



Appeal Decisions

Site visit made on 19 April 2022

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 May 2022

Appeal A Ref: APP/D0121/W/21/3285811

Area of Flood zone 1 classified land to North to A370 And South of Bleadon Road

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Chris Sanders against the decision of North Somerset Council.
 - The application Ref 20/P/2726/FUL, dated 28 October 2020, was refused by notice dated 29 April 2021.
 - The development proposed is described as "Development of 5 dwellings to the area of land classified as Flood Zone 1".
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Appeal B Ref: APP/D0121/W/21/3285812

Area of Flood zone 1 classified land adj. to the junction of Bridge Road to Coronation Road

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Chris Sanders against the decision of North Somerset Council.
 - The application Ref 20/P/2725/FUL, dated 28 October 2020, was refused by notice dated 29 April 2021.
 - The development proposed is described as "Development of 2no. dwellings and a detached block comprising 2no. double garages".
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Decisions

1. Appeal A is dismissed
2. Appeal B is dismissed.

Preliminary Matters

3. As set out above there are two appeals on nearby sites. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
4. In respect of Appeal B, I have taken the description of development from the appeal form, as this accurately describes the proposal.

Main Issues

5. The main issues in respect of both appeals are:
 - Whether the location of the proposed development is acceptable, having regard to local policy in regard to residential development,
 - The effect of the proposal on biodiversity,
 - The effect of the proposal on archaeology,

- Whether the proposal makes adequate provision for any additional need for school transport arising from the development, and
- The effect on the character and appearance of the area, including the nearby Mendip Hill Area of Outstanding Natural Beauty.

Reasons

Appeals A and B

Location of development

6. Policy CS14 of the North Somerset Council Core Strategy (2017) (the Core Strategy) sets out the strategy for the delivery of new housing within the area and defines a hierarchy based on settlement size, with new residential development focused within Weston-Super-Mare. Outside of this main settlement further residential development will take place within or abutting a number of towns. Policy CS33 establishes that at in-fill villages, of which Bleadon is one, development will be strictly controlled but acceptable within defined settlement boundaries. This is to reflect the size of these villages and the limited provision of facilities and to protect the character of rural areas, as well as prevent unsustainable development.
7. Both of the appeal sites lie outside of the defined settlement boundary for Bleadon, where new residential development is strictly controlled. There are limited services within the adjacent settlement, which include “well-used community facilities, a small shop and Post Office and three public houses”¹. Nonetheless, the settlement lacks the breadth of day-to-day services that would support new residential development. It would therefore be necessary for occupiers to utilise the private car in order to access services in nearby settlements. While I note that there is a bus stop nearby, there is no evidence of a bus service of sufficient frequency to be able to cater for residents’ needs.
8. Accordingly, the locations of the proposed developments are not acceptable, having regard to local policy in regard to residential development, and would encourage travel by car. Thus, the proposal conflicts with policies CS14 and CS33 of the Core Strategy which seek to direct development to appropriate locations.

Archaeology

9. The appeals are not supported by any archaeological information. The Council highlights features dating to the Bronze and Iron Ages, as well as medieval building remains, have been found to the east of the sites, while to the north further evidence of medieval activity was also previously identified. The first of these was considered particularly important due to it providing evidence of funerary traditions. It is considered by the Council that the sites have a possibly moderate potential for archaeological deposits and features to be present. However, in the absence of any information such as a desk-based assessment, it is not possible to ascertain this.
10. I note that the appellant contends that this matter can be satisfactorily addressed by the imposition of a planning condition. Yet, without even a basic investigation of the sites, I find that I am not convinced that this would be an appropriate manner in which to address this issue.

¹ Paragraph 83, appeal decision APP/D0121/W/18/3211789

11. Accordingly, I find that it is not possible to satisfactorily ascertain that each of the developments would have an acceptable effect on archaeology and thus the proposals conflict with policy DM6 of the North Somerset Council Development Management Policies – Sites and Policies Plan Part 1 (2016) (the DM Policies), insofar as it seeks to safeguard heritage assets.

