

Green Belt Assessment and the Case for Very Special Circumstance

The Battleaxes, Wraxall



TABLE OF CONTENTS

1. Introduction	3
2. The Battleaxes and the designation of The Bristol and Bath Green Belt	4
3. Existing Green Belt Policy	5
4. Green Belt openness and the status of villages	10
5. Assessment of the site in fulfilling the stated purposes of the Green Belt	13
6. Assessment of the impact of the development on the openness of the Green Belt	14
7. Degree of compliance with policy DM12 and conclusion on Green Belt Harm	15
8. The Case for Very Special Circumstances	16
9. Conclusions on Green Belt and Very Special Circumstances	19
Appendix One – Local Plan Representation	21
Appendix Two – Land Registry searches.....	32

1. INTRODUCTION

The site is located within (and predates) the designation of the Bristol and Bath Green Belt which was established in the mid 1950s. The new build elements of the proposal are classified in the National Planning Policy Framework (NPPF) as inappropriate development in the green belt. (NPPF Paragraph 145).

As such development on green belt land should not be approved except in very special circumstances (NPPF Paragraph 143).

This report examines the Green Belt matters associated with this proposal and puts forward the case of why special circumstances exist including:

- The Battleaxes and the designation of The Bristol and Bath Green Belt
- Overview of existing green belt policy at national and local levels
- Green belt openness and the status of villages
- Assessment of the site in fulfilling green belt purposes
- Assessment on the impact of the development on the openness of the green belt
- Degree of compliance with policy DM12 and conclusion on green belt harm
- The case for very special circumstances; and
- Planning Balance and Overall Conclusions

2. THE BATTLEAXES AND THE DESIGNATION OF THE BRISTOL AND BATH GREEN BELT

The Bristol and Bath Green Belt was broadly established in the mid-1950s through the Gloucestershire, Somerset and Wiltshire County Development Plans. The majority of the Bristol and Bath Green Belt fell within the Somerset authority area and the Green Belt designation was locally adopted in 1957 and then given Ministerial approval in 1966. (Extract from North Somerset Local Plan 2038 North Somerset Green Belt Assessment April 2021)

According to its Listed Building status The Battleaxes was designed 1880-1881 by William Butterfield for Anthony Gibbs of Tynesfield and dated 1882. As such it predates the designation of the Bristol and Bath Green Belt by over eighty years and has been a significant landmark structure in Wraxall for a hundred and forty years.

Evidence provided in the historical section of the Access and Design Statement shows that the site has evolved over the years with evidence of numerous out-buildings and structures the majority of which were removed to provide hard standings for car parking associated with the buildings more recent use.

Ironically the setting of the site saw the greatest change post green belt designation with the approval in the 1960s of a high density local authority housing development – The Grove. This included two large three storey blocks of flats (Fryth House and Northampton House) which were constructed immediately along the southern boundary of the site, irreparably harming the openness of the green belt.

It is our view that in accordance with this chronology that The Battleaxes site should be considered as a previously developed site within the green belt and safeguarding the Listed Building landmark for the long term should weigh heavily in the balance of considering an exceptional circumstance.

3. EXISTING GREEN BELT POLICY

National policy (NPPF, Chapter 13) sets the strategic context for development in Green Belt and the Government's approach to Green Belts and their importance. Paragraph 133 states:

"The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence."

It goes on to define the core purposes of Green Belt, through paragraph 134, which are:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

When considering the review of Green Belt boundaries, the NPPF at paragraph 138, advises:

"When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policymaking authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport."

For development in existing Green Belt land, the NPPF is clear that the construction of new buildings is inappropriate in Green Belt (Paragraph 145) with very few exceptions:

"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances" (Paragraph 143).

Paragraph 144 goes on to state that,

"When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations."

Paragraph 136 notes, that when considering alterations to a Green Belt boundary, this should only occur *"where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period"*. Albeit in defining such boundaries, paragraph 139 is clear, that plans should *"not include land which it is unnecessary to keep permanently open"* and also, should *"be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period"* and should ensure that boundaries are clearly defined, *"using physical features that are readily recognisable and likely to be permanent"*.

Paragraph 144 of the NPPF provides specific guidance on how existing villages in the green belt should be treated and states:

'If it is necessary to restrict development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt.'

Extant development plan policy in North Somerset (policy CS6) follows the national policy approach in respect of development within the Green Belt and repeats the five stated aims of Green belt policy.

The key green belt policy context is contained in Policy CS6 of the Adopted North Somerset Core Strategy and Policy DM12 of the Sites and Policies Plan

North Somerset Council **Core Strategy** January 2017

Living within environmental limits

CS6: North Somerset's Green Belt

Within North Somerset the boundaries of the Bristol – Bath Green Belt will remain unchanged during the plan period.

Further amendments to the Green Belt at Bristol Airport will only be considered once long-term development needs have been identified and exceptional circumstances demonstrated.

This policy contributes towards achieving Priority Objective 7.

DM12

Policy DM12**Redevelopment and infilling on previously developed sites in the Green Belt outside settlement boundaries**

On previously developed sites (as defined in the NPPF) outside the settlement boundary limited infilling or partial or complete redevelopment is not inappropriate provided it would not have a greater impact on the openness of the Green Belt and the purposes of including land within it. Redevelopment should:

- not extend beyond the perimeter of the buildings which make up the bulk of the built up area of the site; and

Infilling should:

- not extend beyond the perimeter of the buildings which make up the bulk of the built up area of the site; and
- should be visually contained within the site and should not exceed the scale or height of the existing buildings; and
- be sustainable in terms of being well related to existing settlements, and having safe and convenient pedestrian and cycle access to services, amenities and a bus or rail service.

Partial or complete redevelopment proposals should:

- not extend beyond the footprint of the existing buildings unless the proposal by virtue of its height or location on the site would have an equal or lesser impact on the Green Belt than the existing buildings; and
- result in environmental improvements on rundown or derelict sites; and
- be sustainable in terms of being well related to existing settlements, and having safe and convenient pedestrian and cycle access to services, amenities and a bus or rail service.

Appropriate facilities for outdoor sports and recreation

New buildings and facilities associated with sport and recreation provision in the Green Belt should be:

- directly related and subsidiary to the main outdoor use;
- be of a scale and size proportionate to the sporting or recreational use;

The latest review of the green belt in North Somerset was undertaken as part of the preparation of the new Local Plan and is contained within a freestanding report entitled **North Somerset Local Plan 2038 North Somerset Green Belt Assessment April 2021**

Building on work undertaken as part of the Joint Spatial Plan the assessment it states:

“5.2 Twenty-four cells are identified in North Somerset. They provide manageable areas for analysis and presentation of results. Cells have been renumbered but generally reflect that used in the JSP assessment with some cells amended to correspond with the North Somerset administrative boundary. “

The application site falls within cell 16 Wraxall, Failand, the Tyntesfield Estate to the west of Long Ashton and is identified as directly performing purposes 2,3, and 5 as well as assisting in preserving the setting of Tyntesfield House and the country estate.

16 (71 JSP) Wraxall, Failand, the Tyntesfield	-	✓ Helps prevent the merger of Nailsea, Long Ashton and Bristol	✓ This land safeguards the countryside from encroachment.	- (The Green Belt assists in preserving the setting of	✓	This area forms part of the steep sided ridge in the vicinity of Wraxhall and Failand and includes the Tyntesfield estate (National Trust). The area is primarily
--	---	---	--	---	---	---



Cell No. (JSP cell no) Name	1. To check the unrestricted sprawl of large built-up areas	2 To prevent neighbouring towns merging into one another	3. To assist in safeguarding the countryside from encroachment	4. To preserve the setting and special character of historic towns	5. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land	Description and Commentary
Estate to the west of Long Ashton			There is also significant recreational and agricultural use	Tyntesfield House and the country estate.)		open and undeveloped, with heavily wooded areas, agricultural land and open recreation uses. The Green Belt in this cell directly serves purposes 2, 3 and 5

Whilst little weight can be given to the emerging Local Plan it goes on to identify the need to make a significant number of amendments to the green belt in particular the need to be consistent with the identification of villages within the green belt.

“26. As part of the North Somerset Green Belt Review villages have been assessed to determine whether changes need to be made regarding whether a settlement is excluded or washed over by the Green Belt. The reasons for this are threefold: -

- Guidance in the National Planning Policy Framework (NPPF). Paragraph 144 sets out that this should be based on ‘the important contribution which the open character of the village makes to the openness of the Green Belt’. There is also a need to clarify how ‘limited infilling in villages’ NPPF paragraph 149 will be interpreted in the new plan.
- The new plan revises the approach to the settlement hierarchy.
- Inconsistency and uncertainty in the current approach.”

North Somerset Local Plan 2038 Green Belt Review Part 2 Villages in the Green Belt January 2022

The assessment of villages in the green belt has informed the new policies LP6 and LP8

Policy LP6:

Settlement boundaries

Settlement boundaries for towns and villages are defined on the Policies Map and set out in Schedule 5 of this plan. New development within the settlement boundaries must accord with the relevant policies of the plan.

The extension of residential curtilages, including the extension into the countryside of the curtilage of a dwelling located within a settlement boundary, will be permitted provided that it would not harm the character of the surrounding area or the living conditions of adjoining occupiers.

Settlements with boundaries that are located in the Green Belt are inset from the Green Belt and Green Belt policies do not apply within the settlement boundary. These are also listed in Schedule 5.

Justification

Settlement boundaries identify the areas at the towns and villages within which specific local plan policies will apply, particularly in relation to housing development. All settlement boundaries have been reviewed as part of the local plan and new boundaries identified for several settlements.

Locational Policy LP8:

Extent of the Green Belt

The boundaries of the North Somerset Green Belt are defined on the Policies Map. The following changes to the existing Green Belt are proposed:

5. The following villages within the Green Belt will be inset from the Green Belt.

- Abbots Leigh
- Clapton-in-Gordano
- Cleeve
- Dundry
- Failand
- Flax Bourton
- Felton
- Leigh Woods
- Portbury
- Redhill
- Tickenham
- Weston-in-Gordano
- Winford

Justification

The North Somerset Green Belt is highly valued by local residents and is an effective planning tool in preventing the urban sprawl of Bristol and shaping the pattern of development in North Somerset. It keeps land permanently open, prevents towns and villages merging together and protects the countryside.

Villages have been assessed to determine whether changes need to be made regarding whether a settlement is excluded or washed over by the Green Belt. This is based on the openness of the village and 'the important contribution which the open character of the village makes to the openness of the Green Belt' (NPPF paragraph 144).

A joint Green Belt and settlement boundary will define the extent of these villages. Adjustments will be made to existing settlement boundaries, where applicable, to correct inconsistencies and anomalies and ensure the robustness of the boundary.

Boundaries at villages are not being adjusted to include new green field development sites, this is incompatible with the spatial strategy. Development inside boundaries will be permitted in accordance with the other policies in this plan.

4. GREEN BELT OPENNESS AND THE STATUS OF VILLAGES

It is evident from the Local Plan Review that for the green belt to endure beyond the plan period significant amendments to the currently adopted policy is required in the identification and consistency of policy approach to villages in the green belt. This includes taking village settlements such as Failand out of the green belt when applying the test of openness to the role the settlement plays to the wider openness of the green belt in accordance with Para 133 and 144 of the NPPF.

This establishes an important principle in that the Authority considers that the wider purpose of the green belt can be met whilst excluding from the green belt settlements which do not contribute to the wider strategic test of openness. It also acknowledges that the adopted plan policies for settlements in the Green Belt is outdated, inconsistent and lacking clarity.

We have directly engaged with the consultation on the emerging Local Plan and have submitted detailed evidence of why the application site and wider area known as The Grove should be included in the list of settlements inset from the green belt in accordance with Para 144 of the NPPF.

We do not consider that collectively the area fulfils a green belt function containing as it does a high-density former Council estate including two three storey blocks of residential accommodation together with a three-storey former public house/ hotel together with extensive car parking and ancillary accommodation.

Our representation which is appended to this statement examines the assessment of settlements contained within the Supplementary Document: Green Belt Review Part 2 Villages in the Green Belt January 2022 and identifies that it is anomalous to include such a high-density settlement area within the green belt when it does not fulfil any of the stated green belt purposes.

As such it should be given a specific settlement boundary and included within the list of villages contained within section 5 of policy LP8 to be inset from the green belt in accordance with the plans strategic green belt policy SP7.

Appendix 1 of the report identifies Wraxall as a high-density settlement (9th out of 21) indicating that as a starting point it ought to be given serious consideration as to whether it should be removed from the green belt. This is particularly the case when significantly less dense settlements such as Clapton in Gordano and Redhill are recommended to be taken out of the green belt.

Having undertaken more in-depth analysis of openness we have concluded that the village of Wraxall consists of two distinct and largely independent settlement forms:

Area 1 Wraxall Village Centre

The historic village centre consists of All Saints Church, the school and older housing set in extensive plots including The Rectory and Wraxall Court. This is a very traditional rural village setting with extensive views between buildings providing a high degree of openness. Situated in a break in the escarpment with Wraxall Hill running up the hillside, it displays both spatial and visual openness and fulfils a green belt function.

Area 2 The Grove (including The Battleaxes)

Situated to the southeast along and mainly to the south of the B3130, The Grove/Battleaxes area comprises a 1950/60's high density former local authority housing development including two large three storey blocks of flats (Fryth House and Northampton House) set alongside The Battleaxes a Grade 2 listed currently vacant and extensive former Public House/Hotel with out-buildings and car parking. This highly developed and incongruous urban form is set tightly into the slopes of the escarpment with the retaining walls of the B3130 further containing the settlement and preventing open views to the north.

This area does not meet the tests of openness and does not fulfil a green belt function.

We estimate that Area 2 is approximately 4.1 hectares and supports 76 households resulting in a development density of 18.5 placing it second to only Easton in Gordano /Pill in terms of development density. As such The Grove constitutes one of the most densely populated settlement areas in the green belt within North Somerset (2nd out of 21) and specific reasons should be given as to why this area is not being removed from the green belt as part of the Local Plan review

The photographic overview contained within our representation shows the visual impact of the large imposing buildings including Fryth House comprising twelve flats on the three storeys and Northampton House again three storeys with seven flats. These are very urban structures which dominate the area and are unsympathetically situated alongside the imposing Battleaxes listed complex and a more traditional housing estate.

From examination of the Land Charge 1 to 7 (inclusive) Northampton House, Wraxall, 1-3, 5 to 12 (inclusive) Fryth House, Wraxall (Freehold) Title number: ST246240 the two large and imposing three storey residential blocks were constructed in the period 1964 to 1966 as a result of a purchase of land by Long Ashton Rural District Council from the 3rd Baron of Wraxall. The properties freehold is currently retained by Alliance Homes following the LSVT of North Somersets housing stock in 2006 As a result of the Right to Buy several of the flats have subsequently been purchased on long term leases to the occupiers.

Whatever the justification for the choice of site the provision of the blocks of flats has irreparably changed the openness of the green belt and resulted in a dense urban form which is unique in an otherwise largely open landscape.

Whilst there are more open views to the south, the built-up area of Area 2 is clearly defined providing a stark contrast to the more open countryside that extends south and west towards Nailsea. To the north the B3103 is cut into the side of the escarpment closing off more distant views towards the Tyntsfield Estate -this contrasts with the more open setting of the village centre. As such there is clear physical and visual separation of The Grove from the remainder of the village and the wider green belt.

Unfortunately, the assessment of openness contained within Appendix 2 of the report fails to adequately distinguish between the two settlement areas which we believe results in the adverse impact of The Grove on the green belt to be overlooked and/ or underestimated.

The Grove area is by far the most populated and extensively urbanised part of the village and although it is recognised as being the cause of the overall high density of development in the report it does not appear to receive any specific reference or examination of openness which is surprising considering the two widely different settlement forms that make up the village. The Grove cannot be described as forming part of a linear development and is not typically open in character.

In contrast to this other village assessments in the report identify and contain recommendations to include or exclude parts of their settlements. Examples include the exclusion of the church and school buildings in Portbury, the inclusion of Long Cross, Felton and Farleigh Green at Flax Bourton. It would appear that these settlements have received a more analytical examination of openness than Wraxall.

Put simply we feel the assessment has overlooked the significance of The Grove within the overall appraisal of the village as a whole which results in the continuing inconsistency of The Grove being included within the green belt when it does not perform a green belt function.

We note that the report does not define a minimum size of built form that is required in order to justify taking a settlement out of the green belt and has not made a judgement on volume of activity as referenced in national guidance. In our case the visual impact of three storey flatted accommodation is of particular significance as the effects of urbanisation extend proportionally much wider than with less bulky forms of development. It is a clearly defined area of urban development which significantly detracts from the openness and value of the green belt.

In terms of number of households, we estimate this to be approximately 76 placing it at similar scale in household numbers to Redhill which is being proposed to be taken out of the green belt for the first time since the green belt was designated and arguably is far less prominent.

Unlike Redhill the Grove includes land which is both urbanised and underutilised. Failure to remove the settlement area from the green belt will significantly restrict the ability of Wraxall to attract the reuse and redevelopment of existing land and property within the village including the opportunity to create a new community-based village hub, with employment, cultural provision, and housing.

It could frustrate the development of commercially viable proposals to develop and re-use properties such as The Battleaxes which is an important Grade 11 listed building, and which will require enabling development to secure its long-term future.

Our representation concludes:

For the reasons stated above we consider that it is inconsistent with the plans review of settlements not to inset The Grove from the green belt.

We request that the status of Wraxall and in particular The Grove be reviewed and inset from the green belt. The inset would contribute to maintaining the wider operation of the green belt in the long term whilst enabling other of the plan's objectives including community, rural employment and housing needs to be met in the local area.

Our request is that:

- a) The LPA acknowledges that The Grove as defined in this representation is a largely self-contained and independent settlement form from the wider village of Wraxall and due to its unique urbanised form and character does not fulfil a green belt function.*
- b) The LPA define a settlement boundary for Area 2 The Grove in accordance with Policy LP6*
- c) The Grove be included within the list of settlements to be inset from the green belt under section 5 of Policy LP8 and in accordance with the strategic policy for green belt contained in Policy SP7*

5. ASSESSMENT OF THE SITE IN FULFILLING THE STATED PURPOSES OF THE GREEN BELT

Whether or not the case is accepted that the site should be subject to the emerging local plan policies relating to villages inset within the green belt, we have examined the site in accordance with the stated purposes of the green belt aims alongside the assessment of the strategic role of this part of the green belt as identified in cell 16 of the North Somerset Local Plan 2038 North Somerset Green Belt Assessment April 2021.

Purpose 1: to check the unrestricted sprawl of large built-up areas.

Being distant from any large built up area the 2021 Green Belt Assessment acknowledges that this is not a relevant purpose of the green belt in this locality.

Purpose 2: to prevent neighbouring towns merging into one another.

Whilst the application constitutes inappropriate development the wider purpose of ensuring Nailsea, Long Ashton and Bristol are prevented from merging would remain intact. Like the Failand Triangle, The Grove constitutes a highly self-contained and distinctly urban form in otherwise open countryside.

The clear definition of the existing built-up area including the application site alongside the containment to further development to the north delineated by the B3103 provides a clear and defensible boundary.

The application site and its setting does not contribute to this purpose.

Purpose 3: to assist in safeguarding the countryside from encroachment.

The site contains a large former public house, residential accommodation, and significant hard standings for car parking. It can accommodate significant levels of activity associated with its former function as a Public House, event location and hotel.

Having been built in 1882 it predates the designation of the Green Belt by some eighty years and constitutes previously developed land and as such does not in itself assist in safeguarding the surrounding countryside from encroachment. The clear definition of the existing built-up area including the application site alongside the containment to further development to the north delineated by the B3103 provides a clear and defensible boundary.

The application site and its setting does not contribute to this purpose.

Purpose 4: to preserve the setting and special character of historic towns.

