



Appeal Decision

Site visit made on 24 October 2017

by Rory Cridland LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14th November 2017

Appeal Ref: APP/D0121/W/17/3179037

Heathfield Park, Bristol Road, Hewish BS24 6SQ

- 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 Nelson Penfold, Penfold Trade and Co against the decision of North Somerset Council.
 - The application Ref 16/P2843/F, dated 10 October 2016, was refused by notice dated 9 February 2017.
 - The development proposed is described as "Change of use of agricultural land to use for the siting of storage containers (B8 use- storage and distribution) with associated works to provide column foundations for containers and access track".
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - (i) the effect of the proposed development on the surrounding landscape;
 - (ii) the effect of the proposed development on highway safety;
 - (iii) whether there are any other redundant buildings or sites suitable and available for use and whether it is possible to accommodate the proposal within existing settlements; and
 - (iv) whether the proposal represents an acceptable form of development having regard to its flood zone location and the sequential test.

Reasons

Landscape character

3. The appeal site is located along the A370, just south of the access road leading to Heathfield Park. It consists of an area of agricultural pasture land which is identified within the Council's Landscape Character Assessment Supplementary Planning Document (2005) ("the SPD") as located within the Kingston Seymour and Puxton Moors Landscape Character Area ("the LCA").
4. Policy CS5 of the North Somerset Core Strategy (2017) (CS) aims to protect the character, distinctiveness, diversity and quality of North Somerset's landscape. Furthermore, Policy DM10 of the Sites and Policies Plan Part 1 (2016)¹ SPP seeks to ensure that development proposals do not have an adverse impact on the

¹ North Somerset Council Development Management Policies Sites and Policies Plan Part 1 (2016).

designated landscape character and responds to the distinctive qualities of the landscape. Where some harm to local landscape character is unavoidable, but the development is otherwise deemed beneficial, then positive mitigation measures should be secured by condition or agreement.

5. The proposal would involve the change of use of the agricultural land to use for the siting of 40 storage containers together with associated works. The proposed containers would be set out in regular lines along the western part of the site and would be separated by compacted stone access tracks.
6. The SPD identifies a number of key characteristics of the LCA which include a mostly flat landform, rural pastoral landscape along with scattered farmsteads, small villages and church towers forming important landmarks within the landscape. The introduction of a significant number of storage containers into this area would materially alter this part of the landscape, eroding its pastoral character and giving it a more industrial appearance.
7. Furthermore, it would be visible from both the nearby A370 and the surrounding landscape from where it would appear alien and incongruent in its surroundings. While I note the SPD recognises that there are more diverse land uses along the A370 including horse paddocks, caravan parks and scrap yards, and I acknowledge that there is evidence of other surrounding development taking place adjacent to the site, none are comparable, either in terms of size or impact, to the development proposed. Even the additional screening proposed would provide only partial mitigation and I do not consider it would be sufficient to overcome the resultant harm.
8. Consequently, I consider the proposal would be harmful to the character of the surrounding landscape. As such, it would be in conflict with CS Policy CS5 and SPP Policy DM10 both of which seek to protect against such harm.

Highway safety

9. The proposal would involve a number of alterations to the access and nearby A370. However, the Council has raised concerns regarding the ability of the existing road width to accommodate some of these alterations, in particular the provision of a right hand turning lane.
10. These concerns are well founded. The A370 at this location is a two lane busy main road with a speed limit of 50mph. It provides one of the main routes between Bristol and Western-Super-Mare and is heavily used. Without such alterations, traffic waiting to turn into the site would obstruct the carriageway increasing the risk of collision along this stretch of highway. In the absence of any robust evidence which would demonstrate that the proposed alterations could be accommodated within the existing carriageway, I cannot be certain that the risks posed could be adequately managed.
11. Furthermore, there is no information as to the likely levels of traffic generation which would result from the proposed development. While I note the appellant has suggested that the ongoing number of vehicle movements to the site would be limited, without more detailed information, it is not possible to assess with any certainty the likely effects that the increased use of the access by commercial traffic would have on highway safety.

12. Accordingly, I cannot be satisfied that the proposal would not be prejudicial to highway safety. As such, it would be in conflict with SPP Policy DM24 which, amongst other things, seeks to protect against such harm.

Employment use

13. SPP Policy DM53 restricts development on previously undeveloped sites in the countryside other than in a limited number of defined circumstances. These include (i) where there are no other redundant buildings suitable and available for reuse and (ii) it is demonstrated that the use could not be located at existing settlements. It also requires proposals to consider the impact on (iii) highway safety and (iv) the character and appearance of the surrounding countryside.
14. There is no robust evidence to indicate that criteria (i) and (ii) above have been satisfied. Furthermore, as noted above, I cannot be satisfied as to the proposal's impact on highway safety and consider its impact on the character of the surrounding countryside would be negative.
15. Accordingly, I do not consider the criteria set out in SPP Policy DM53 are satisfied. There is also nothing to indicate that circumstances exist which would justify a departure from that policy.

Flooding

16. The appeal site is located within Flood Zone 3a. CS Policy CS3 and SPP Policy DM1 restrict development in such locations other than where it complies with the guidance set out in the Framework. This indicates that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk by the application of the Sequential Test ("the ST"). The aim of the ST is to steer new development towards areas with the lowest probability of flooding and to restrict development if there are reasonable available sites appropriate for it in areas with a lower probability of flooding. Furthermore, Policy CS3 provides that, for the purposes of carrying out an ST, the search area for alternative sites will be district wide.
17. The appellant has submitted evidence on flood risk which includes a Sequential Test in respect of the development proposed. However, the search area is limited to the catchment of the nearby service villages of Hewish, Congresbry and Yatton. This would fail to accord with the requirements of SPP Policy CS3. Furthermore, there is no evidence which would indicate that there is any specific need for the development in this area or that any that any of the other limited exceptions set out in that policy apply.
18. As such, I concur with the Council that the limited catchment area utilised by the appellant is too restrictive and would be in conflict with CS Policy CS3.

Conclusion

19. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR