

Summary

This document is **Hill Residential Ltd's Appellant's Statement of Case** for an appeal concerning the **non-determination** of its outline planning application for land west of Flax Bourton Road, Failand. The application seeks permission for **up to 200 dwellings**, associated infrastructure, open space and a flexible retail/café/community facility. The Statement of Case was updated following publication of the **2026 National Planning Policy Framework (NPPF)**.

1. Why the appeal was made

The application was submitted in December 2025. The Council did not determine it within the agreed extensions of time. The developer says it repeatedly supplied further information and sought meetings and clarification, but the Council did not provide a clear determination timetable or final position.

The developer therefore proceeded with an appeal on grounds of **non-determination**, rather than appealing a formal refusal. It argues that the lack of a Council decision makes an appeal necessary and proposes that it be dealt with through a **public inquiry**, partly because of the number of technical issues and the anticipated need for expert evidence and cross-examination.

2. The proposed development

The scheme comprises:

- Up to **200 homes**.
- **45% affordable housing**.
- A flexible **retail/café/community unit**.
- New vehicular access from **Flax Bourton Road**.
- New pedestrian and cycling connections.
- Improvements to bus stops and pedestrian infrastructure.
- A proposed **mobility hub**, including e-bikes/e-scooters, an e-car club, EV charging and parcel lockers.
- Approximately **7 hectares of green infrastructure**, stated to be over 51% of the site.
- Children's play space and public open space.
- Sustainable drainage systems.
- Ecological and landscape improvements intended to provide **Biodiversity Net Gain**.
- Noise mitigation associated with the neighbouring gun club and other western-boundary uses.

3. Location and constraints

The site is approximately **14.5 hectares**, immediately west of existing Failand housing. It is within the **Green Belt**, but the appellant argues that it qualifies as **“grey belt”** under the new NPPF framework.

The site is agricultural grassland and is in **Flood Zone 1**, although there is some surface-water flooding that the developer says can be managed through drainage measures. Heritage considerations include the nearby **Tyntesfield Registered Park and Garden** and archaeological remains on the site.

The appellant also emphasises the site's proximity to Failand facilities, bus services, Nailsea and Bristol.

4. Central planning argument: Green Belt / grey belt and housing need

A major part of the case is that North Somerset allegedly **cannot demonstrate a five-year housing land supply**. The Statement cites a recent appeal decision recording **2.79 years' supply** and says the Council's latest Housing Delivery Test result was **65%** of its required housing delivery.

The appellant argues that the new NPPF therefore identifies an **evidenced unmet housing need**, which is one of the circumstances relevant to development on grey-belt land. It says the proposal satisfies the relevant NPPF tests concerning:

- use of grey-belt land;
- unmet housing need;
- sustainable location; and
- the NPPF's "Golden Rules".

The appellant therefore argues that the proposal should not be treated as inappropriate Green Belt development and that the housing benefits should receive substantial weight.

5. Sustainability

Sustainability appears to be one of the principal areas of disagreement.

The Council had expressed concerns about whether the site was sufficiently sustainable. The appellant says those concerns were addressed through additional submissions in May and June 2026 and points to the site's:

- proximity to existing Failand development;
- bus services;
- pedestrian and cycling connections;
- proposed new connections;
- mobility hub;
- proximity to local facilities; and
- proximity to Nailsea and Bristol.

The appellant's position is that the site's sustainability should be assessed alongside the improvements delivered by the scheme rather than simply by its existing characteristics.

6. Technical issues

The Statement of Case generally portrays most technical matters as either resolved or capable of being dealt with through conditions or a Section 106 agreement.

Heritage: The Council's heritage officer identified **minor harm** to the significance of Tyntesfield's Grade II* Registered Park and Garden and very minor harm to a non-designated heritage asset. Historic England did not wish to comment. The appellant accepts that there is some heritage harm but argues that it must be weighed against the scheme's benefits.

Affordable housing: The developer says it intends to meet the relevant affordable-housing requirements and proposes **45% affordable housing**.

Health: NHS Property Services identified insufficient local primary-care capacity and requested a financial contribution. The appellant says it is prepared to make the contribution, subject to agreement of the Section 106 wording.

Economy: The Council's Economy Team raised concerns about the scale of employment/economic benefits and suggested mitigation. The appellant disputes the evidence supporting those concerns and says the development would generate jobs, GVA and additional local expenditure.

Noise: Following an updated noise assessment and design changes, the appellant says there are no outstanding noise concerns, subject to a condition informing purchasers about the neighbouring gun club.

Flooding: The Lead Local Flood Authority initially requested additional information. Following an updated Flood Risk Assessment, it raised **no objection subject to conditions**.

7. Other important matters

The document's remaining case covers **ecology, highways, education, Green Belt/grey belt, the principle of development and the overall planning balance**. The appellant's overall position is that any adverse effects can be mitigated and that the benefits—particularly housing, affordable housing, infrastructure, accessibility, economic activity and environmental improvements—outweigh the identified harms.

Importantly, because this is a **non-determination appeal**, there were no formal Council reasons for refusal when the Statement was prepared. The appellant therefore sets out what it considers to be the outstanding issues and its positive case for permission.

Bottom line

The document is essentially arguing:

The Council failed to determine the application, while the developer believes the scheme satisfies the new NPPF's grey-belt provisions, responds to an identified housing shortfall, is sufficiently sustainable, and has manageable technical impacts.

The principal matters likely to determine the appeal are therefore **Green Belt/grey-belt policy, housing need and supply, sustainability/transport, heritage impacts, ecology, and the overall planning balance**, rather than fundamental objections on flooding, noise, affordable housing or healthcare, which the appellant says can be addressed through conditions or Section 106.