The Cell as a whole is identified as supporting Tyntesfield House and Estate as opposed to the stated purpose outlined in NPPF of preserving the setting and character of historic towns. It should be noted that the application provides support for the listed building to rediscover its role within the wider Tyntesfield offer.

Purpose 5: to assist in urban regeneration.

As an existing previously developed site supporting a public house and extensive accommodation it already has a commercial role to play in the wider north somerset economy and as such does not fulfil the purpose of suppressing development which would otherwise support the regeneration of urban areas elsewhere.

6. ASSESSMENT OF THE IMPACT OF THE DEVELOPMENT ON THE OPENNESS OF THE GREEN BELT

The analysis of the Green Belt purposes serves to highlight that the application site does not perform a role in terms of its contribution to the five purposes of the Green Belt. Notwithstanding this, it is accepted that the proposed development is “inappropriate” in planning policy terms thus having a degree of harm and will, given the nature of the Site which includes areas currently of hardstanding, have a degree of impact on the openness of the green belt.

In respect of the impact on visual openness, the Battleaxes site is largely surrounded on three sides by built urban form and the B3103 to the north which cuts into the bank of rising land completes the sense of enclosure. The majority of the site itself is covered with built development and in this sense, development here would not impact on the visual openness to the same degree as a previously undeveloped site.

Weight must be given to the fact that the built development that has taken place on site largely pre-dates the introduction of the Green Belt. This was then followed by the development of The Grove including the building of Northampton and Fryth House by the then Rural District Council in the 1960's which fundamentally degraded the open character of the area and continues to detract both from the Listed Building and wider area,

In contrast to these developments new build within the application proposals is driven by the need to secure an otherwise unviable development and deliver a long term commercially sustainable mixed use scheme.

As outlined in the Viability Assessment, the extent of new build is directly driven by the need to secure development viability which in turn is driven by the need to adequately fund and maintain the Listed Building. As a result, the impact on openness due to development here is considered to be limited and mitigated due to the Site's visual containment and the design of the parameters for the proposals.

As a result, it is considered that only minor harm would be caused given the setting and surrounding context; the ability of the surrounding green belt land to continue to serve its purposes and retain a high degree of openness; and given the careful design siting and nature of the development proposals.

Further to the impact on openness, it is also necessary to consider the impact of 'other harm. Other harm could include landscape and visual impact – these matters are separate from openness and consider whether visual amenity is harmed. These matters are considered further in the Planning Statement.

7. DEGREE OF COMPLIANCE WITH POLICY DM12 AND CONCLUSION ON GREEN BELT HARM

We consider the site to be a previously developed site in the green belt as such redevelopment is not considered inappropriate provided it meets the specific tests of Policy DM12 which largely reflects Para 149(b) of the NPPF regarding the presumption against development outside of the existing built-up areas of the site.

Clearly the new build elements of the scheme are not compliant with the operation of Policy DM12 as confirmed in the Pre-Application Advice. As such the development as a whole is inappropriate and contrary to both national and local green belt policies.

However, the site does not serve any of the five purposes for including land in Green Belt and as such there is little to no harm to Green Belt purposes. The Authority has itself acknowledged that the existing adopted Plan policies for development in villages settlements in the Green Belt is outdated, inconsistent and lacking clarity.

We believe this is particularly the case of land at The Grove which ought to be taken out of the green belt alongside a number of other settlements through the Local Plan Review

The new build element of the proposals however by failing to comply with Policy DM2 does however represent 'inappropriate development' and by definition this causes a degree of harm.

In accordance with the NPPF, paragraph 144, this harm must be given substantial weight unless the harm is clearly outweighed by other considerations. However, in the context of this site, the significance of the harm to openness must be considered to be minimal in light of the sites current failure to perform the functions of Green Belt.

Despite only finding limited harm, "very special circumstances" justifying development must still be demonstrated. It is considered that very special circumstances do exist in this case and clearly outweigh the limited harm to the Green Belt that has been identified. The very special circumstances case is set out in the following paragraphs.

8. THE CASE FOR VERY SPECIAL CIRCUMSTANCES

As noted above, the case for very special circumstances must be viewed in light of the status of the land concerned and the degree of harm caused.

The harm caused to openness is not significant, indeed it is considered minor due to the site's visual containment and context.

The very special circumstances that are listed in this section demonstrate a clear need for the development on the site which outweigh the limited harm identified. The circumstances relevant to this case are:

A) The need to secure the long-term commercial viability of the Listed Building by the provision of a mixed-use scheme involving extensive refurbishment, extension and new build development.

The financial model contained within the Viability Statement demonstrates that the value associated with the income of the building as a single entity public house is significantly less than the total costs that will be incurred to bring it back in to a reasonable state of repair and this generates a significant financial loss overall. The viability of refurbishing and operating the existing building as a new multi-use business and community hub without the new build dwellings still generates a significant loss although it is a better overall position than maintaining the existing use.

The Viability Statement concludes that the development of 9 new dwellings is required to bridge the viability gap for the refurbishment and redevelopment of the existing building and site, the landscape led solution is not viable without the introduction of the new homes to support the level of investment required for the repair and refurbishment and ensure the sustainable future of the listed building.

It concludes that the scheme is the most viable option and demonstrates the case for it being the optimum viable use from a heritage perspective.

B) The substantial socio-economic benefits of the proposals to support the economy of North Somerset 'providing local job opportunities and securing Councils Plans to deliver economic recovery post the Pandemic.

The Economic and Community Statement establishes that:

- the proposals constitute a tangible statement of business investment and confidence in North Somerset by a leading regional Development Business and Architectural Practice – providing a showcase for sustainable development and design and consolidating the businesses' focus on the long-term regeneration of the district.
- The proposed investment by Studio Hive and Architecture for Studio Hive would result in a significant qualitative and quantitative improvement in development, placemaking and Architectural design expertise within the District's Creative Sector - a recognised priority sector for recovery and support post-Pandemic.
- The mixed-use scheme will transform a currently redundant site hosting an economically unviable former Public House with no current or future employment potential into a vibrant site supporting 28 direct FTE jobs with a wide range of employment opportunities and flexible working arrangements. We estimate job creation will rise from 28 to 40 within three years of the site becoming fully functional.
- The Proposed Development will make a significant contribution to the local and regional economy during the construction phase by supporting 109 FTE direct jobs, 201 FTE indirect and induced jobs, and by generating a total of around £10.65 million direct, indirect and induced economic output (GVA) per annum.
- The cumulative growth supported by the scheme will make a tangible contribution to economic growth within the district.

- The proposed Business Hub will provide a new accessible and flexible hot desking and supported workspace enabling local people to work locally in accordance with the Council's policies to improve the range and location of supported workspaces across the district.
- The proposed farm shop and licensed café alongside the retention and development of a boutique B&B will directly support the Visitor Economy Action Plan priority contained within the North Somerset Economic Plan to improve the diversity and quality of visitor accommodation and facilities within the district.
- The proposals complement and strengthen the wider Tynesfield offer, developing further the role of heritage in defining North Somerset's visitor offer. Dialogue with the National Trust is positive, ongoing, and constructive.
- The proposals meet Government and Local Planning Policy requirements to support appropriate rural employment opportunities and diversification.

C) The degree to which the proposals provide community benefits to the local community of Wraxall and contribute to the wider enjoyment and understanding of the wider Tynesfield Estate.

The Economic and Community Statement establishes that:

- The proposals support the inclusion of the Battleaxes site within the Wraxall and Failand Neighbourhood Plan as a location which can provide an important community function. The proposals accord with the requirements of Policy WF1 of the Neighbourhood Plan by safeguarding and enhancing the facility as part of a mixed redevelopment scheme with significant levels of community use and access.
- The scheme will secure a sustainable future for the former Public House, enabling the site to provide a much greater range of community facilities and activities than those previously supported.
- The building has the potential to host a wide range of community-based activities, including the use of meeting rooms for local counselling and access to voluntary services. The flexible operation of the café also provides the opportunity for more informal meeting spaces.
- The Farm Shop provides local access to convenience and artisan products and, together with the Craft facility, will provide a new local retail offer.
- Subject to further dialogue with the appropriate organisations, the scheme has the potential to significantly improve the quality of and access to community facilities, advice and support in Wraxall.

D) The degree to which the proposals add to the cultural offer of North Somerset by providing a centre for architectural design and development and multiuse meeting and activities in the main building.

The Economic and Community Statement confirms that the proposals would directly support the Council's stated priority within the Creative Industries Support Plan to attract new creative enterprises: encourage the market to develop sector-appropriate workspace, promote existing assets, ensure the placemaking potential of a thriving creative sector is realised and that North Somerset is well positioned to attract investment in creative workspace and innovation.

The proposals directly address the lack of registered Architectural practice with five or more employees within North Somerset which is a major weakness in the district's business profile and if not addressed will frustrate the Council's ambitions to directly influence the sustainable growth of the Creative sector of which Architecture is a key component.

E) Housing delivery including helping the authority to meet the prescribed requirement to evidence a five year land supply.

Turning to the need for the homes, the latest position on 5 year housing land supply in North Somerset is set out in the Five Year Housing Land Supply Initial Findings Statement April 2021. The information set out covers the period April 2021 – March 2026.

Against the requirement to provide a 5 year supply of housing, the latest published statement shows that the Council cannot demonstrate a 5 year supply – being able to demonstrate a deliverable supply of 7,762 units for the period April 2021 – March 2026, which equates to 4.8 years supply against the current requirement, calculated using the current local housing need figure and applying a 20% buffer.

Until publication of the most recent results, the Council was required by central government to prescribe a 20% buffer to improve the prospect of achieving the planned supply, as there had been significant under delivery of housing. This is no longer the case. North Somerset has no longer demonstrated significant under delivery of housing in terms of the NPPF, on the basis of the most recent Housing Delivery Test results standing at 89% of the requirement.

Whilst the above points to North Somerset Council now being able to demonstrate a supply in excess of 5 years, two recent appeal decisions would indicate otherwise, namely Appeal Ref: APP/D0121/W/21/3285624 Land at Farleigh Farm and 54 and 56 Farleigh Road, Backwell, BS48 3PD and Appeal Ref: APP/D0121/W/21/3286677 Rectory Farm, Chescombe Road, Yatton, Bristol BS49 4EU. Both were decided in June 2022.

In each of the above cases, the Inspectors concluded that whilst there had been positive improvement in housing delivery, there was a significant shortfall.

In the Backwell case, the Inspector concluded a supply equating to 3.5 years and in the Yatton case, 3.2 years. In both cases therefore it was deemed that the Council could not demonstrate a five year housing land supply and that the extent of the shortfall was significant.

In each case, the Inspector set out that NPPF paragraph 11d), and footnote 8, establish that in situations where the LPA cannot demonstrate a 5 year supply of deliverable housing sites, the policies which are most important for determining the application are out of date. This engages the so-called 'tilted balance' in decision-making.

In engaging the tilted balance, the appeals, considered Policies CS14 (along with CS32 which does not apply in this case) to be most important policies for the purpose of determination. In the absence of a 5 year supply, CS14's strict hierarchy to the distribution of housing cannot be afforded full weight.

As such, the case for the inclusion of residential development in this proposal is intrinsically linked to the viability of the preservation of the Listed Building and the creation of the core set of uses envisaged as part of the redevelopment and the benefits in the round in terms of re-use of previously developed land.

F) The degree to which the proposals support sustainable development

The reuse of this key brownfield site and Listed Building makes an important contribution to supporting sustainable development within the District.

The Design and Access Statement outlines the strong sustainability credentials of the new build. A review of existing staff place of residence shows how The Battleaxes would provide a far more sustainable workplace location for the existing Studio Hive workforce with reduced out commuting, (54% to 0%) .

9. CONCLUSIONS ON GREEN BELT AND VERY SPECIAL CIRCUMSTANCES

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended), determination of a planning application must be made in accordance with the Development Plan unless material considerations indicate otherwise.

Being in accordance with the Development Plan requires having regard for the Plan as a whole. This statement has set out the key elements and impacts (both positive and negative) of the development and their compliance with the policies relating to the green belt.

With respect to the applications proposals for the provision of new build, the proposed development is in green belt, and as such is 'inappropriate development' and, therefore, is harmful by definition (NPPF paragraph 143).

As such, "very special circumstances" must be demonstrated, whereby harm to green belt, and any other harm, is outweighed by other considerations (NPPF paragraph 144).

As has been demonstrated through this statement, the overall harm to the green belt by the proposed development is limited. It is considered that the site does not serve any green belt purposes and, therefore, does not need to be kept permanently open for green belt reasons.

The new build elements of the proposed development would, by virtue of being development of existing hard standings, cause a degree of harm to the openness of the green belt in this location. However, given the relatively enclosed nature and the visual containment of the site, the harm caused is considered to be minimal.

The Authority has identified that the existing policy approach to the identification of villages in the green belt is outdated, inconsistent and lacking clarity.

Nevertheless, the harm to green belt must be given substantial weight in accordance with the NPPF, paragraph 144, and very special circumstances are only deemed to exist if the harm, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

Whilst this statement finds that the scheme is not compliant with current Development Plan green belt policy it goes on to make the case that the site should be inset from the green belt where the development would be compliant.

Even if it were not "inset" then it is our view that the development as proposed would not fundamentally undermine any of the stated purposes of green belt designation. Where there is a degree of policy conflict it is clearly outweighed by very substantial material considerations.

The following key conclusions are drawn:

- The site has been examined in line with the stated purposes of the green belt and does not perform any of these purposes.
- In light of the above context and given that the site is visually contained there is limited harm to green belt from the proposed development.
- The site falls within a defined area of built development which should be inset from the green belt
- The development scheme as a package is critical to delivering enabling finance and continued uses to secure the long-term commercial viability of the Listed Building.
- The scheme will secure the future heritage role of the site including its unique historical context with the Tyntesfield Estate
- The scheme delivers significant economic benefits in accordance with the Council's stated priorities for economic recovery including the relocation of new enterprise into the district in the form of a unique mixed-use development and employment/knowledge hub based on architecture and design.

- The proposed investment by Studio Hive and Architecture for Studio Hive would result in a significant qualitative and quantitative improvement in development, placemaking and Architectural design expertise within the District's Creative Sector - a recognised priority sector for recovery and support post-Pandemic
- The scheme has a significant role to play in to meeting the community needs of Wraxall as expressed in the community consultation undertaken in preparing the scheme and outlined in the Neighbourhood Plan.
- The development will contribute to meeting the Council's housing requirements.
- The reuse of this key brownfield site and Listed Building makes an important contribution to supporting sustainable development within the District.

Overall, it is considered that the very special circumstances delivered by the scheme overwhelmingly outweigh the limited harm to green belt and any other harm from the proposals.

It is considered that the harm to green belt by reason of inappropriateness and the effect on openness, plus the other non-green belt harm, is outweighed by the considerable planning benefits of the development proposals. We, therefore, conclude that very special circumstances clearly exist to justify inappropriate development in the green belt in accordance with the NPPF.

This planning application should, therefore, be approved, subject to planning conditions and S106 obligations.

APPENDIX ONE – LOCAL PLAN REPRESENTATION

NORTH SOMERSET LOCAL PLAN 2038 CONSULTATION DRAFT Preferred Options

Representation by Turner Planning and Design on behalf of Studio Hive for The Grove, Wraxall to be given a defined settlement boundary in accordance with Policy LP6 and be included within Schedule 5 (villages within the Green Belt) to be inset from the Green Belt in accordance with Policy LP8 and SP7

Policy LP6:

Settlement boundaries

Settlement boundaries for towns and villages are defined on the Policies Map and set out in Schedule 5 of this plan. New development within the settlement boundaries must accord with the relevant policies of the plan.

The extension of residential curtilages, including the extension into the countryside of the curtilage of a dwelling located within a settlement boundary, will be permitted provided that it would not harm the character of the surrounding area or the living conditions of adjoining occupiers.

Settlements with boundaries that are located in the Green Belt are inset from the Green Belt and Green Belt policies do not apply within the settlement boundary. These are also listed in Schedule 5.

Justification

Settlement boundaries identify the areas at the towns and villages within which specific local plan policies will apply, particularly in relation to housing development. All settlement boundaries have been reviewed as part of the local plan and new boundaries identified for several settlements.

We welcome the Plans objective to review settlement boundaries and in particular the opportunity to have greater clarity and consistency to where development is promoted and where it will be resisted.

We support the need to review the settlement boundaries and status of villages and small settlements in the Plan area particularly where this removes previous anomalies regarding land with development potential being excluded from a defined settlement.

In accordance with NPPF paragraph 144. our representation requests that Wraxall (in part) be included within Schedule 5 of Policy LP8 following a detailed assessment of the openness of the village and the contribution which the open character of the village makes to the openness of the green belt

Locational Policy LP8:**Extent of the Green Belt**

The boundaries of the North Somerset Green Belt are defined on the Policies Map. The following changes to the existing Green Belt are proposed:

5. The following villages within the Green Belt will be inset from the Green Belt.

- Abbots Leigh
- Clapton-in-Gordano
- Cleeve
- Dundry
- Failand
- Flax Bourton
- Felton
- Leigh Woods
- Portbury
- Redhill
- Tickenham
- Weston-in-Gordano
- Winford

Justification

The North Somerset Green Belt is highly valued by local residents and is an effective planning tool in preventing the urban sprawl of Bristol and shaping the pattern of development in North Somerset. It keeps land permanently open, prevents towns and villages merging together and protects the countryside.

Villages have been assessed to determine whether changes need to be made regarding whether a settlement is excluded or washed over by the Green Belt. This is based on the openness of the village and 'the important contribution which the open character of the village makes to the openness of the Green Belt' (NPPF paragraph 144).

A joint Green Belt and settlement boundary will define the extent of these villages. Adjustments will be made to existing settlement boundaries, where applicable, to correct inconsistencies and anomalies and ensure the robustness of the boundary.

Boundaries at villages are not being adjusted to include new green field development sites, this is incompatible with the spatial strategy. Development inside boundaries will be permitted in accordance with the other policies in this plan.

We have recently commenced pre-application dialogue regarding future development at Wraxall and in particular land at The Battleaxes. This has led us to examine the green belt status of the site and wider setting including The Grove which includes high density former local authority housing development.

We do not consider that collectively the area fulfils a green belt function containing as it does a high-density former Council estate including two three storey blocks of residential accommodation together with a three-storey former public house/ hotel together with extensive car parking and ancillary accommodation.

Our representation examines the assessment of settlements contained within the Supplementary Document: Green Belt Review Part 2 Villages in the Green Belt January 2022 and identifies that it is anomalous to include such a high-density settlement area within the green belt when it does not fulfil any of the stated green belt purposes.

As such it should be given a specific settlement boundary and included within the list of villages contained within section 5 of policy LP8 to be inset from the green belt in accordance with the plans strategic green belt policy SP7.

1. Density

North Somerset Local Plan 2038
Green Belt Review Part 2
Villages in the Green Belt
January 2022

34. In assessing the open character of the villages account is taken of how built-up the village is. Appendix 1 compares housing density in the villages, and ranks the villages based on these findings. Whilst the results of this provide a starting point for making an assessment, other characteristics also need to be considered.

Appendix 1

Housing Density in Green Belt settlements			
Settlement	Area (ha)	Number of households#	Density
Easton-in-Gordano/Pill *	99.59	1968	19.76
Portbury**	12.58	232	18.44
Long Ashton*	131.21	2228	16.98
Cleeve*	17.55	289	16.47
Felton*	16.32	241	14.77
Winford*	19.05	275	14.44
Failand**	27.48	323	11.75
Dundry*	12.78	147	11.50
Wraxall	8.11	91	11.22
Weston-in-Gordano**	10.12	111	10.97
Flax Bourton*	16.65	179	10.75
Leigh Woods**	26.56	280	10.54
Farleigh Hospital (Flax Bourton)***	7.41	76	10.26
Clapton-in-Gordano**	7.72	78	10.10
Redhill**	8.8	71	8.07
Tickenham**	20.48	163	7.96
Abbots Leigh**	24.62	192	7.80
Butcombe	7.19	52	7.23
Barrow Gurney	6.69	39	5.83
Regil	8.13	41	5.04
Walton-in-Gordano	6.9	34	4.93
# Based on council tax records within settlement March 2019			
* - Site Allocations Plan Settlement Boundary			
** - Settlement Boundary in NSRLP			
*** Boundary drawn around built up extent of development			
Elsewhere Sustainability Study Boundaries have been used			

Appendix 1 identifies Wraxall as a high-density settlement (9th out of 21) indicating that as a starting point it ought to be given serious consideration as to whether it should be removed from the green belt. This is particularly the case when significantly less dense settlements such as Clapton in Gordano and Redhill are recommended to be taken out of the green belt.