Biodiversity

12. The sites are both located within the consultation zone for the North Somerset and Mendips Bat Special Area of Conservation (the SAC), the closest component of which is the Banwell Caves Site of Special Scientific Interest. Natural England have commented that the area within which the sites are located is of likely importance to bats associated with the SAC due to its proximity to known horseshoe bat roosts.
13. It has been identified that there is a consistent use of the area by both Greater and Lesser horseshoe bats throughout the year, with hedgerow boundaries and the local rhynes used as commuting routes, with Greater horseshoe bats particularly using the hedgerow boundaries for feeding. Natural England therefore consider that the area is important for maintaining the favourable conservation status of horseshoe bat species. Consequently, the proposed developments are likely to have significant effects on the SAC.
14. Initially Natural England requested the submission of additional information to support the schemes, in the form of mitigation, which to some degree has been provided. Natural England has commented on this additional information, but remains of the opinion that insufficient information has been submitted. This particularly relates to confirmation of the areas that are to be subject to mitigation planting as grassland, together with details of its long-term management, as well as details of lighting within the schemes to ensure that flight lines and foraging habitat are not affected by light-spill.
15. The appellant has suggested that these matters can be addressed by planning condition should the appeals be allowed. However, that would leave the agreement of such details to a later time. As the decision maker, I need to be satisfied that there would be no significant impacts on the SAC and in the absence of this additional information I cannot be satisfied of this.
16. As a result, taking a precautionary approach, it has not been satisfactorily demonstrated that each of the appeal schemes would not result in a significant adverse effect on the SAC. Thus, the proposals would be contrary to policy CS4 of the Core Strategy and DM8 of the DM Policies, insofar as they seek to ensure biodiversity is maintained and enhanced, and that attributes of ecological importance are protected. The schemes would also conflict with the advice of the National Planning Policy Framework (the Framework) which states that habitat sites should be protected and significant harm to biodiversity avoided.

School transport

17. The appellant has provided a signed Unilateral Undertaking (UU) in respect of a financial contribution towards school transport, which the Council has requested in respect of both developments. From the information submitted with the appeal, I am not satisfied that the required contributions would accord with Regulation 122(2) of the Community Infrastructure Levy Regulations (2010).

18. In particular, the Council has not provided any justified rationale for the contribution, for example, by identifying a deficiency in the current school transport arrangements. Moreover, the Supplementary Planning Document referred to in respect of Development Contributions has not been provided. On this basis, I am unable to take account of the submitted UU.
19. Nonetheless, there is no evidence of a deficiency in school transport and therefore the scheme does not conflict with policy CS34 of the Core Strategy, which seeks to ensure appropriate development contributions in respect of development.

Appeal A

Character and appearance

20. The appeal site lies to the south of Bleadon Road and the development would stretch along this road. The site currently forms part of an open and sprawling field, and while there is development on the opposite side of the road the presence of the highway serves as a significant delineating feature between the built-up part of the settlement and the surrounding undeveloped countryside.
21. The North Somerset Landscape Character Supplementary Planning Guidance (the SPD) sets out that the site lies within the Moors landscape type. The document sets out that the key characteristics of this landscape include green, pastoral grassland within a wide, open strikingly flat landscape. The key guidelines for this area include minimising the impact of the urban edge and encroachment of visually intrusive land uses.
22. The proposal would introduce five substantial dwellings into the site. They would be separated from other development within the settlement by the road and as a result would appear as disconnected and discordant features. I note that the scheme has been designed to mimic the appearance of a farmstead complex on this side of the road. However, this does not prevent the effect of the new built development having a disjointed and disparate appearance, relating poorly to the existing residential development along Bleadon Road. Contrary to the assertion of the appellant, the dwellings would not blend into the existing pattern of development.
23. The new dwellings themselves would also appear as overly large elements that are of a scale uncharacteristic at this location. The dwellings to the north of Bleadon Road in proximity to the site are predominantly bungalows, notwithstanding the presence of a small number of tall, dormer dwellings. The proposed dwellings would be large, taller than those nearby, which when coupled with the divorced siting of the development would further emphasise the scheme as a discordant addition to the site.
24. The undeveloped nature of the appeal site contributes positively to the setting of the settlement and provides a definition to the extent of buildings and a defined urban edge. The scheme would harmfully erode this setting, harming the appearance of the site and the surrounding area.
25. To the north of the site lies the Mendip Hill Area of Outstanding Natural Beauty (the AONB), from which there are elevated views over the appeal site. The expansive rural landscape provides a positive setting to the AONB. From these vantage points the proposed development would be seen as a new visual element which extends beyond the limit of existing development, albeit it does

not occupy a substantial area and is located close to existing built form. However, even within this context, while its visual effect from the AONB would not be substantial it would nonetheless appear as an intrusive feature extending out into the countryside, away from the established development within Bleadon. There would consequently be a minor harmful effect on the views out of the AONB and a small diminution of its special qualities. Similarly, additional lighting, while small in extent, would again intrude into an unlit area away from existing development and be intrusive. The appellant accepts that harm to views out of the AONB would occur, categorising this as “moderate at most”; I agree with this view.

