risk that more homes in Mere may result in increased out-commuting there are equally countervailing factors, such as the potential for more employment land to be developed in response to a growing local population. The WCS and Topic Paper 3 acknowledges that public transport connectivity is at least 'generally good' and this must, to a degree, mitigate any apprehension over car-borne out-commuting. Calibrated against the needs of the settlement and surrounding area, they have a combined capacity to assimilate the proposed development, (notwithstanding the numerical minima identified elsewhere in the plan), and so remain consistent with the objectives of Policy CP1.
17. Whilst conformity with the spirit and direction of Policy CP1 may weigh in favour of the proposals, it must still be assessed against the expectations of Policy CP2 of the WCS, its sister policy. Whilst advising that CC1 should deliver development 'in the most sustainable manner', CP2 makes clear development outwith the 'limits of development' (with the exception of that defined in paragraph 4.25 of the plan) will be restricted. It is accepted by both main parties that the development proposed falls outside that anticipated by paragraph 4.25. It is a matter of fact therefore that the proposals are in conflict with Policy CP2, insofar as they lie outwith the established settlement boundary of Mere.

The effect on the character and appearance of the area

18. Both main parties advise that their evidence in respect of this matter is based on current best practice, carried out in accordance with the Guidelines for Landscape and Visual Impact Assessment (third Edition) published by the Landscape Institute, of which both party's witnesses are members. As is well established, these guidelines set out a framework for understanding the value of any given landscape and an approach for assessing its sensitivity to development proposals. Although there is common acceptance of the methodology advocated, there are different inputs, and therefore outcomes, or magnitudes of change, in respect of each view presented. My reasoning below draws on the two approaches and their evaluation in light of the extensive site visits. However, I conclude on my own terms as to the effects of the development on the character and appearance of the area in relation to local and national policy.
19. The appeal site lies outside the settlement boundary in what is defined in planning terms as open countryside. This landscape hinterland is recognised as sensitive in a range of landscape assessments, including the most detailed and specific with regard to Mere prepared in 2008 by Chris Blandford Associates⁴, referred to as the 'Mere setting guidance' by the Council in closing submissions⁵. This is a useful document in that its detail allows for the consideration of development proposals in the policy context of the WCS, most specifically policy CP51 but also partially in relation to the supporting criteria of CP17 referred to above.

⁴ CD 51, Councils core documents.

⁵ ID 20 para 60.

20. Figure 6.1 of the study identifies the appeal site within what is described as a special landscape area and elaborates in figure 6.7, which identifies the southern environs of the settlement as Supportive Townscape/Landscape'. Figures 6.5 and 6.6 further identify *first views* of the settlement along approaches, *subsequent views* in that approach and critically, key elevated panoramic views and key low level views to Mere. The fact that the appeal site factors in all of these considerations self-evidently signifies its sensitivity in landscape terms.
21. The appeal site, though not abutting the historic core of the town is an element directly abutting the greater form of the settlement and serves the function identified for the supportive landscape by providing an ambient green backdrop to the settlement, bolstering the settlement's and its approaches' sense of place.
22. Moreover, the appeal site would be clearly discernible in views from Castle Hill (an identified key view), forming the very *foreshore* of the wider supporting landscape spreading to the south beyond. Whilst perhaps only a smaller element of this greater entity, because of its abutment with the settlement it plays a critical role in defining the distinctive and well defined divide between settlement and countryside, helping here to define the relationship of Mere with its context.
23. More significantly still however, the appeal site would appear within the frame of the key low level view when the settlement is approached along Monarch's Way, from the west where it traverses the Gillingham Road.
24. The proposals, when viewed from the Castle, would encroach upon the immediate open agrarian context of the settlement eroding its landscape setting, and so incrementally diminish its fragile sense of place. When viewed from the Monarch's Way, either as a long-distance or local walker, the prospect of open gently undulating pasture framing the settlement beneath the eminence of the Castle and Long Hills above, would be almost entirely lost. Whilst the indicative masterplan offers areas of open green space to the south and western periphery of the housing (which will soften its edge to a degree) this would be manicured and functional; the combined effect would be to completely transform the prospect before the viewer.
25. Such an outcome would fail to protect, conserve or enhance the landscape character of the area as the proposals fail to demonstrate that they would conserve the locally distinctive character of the settlement and its landscape setting. On this basis therefore the proposals would be in conflict with Policy CP51 of the WCS. Insofar as the proposals also fail to address criterion 6 of supporting text of paragraph 5.90 the full objectives of Policy CP17 have not been met. Whilst there would also be a conflict with saved Policy C6 of the SDLP in respect of Special Landscape Areas, this is an aged policy, it was accepted it was poorly defined and lacked robust evidence to support it. On this basis it should only be afforded limited weight in this case and in any event, would not be a determinative issue in the final analysis.

Effect on the setting of designated heritage assets

26. Although not a primary element of the Council's case, the settings of designated heritage assets was raised in evidence by CPRE Wiltshire⁶ and in rebuttal evidence by the appellant⁷, it is a matter of material interest in the determination of this case. Self-evidently, there is a significant degree of cross-over in respect of this issue with that of landscape character considered above. Nevertheless, they require covering in some detail given the policy position set out in the Revised Framework and the implications it has for assessing the final planning balance in cases of this kind.
27. Mere Castle, a former enclosure castle, situated on the eastern part of the eminence, now called Castle Hill and Long hill, dates from the C13 and was built by Richard, Earl of Cornwall, the younger son of King John. Although enlarged and consolidated in the early C14, it subsequently fell into decay and by the later C18 the former standing structures had been entirely demolished. Nevertheless, the substantial alterations to the landform undertaken to render the site defensible are still clearly apparent, and characterise it still as a former defensive site. As the list entry states, 'Mere Castle is a prominent feature in the landscape, overlooking the town of Mere'⁸. The site was first scheduled in 1957, being assessed as of national importance.
28. The Mere Conservation Area encompasses the core of the historic town as well as the dominating eminence of Castle and Long Hills. Fingers of linear historic development extend to the north and to the west, where it appropriately terminates at Town's End. The core of the town is characterised by an irregular street pattern focused around the church and clock tower. There are a good number of historic buildings forming the settlement dating from the C17 to the C19, together representing a good selection of rural vernacular characteristic of the County. The historic settlement is dominated by the striking form of the hills above it to the north and their presence is a key and highly important constituent contributing the special interest and thus significance of the conservation area as a whole.
29. At its western periphery, historic buildings line Castle Street, terminating at the junction at Town's End and the horticultural complex to the south. The appeal site is located beyond the paddock adjacent to Town's End, which separates the limits of the conservation area and the site itself.
30. As the Appellant rightly points out with reference to Historic England's Planning Advice Note on the setting of designated heritage assets, the first step to consider when assessing the effects of development is whether the context of an asset makes a contribution to the sum of its significance. The corollary being that if it does, development should be assessed for any effects on that asset, and if harmful, their magnitude determined. It follows therefore that if the context or setting of an asset does not contribute to significance, then that significance will not be harmed by the proposal.
31. In my view the appeal site does contribute to the significance of Mere Castle and the Mere Conservation area as it plays an identifiable role in framing the rural setting of both. This is most specifically the case when both assets are viewed from the Southwest at points along the Gillingham Road, at several

⁶ PoE Dr S Keen and N Williamson.

⁷ ID2 Rebuttal PoE S Mortimer.

⁸ List entry number: 1017018, Heritage List for England.

- points as Mere is approached along the Monarch's Way path, and in views out of the conservation area looking to the south west.
32. It is the case that the lower slopes of the hills to the west of the town, in the area immediately to the north of the appeal site, have been encroached upon by mid C20 development. It is also the case that the extensive areas covered by the glass houses of the horticultural complex to the east of the appeal site do extend the reach of built form to the south of the conservation area. However, the latter, because of their regular form and relatively low profile, have surprisingly little impact on views from the south west. Indeed, the C20 development, whilst discernible from this prospect, especially towards the east, is screened by mature tree growth. Whilst these twin encroachments are also apparent in views from the hills within the conservation area, from here they are seen in the context of the expanding greater landscape to the south and west, of which the appeal site forms a cohesive part and which forms a vital link between that wider landscape and the immediate environs of the historic settlement.
33. This significance is most readily apparent when Mere is approached from the west and south west, either along the Gillingham Road and along the Monarch's Way footpath. Both experiences are kinetic in that one is predominantly experienced whilst driving along the road and the other, at a much more measured pace, whilst walking the path. Whilst it may rightly be said that the sensitivity of drivers is necessarily diminished in these circumstances, in this case, one becomes aware of the relationship between countryside and historic settlement through repeated juxtapositions as one travels north along the road.
34. This kinetic experience is significantly amplified when the town is approached from the west along the footpath. Here the prospect of the appeal site before the huddled historic settlement below the eminence of Castle Hill is first perceived as one progresses through an element of the former parkland associated with Zeals House, a highly graded country house to the north. The kinetic experience of the transition between parkland, agrarian pasture and urban settlement is amplified as one crosses the Gillingham Road, and the part played by the appeal site in linking rural settlement to wider landscape revealed. It is a genuinely picturesque scene, and one given added resonance if one stops to consider the possible thoughts of the fugitive Monarch, pausing on the route of his escape, to survey the ruins of the former Royal citadel before him, and reflect on his current vicissitude. Even if such contemplation is not invoked, the visual linkage between the eponymous path and the former Royal stronghold is made.
35. I am in no doubt that the appeal site, comprising part of the setting of the two designated heritage assets, thus comprises an important part of their significance.
36. The appeal proposals would transform this prospect, creating a prominent urban extension to the town, materially harming the setting of the conservation area and the scheduled ancient monument, which, lest we forget, as the list entry itself reminds us, is 'a prominent feature in the landscape'. I acknowledge that the indicative masterplan seeks to mitigate the visual presence of the dwellings though the provision of the public open space to their south and west. However, this manicured space would do little to soften the strong visual

- presence of the dwellings, and could not therefore meaningfully ameliorate the harm caused.
37. The proposals would therefore fail to conserve the settings of the scheduled ancient monument or the conservation area and would thus be in conflict with paragraph 193 of the Revised Framework. However, when the significance of the assets is considered as a whole I characterise the magnitude of this harm, as anticipated by paragraphs 195/196 of the Revised Framework, as less than substantial. That said, less than substantial harm does not necessarily equate with less than substantial planning objection. Paragraph 193 anticipates 'great weight' being afforded to the conservation of designated heritage assets.
38. Moreover, paragraph 193 also makes clear that the more important the asset, the greater the weight should be given to its conservation. As a scheduled ancient monument Mere Castle is among the highest order of designated heritage assets nationally. Such a designation therefore gives added weight to its conservation in national policy terms. Taken together then, I give very substantial weight to this harm in the heritage and planning balance.
39. Paragraphs 195/196 of the Revised Framework also require that where harm is identified, this is balanced against any public benefits a scheme may bring. The appeal proposals offer to bring forward a significant number of market and affordable homes now. In the context of paragraphs 59 and 78 of the Revised Framework, as well as the current national picture of housing supply, this is a consideration that merits significant weight in support of the proposals. Moreover, the provision of affordable housing, in the context of concerns over future delivery and achieving identified targets of affordable housing, mean significant weight may be afforded this provision in the balance. The provision of land for an enlarged GP surgery, with a reasonable prospect that this will be delivered, is a further social benefit that weighs in favour of the scheme.
40. Indeed, the collateral economic benefits the development would bring, both in the short and longer term, also merit weight. There is an expectation that policies and development management decisions will enhance or maintain local service centres, and these schemes would undoubtedly contribute to that aim, thus meriting further limited weight in favour of the proposals. In both the social and economic sense then the proposals are consistent with two of the three strand definitions of sustainable development set out in paragraph 8 of the Revised Framework, and merit a measure of support as such.
41. Whilst all these collective factors may rightly be considered public benefits aggregating significant weight in favour of the scheme, they do not outweigh the very substantial weight to the harm to the settings of the designated heritage assets in question.