Having undertaken more in-depth analysis of openness we have concluded that the village of Wraxall consists of two distinct and largely independent settlement forms:

Area 1 Wraxall Village Centre

The historic village centre consists of All Saints Church, the school and older housing set in extensive plots including The Rectory and Wraxall Court. This is a very traditional rural village setting with extensive views between buildings providing a high degree of openness. Situated in a break in the escarpment with Wraxall Hill running up the hillside, it displays both spatial and visual openness and fulfils a green belt function.

Area 2 The Grove (including The Battleaxes)

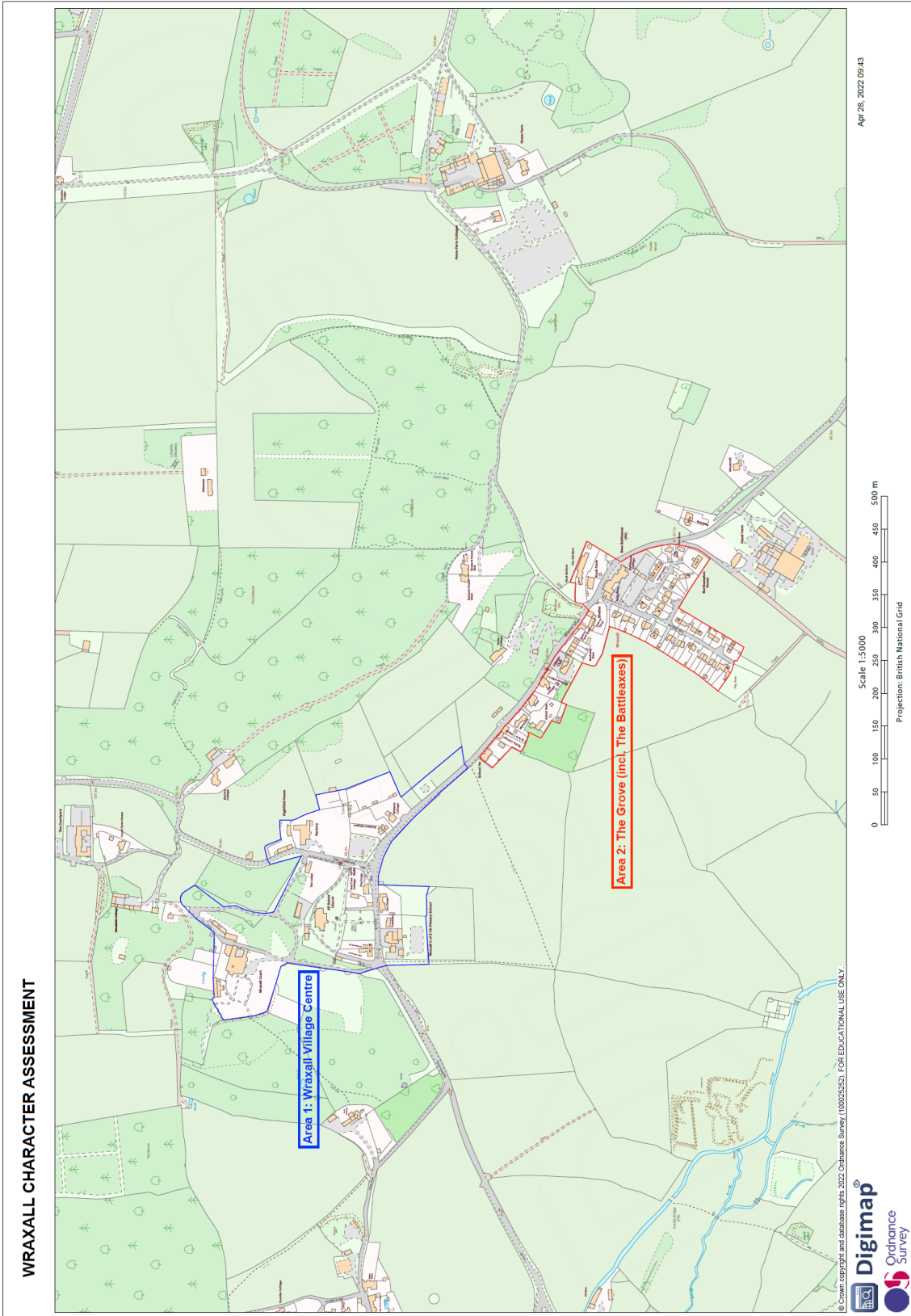
Situated to the southeast along and mainly to the south of the B3130, The Grove/Battleaxes area comprises a 1950/60's high density former local authority housing development including two large three storey blocks of flats (Fryth House and Northampton House) set alongside The Battleaxes a Grade 2 listed currently vacant and extensive former Public House/Hotel with out-buildings and car parking. This highly developed and incongruous urban form is set tightly into the slopes of the escarpment with the retaining walls of the B3130 further containing the settlement and preventing open views to the north.

This area does not meet the tests of openness and does not fulfil a green belt function.

These are shown on the attached plans accepting that we were not privy to the precise boundaries utilised by the authority for their assessment.

We estimate that Area 2 is approximately 4.1 hectares and supports 76 households resulting in a development density of 18.5 placing it second to only Easton in Gordano /Pill in terms of development density.

As such The Grove constitutes one of the most densely populated settlement areas in the green belt within North Somerset (2nd out of 21) and specific reasons should be given as to why this area is not being removed from the green belt as part of the Local Plan review.



2. Settlement form and openness

35. The number of buildings and the size and distribution of development can all impact on the open character of the village. **Smaller properties may create a greater sense of openness than larger or taller more imposing buildings.** Similarly, how properties are distributed will impact on openness. Some villages may have an even distribution, whilst others with similar density may have tight clusters with spaces between. The types of spaces between buildings are important, enclosed private gardens, even if extensive, will create a less open character than villages with more public open space such as village greens and recreation areas or where farmland penetrates into the village. These physical attributes are central to assessing openness and contribute visually to the overall impression of openness.

The following photographic overview shows the visual impact of the large imposing buildings including Fryth House comprising twelve flats on the three storeys and Northampton House again three storeys with seven flats. These are very urban structures which dominate the area and are unsympathetically situated alongside the imposing Battleaxes listed complex and a more traditional housing estate.