26. Accordingly, the proposal would be harmful to the character and appearance of the area, including the nearby AONB, and thus conflicts with policies CS5 and CS12 of the Core Strategy, as well as policies DM10, DM11 and DM32 of the DM Policies. Together, and amongst other things, these policies seek to ensure that the character of the landscape is protected, that the AONB is not harmed, that development is sensitive to local character and that development responds to local character. The scheme would also conflict with paragraph 176 of the Framework, which requires that development within the setting of an AONB should be sensitively located. There would also be conflict with the advice of the SPD.

Appeal B

Character and appearance

27. The appeal site occupies a position adjacent to the junction with Bleadon Road and Bridge Road. The site occupies part of a larger field enclosure which stretches to the west and there is existing built development to the east and north, comprising dwellings within the settlement of Bleadon. Given the location at the junction of two roads, the site is highly visible from the surrounding area. The site contributes positively to the rural aspect at this location and there is a clear definition between the built-up area of the settlement and the open, pastoral quality of the land outside of it.
28. The SPD sets out that this site also lies within the Moors landscape type. The document establishes that the key characteristics of this landscape include green, pastoral grassland within a wide, open strikingly flat landscape. The key guidelines for this area include minimising the impact of the urban edge and encroachment of visually intrusive land uses.
29. The scheme would introduce two detached dwellings into the appeal site. Given their location in a currently open field, detached from the remainder of the settlement by intersecting roads, they would appear as disconnected features, that intrude into the rural aspect. While the dwellings, at two-storey in height would be broadly in keeping with the scale of existing dwellings within this part of the settlement, this would not ameliorate their divorced appearance.
30. As with the site of appeal scheme A, the undeveloped nature of the appeal site provides a positive contribution to the setting of the settlement and provides a definition to the extent of buildings. The scheme would harmfully erode the attractive setting of Bleadon, harming the appearance of the site and the surrounding area.
31. To the north of the site lies the Mendip Hill Area of Outstanding Natural Beauty (the AONB), from which there are elevated views to land beyond the appeal

site. The expansive rural landscape provides a positive setting to the AONB. However, from vantage points within the AONB the proposed development would not generally be visible and where there are glimpses available, it would be a minor visual element in close proximity to, and viewed against, existing dwellings. Within this context, I find that there would be no harmful effect on the views out of the AONB and no diminution of its special qualities. Similarly, additional lighting, given the proximity of existing dwellings would not be of such a scale as to be intrusive.

32. Accordingly, while not having an adverse effect on the AONB, the proposal would be harmful to the character and appearance of the area and thus conflicts with policies CS5 and CS12 of the Core Strategy, as well as policies DM10 and DM32 of the DM Policies. Together, and amongst other things, these policies seek to ensure that the character of the landscape is protected, that development is sensitive to local character and that development responds to local character. The scheme would also be contrary to the guidance of the SPD.

Other Matters

33. The appellant states that the Council is unable to demonstrate a five-year supply of deliverable housing sites, and this was accepted by the Council at the time the planning applications were determined. However, the Council now states that it is able to demonstrate a five-year supply, notwithstanding that no supporting evidence has been provided to establish this. In any event, I have found harm above in respect of a habitat site and an AONB, in respect of Appeal A, as well as to a habitat site in respect of Appeal B. There are policies within the Framework therefore that provide a clear reason for refusing permission for the proposed developments. In this case, notwithstanding the disagreement between the main parties over whether there is a five-year supply, the presumption in favour of sustainable development, as envisaged by paragraph 11 of the Framework does not apply to either of the appeal schemes.
34. I acknowledge that each of the schemes would result in the delivery of new housing and that the appellant alleges that there has been a sustained failure to deliver sufficient housing in the district for a significant period of time. The contribution to housing that the scheme would deliver is a matter that weighs in favour of the proposals. However, when taken individually or cumulatively, this contribution to housing is not sufficient to outweigh the harms that I have identified.

Conclusion

35. For reasons given above, and having regard to all matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

Martin Allen

INSPECTOR