Whether or not the Council can demonstrate a 5 year supply of housing land

42. Considerable time was spent on this topic at the Inquiry and was also addressed in the supplementary statements on the Revised Framework sought after its closure. The evidence focused on three key areas: i) whether or not a 5 % or 20% buffer should be applied to the supply figure, ii) whether any identified past shortfall in supply should be addressed across the plan period (the Liverpool approach) or whether it should be addressed earlier or within the first 5 years of the plan (the Sedgefield approach) and iii) the rates of anticipated housing delivery on three large housing sites within the South

Wiltshire Housing Market Area (SWHMA). Predictably, depending on the extent of the buffer applied, the pace at which the shortfall is addressed and the differing expectations of delivery through the plan period all impact on the final supply number. The Council maintain that with a 5% buffer applied, the Liverpool approach to shortfall recovery adopted, and expectations of future delivery on the larger sites sustained, a five year supply within the SWHMA can be demonstrated. The Appellant argues on the other hand that with a 20% buffer applied, prompt recovery of the shortfall anticipated in accordance with the expectations of National Planning Practice Guidance and legitimate concerns over the delivery of major sites, made worse by the clarifications on delivery and deliverability in the Revised Framework, the supply figure could be as little as 3.29 years.

43. In light of the debate around housing land supply and development plan policy in the combined housing market areas of the Council currently prevailing⁹, it is entirely reasonable for the appellant to pursue such a line of argument, seeking to demonstrate the out-of-datedness of the development plan and thus the engagement of the tilted balance set out in paragraph 11 of the Revised Framework.
44. However, any such approach has to be conditioned by the belief and expectation that there is no application of policies of the Revised Framework (as now defined by footnote 6) required that protect areas or assets of particular importance which would provide a clear reason for refusing the development proposed. For if they were to be, the tilted balance within paragraph 11 would not be engaged, so *righting* the planning balance.
45. This is the case here, and consideration of the out-of-datedness of the policies of the development plan is therefore a sterile one, as in fact the policies of the Revised Framework provide clear reasons for refusing the development proposed here. For the very detailed reasons set out above in respect of the setting of designated heritage assets, I have concluded that not only are these specific policies engaged, but they are clearly also manifestly breached by the appeal proposals; in the case of the latter, through a balancing exercise also required by the Framework. The presumption in favour of sustainable development anticipated in paragraph 11 of the Framework is therefore not engaged.

Affordable housing

46. The proposals provide for 39 units of affordable housing, 30% of the total which is compliant with policy CP43 of the CS. The unilateral undertaking provides the mechanism for the delivery of this provision to meet the detailed tenure requirements sought by the Council. Although policy compliant, the need of affordable housing both within the County as a whole and within the SWHMA is acute. Evidence suggests that only approximately two thirds of the annual requirement are being met within the Country as a whole whilst in the sub area provision is only a little above the annual target. Mere has seen the delivery of one unit of affordable housing in the last eight years. Even accounting for planned delivery there is still a need for 17 such dwellings in Mere. No one disputes that the lack of affordable housing has real consequences for real people. These proposals would deliver a significant number of units within Mere and within the SWHMA itself, surely also fulfilling

⁹ Numerous appeal decisions were submitted in evidence in relation to this matter.

on of the key purposes of the Local Service Centre designation in Policy CP1 of the WCS. Regardless of its notionally neutral policy compliance, I consider such provision should be afforded substantial weight.

Other matters

47. The co-signed SoCG presented at the Inquiry confirmed that the amount of Best and Most Versatile (BMV) land affected by the proposals falls well below the size threshold required for statutory consultation with Natural England. Moreover the Council's response to the Appellant's request for the LPA to seek an EIA screening Opinion did not identify the loss of this resource as a significant effect. However, the third reason for refusal, dealing primarily with the effect of the proposals on the landscape, does refer to the requirement to take into account the loss of BMV. However, the topic forms no substantive part of the Council's written evidence, or indeed in their closing submissions. Whilst evidence was presented by the Appellant, this too was omitted in closings. Whilst the loss of such designated land without justification militates against the proposals, in this case it is not a determinative issue as the critical matters here relate to landscape character and effect on designated heritage assets. Further consideration of this issue would therefore not alter the outcome of the appeal.
48. The proposals also make provision of land for an enlarged and relocated GP surgery to serve the settlement. The evidence demonstrates there is an identifiable long-term aspiration to enlarge this facility in Mere. Negotiations with the care providers are on-going and the balance of evidence suggests that if planning permission were forthcoming, there is a reasonable prospect of the surgery locating to the identified site. As this will be an enhanced facility for the community deriving from the development proposals, it merits a medium degree of weight in the planning balance.
49. A number of people expressed concerns over the effect the development would have on the safety of highway users, especially of Castle Street. It is the case that with the development being accessed solely by means of the junction with this road, there will be an increase in the volume of traffic along it and into the settlement. However, no technical evidence was presented to rebut the conclusions of the technical reports presented by the appellant and there was no support for such concerns presented by the highway authority. On this basis, such concerns may only be afforded very limited weight.
50. Concerns were also expressed by the Mere Rivers Group over the risk of flooding of the site and an associated risk of water course pollution. Once again however, such concerns were not supported with any technical data nor have corroborative concerns been expressed by the Environment Agency or other consultees. Such assertions therefore once again garner only very limited weight.

Planning balance and conclusions

51. The proposals offer significant amounts of market and affordable housing now. They also offer collateral economic and social benefits, including land for an enlarged GP surgery, and would underpin and sustain the rural community through the use of existing local services. These have already been identified as public benefits above in relation to the heritage balance. Accordingly, taken together, and judged against paragraphs 59, 64 and 78 of the Revised

Framework, they may be rightly afforded substantial weight. Furthermore, locationally the proposals are well sited in relation to local services and sustainable transport modes. They are also consistent with the broader sustainability objectives of the WCS. Moreover, I have found there to be no harm in respect of all highway matters, whilst the unilateral undertaking, through mitigating measures, though not explored in detail above, do render identified planning harms neutral in the planning balance.

52. However, these benefits have to be weighed against the harm to the landscape character of the area and the conflict with development plan policy that would arise. They also need to be considered against the very significant levels of harm to the setting of Mere Conservation Area and to Mere Castle, both designated heritage assets and the latter a scheduled ancient monument, the highest order of heritage designation. The latter, conflicting with the policies of the Revised Framework, provides a clear reason for refusing the development proposed¹⁰. Moreover, the proposals would also conflict with the development constraint policies of the development plan for which there is no basis to diminish their full weight or force.
53. In sum therefore the identified harms would significantly outweigh the benefits offered by the scheme. For the reasons given above and having considered all matters raised in evidence and at the Inquiry, I conclude that the appeal should be dismissed.

David Morgan

Inspector

¹⁰ This is made explicit in sub-paragraph d) of paragraph 11 of the Revised Framework which in turn refers to designated heritage assets in footnote 6.

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Zack Simons of Counsel Instructed by Mr Frank Cain, Head of Legal Services, Wiltshire Council

He called Mr Richard Hughes BA (Hons) Dip TP MRTPI

Mr Chris Roe BSc SP MRTPI

Mr Will Harley BSc (Hons) CMLI

FOR THE APPELLANT:

Mr Satnam S Choongh of Counsel Instructed by Mr Robert Mitchell, Richborough Estates

He called Mrs Clare Brockhurst BSc (Hons) Dip LA FLI

Mr Neil Hall BA BTP MRTPI

Mr Andrew Moger BA (Hons) MA MRTPI

Mr Darren Parker BA (Hons) BTP MRTPI

Mr Andrew Elliot BA MSc FBIAC PIEMA

INTERESTED PERSONS:

Mr Neil Williamson and Dr Suzanne Keene CPRE Wiltshire

Councillor (Chairman) John Jordan, Mere Town Council

Councillor George Genes Wiltshire Council
Councillor Mrs Kate Symonds

Mr Quentin Skinner, local resident

Mr Colin Le Delle, local resident

Doctor Matthew Short local resident

Dr Paulette M McManus Mere Rivers Group

Documents submitted at the Inquiry (IDs)

1. Appearances – Council
2. Appearances – Appellant
3. Rebuttal Proof – Heritage – Appellant
4. Housing completions – Appellant
5. Rebuttal Proof – Housing Land Supply – Council
6. E mail on financial contributions – Council
7. Hopkins Homes Vs S of S Judgement – Appellant
8. Openings – Appellant
9. Openings – Council
10. Supplementary submissions – Appellant
11. CIL compliance statement – Council
12. Draft UU (Council preferred) – Appellant
13. Draft UU (Appellant preferred) – Appellant
14. Housing land supply Statement of Common Ground – Appellant
15. Statement of Common Ground – Appellant
16. Draft conditions
17. Landscape proof correction – Council
18. Signed/dated UU – Appellant
19. Closings – Appellant
20. Closings – Council
21. Crane Vs S of S – Appellant

Documents submitted after the Inquiry

22. Appellant's response to the Revised Framework
23. Council's response to the Revised Framework