36. In assessing whether the openness of the village makes an important contribution to the openness of the Green Belt the general open character of the Green Belt needs to be considered. This will include the **amount of built form and the distinction between ‘the village’ and the surrounding Green Belt area. An understanding of the landform and whether the topography contributes to a sense of openness may be relevant** as may the amount and distribution of woodland. **Important views to and from the village and the visual amenity enjoyed by current users may also have a bearing on the overall impression of openness.**

Whilst there are more open views to the south, the built-up area of Area 2 is clearly defined providing a stark contrast to the more open countryside that extends south and west towards Nailsea. To the north the B3103 is cut into the side of the escarpment closing off more distant views towards the Tyntsfield Estate -this contrasts with the more open setting of the village centre. As such there is clear physical and visual separation of The Grove from the remainder of the village and the wider green belt.

3. Recommendation not to inset Wraxall from the green belt.

Appendix 2

Assessment of openness of Green Belt settlements

Wraxall (Gross building density 11.22, current status - Green Belt)

Wraxall is a small historic village located around the B3130 along the Failand ridge. Scattered residential properties are focussed around the church and school which is open in character. Cottages and houses randomly front the on the B3130 to the west of the Battle Axe Public House. The comparatively high density of the settlement is due to a group of mainly ex-local authority semi-detached houses, bungalows and flats at The Grove. Tyntesfield Park and Wraxall Court dominate the surrounding open countryside. The village is typically open in character and this contributes to the open nature of the surrounding countryside with views of the open countryside to the south and wooded ridge to the north.

Recommendation: Not inset from the Green Belt.

The linear form creates an impression of continuous development even though gaps through the built form secure views of the landscape beyond.

Unfortunately, the assessment of openness contained within Appendix 2 of the report fails to adequately distinguish between the two settlement areas which we believe results in the adverse impact of The Grove on the green belt to be overlooked and/ or underestimated.

The Grove area is by far the most populated and extensively urbanised part of the village and although it is recognised as being the cause of the overall high density of development in the report it does not appear to receive any specific reference or examination of openness which is surprising considering the two widely different settlement forms that make up the village. The Grove cannot be described as forming part of a linear development and is not typically open in character.

In contrast to this other village assessments in the report identify and contain recommendations to include or exclude parts of their settlements. Examples include the exclusion of the church and school

buildings in Portbury, the inclusion of Long Cross, Felton and Farleigh Green at Flax Bourton. It would appear that these settlements have received a more analytical examination of openness than Wraxall.

Put simply we feel the assessment has overlooked the significance of The Grove within the overall appraisal of the village as a whole which results in the continuing inconsistency of The Grove being included within the green belt when it does not perform a green belt function.

We note that the report does not define a minimum size of built form that is required in order to justify taking a settlement out of the green belt and has not made a judgement on volume of activity as referenced in national guidance. In our case the visual impact of three storey flatted accommodation is of particular significance as the effects of urbanisation extend proportionally much wider than with less bulky forms of development. It is a clearly defined area of urban development which significantly detracts from the openness and value of the green belt.

In terms of number of households, we estimate this to be approximately 76 placing it at similar scale in household numbers to Redhill which is being proposed to be taken out of the green belt for the first time since the green belt was designated and arguably is far less prominent.

Unlike Redhill the Grove includes land which is both urbanised and underutilised. Failure to remove the settlement area from the green belt will significantly restrict the ability of Wraxall to attract the reuse and redevelopment of existing land and property within the village including the opportunity to create a new community-based village hub, with employment, cultural provision, and housing.

It could frustrate the development of commercially viable proposals to develop and re-use properties such as The Battleaxes which is an important Grade 11 listed building, and which will require enabling development to secure its long-term future.

4. Conclusion

For the reasons stated above we consider that it is inconsistent with the plans review of settlements not to inset The Grove from the green belt.

We request that the status of Wraxall and in particular The Grove be reviewed and inset from the green belt. The inset would contribute to maintaining the wider operation of the green belt in the long term whilst enabling other of the plan's objectives including community, rural employment and housing needs to be met in the local area.

Our request is that:

- a) The LPA acknowledges that The Grove as defined in this representation is a largely self-contained and independent settlement form from the wider village of Wraxall and due to its unique urbanised form and character does not fulfil a green belt function.
- b) The LPA define a settlement boundary for Area 2 The Grove in accordance with Policy LP6
- c) The Grove be included within the list of settlements to be inset from the green belt under section 5 of Policy LP8 and in accordance with the strategic policy for green belt contained in Policy SP7

APPENDIX TWO – LAND REGISTRY SEARCHES

Land Registry search 1 to 7 (inclusive) Northampton House, Wraxall, 1-3, 5 to 12 (inclusive) Fryth House, Wraxall (Freehold)

1 to 7 (inclusive) Northampton House, Wraxall, 1-3, 5 to 12 (inclusive)

Fryth House, Wraxall (Freehold)

Title number: ST246240

Registered owners NSAH (ALLIANCE HOMES) LIMITED

40 Martingale Way, Portishead, Somerset BS20 7AW,

trading as Alliance Homes

Conveyance of the land in this title dated 20 January 1964 made between (1) The Right Honourable George Richard Lawley Baron Wraxall (Vendor) and (2) The Rural District Council of Long Ashton (Council)

Conveyance of the land tinted blue on the title plan dated 6 April 1966 made between (1) The Rural District Council Of Long Ashton (Council) and (2) The South Western Electricity Board (Board) :-
 "TOGETHER with the full right and liberty for the Board by their servants agents contractors and workmen in common with the Council and all other persons similarly entitled to pass and repass with or without vehicles at all times and for all purposes and in particular to convey plant machinery apparatus and materials over and along the road or way known or to be known as (hereinafter called "the Estate Road" until such time as the Estate Road is taken over by the Local Highway Authority for

the time being as a public maintainable highway

A Transfer of the land in this title and other land dated 6 February 2006 made between (1) North Somerset District Council (Transferor) and (2) North Somerset Housing Limited (Transferee)

2006-06-06

Such dwellinghouses as are listed below are the subject of a preserved right to buy, entered on the 6 June 2006 in favour of qualifying persons within the meaning of Part V of the Housing Act 1985 as it applies by virtue of regulations under section 171c of that Act. Item No. Description of Qualifying Dwellinghouses
 1 1 Fryth House, The Grove 2 2 Fryth House, The Grove 3 3 Fryth House, The Grove
 5 5 Fryth House, The Grove 6 6 Fryth House, The Grove
 7 7 Fryth House, The Grove 8 10 Fryth House, The Grove 9 11 Fryth House, The Grove 10 12 Fryth House, The Grove 11 1 Northampton House, The Grove 12 6 Northampton House, The Grove 13 7 Northampton House, The Grove