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## Appeal Decision

Site visit made on 11 January 2021

**by Neil Pope BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14 January 2021**

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**Appeal Ref: APP/D0121/W/20/3259109**

**Land off Purn Way, Bleadon, Weston-super-Mare, BS24 0QK.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr Andrew Mackenzie against the decision of North Somerset Council (the LPA).
  - The application Ref. 18/P/5035/OUT, dated 4 December 2018, was refused by notice dated 17 July 2020.
  - The development proposed is the erection of 14 dwellings (amended description).
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Matters relating to appearance, landscaping and scale have been reserved for subsequent consideration.
3. The LPA has informed me that it is only able to demonstrate 4.2 years supply of deliverable housing sites and that the 'tilted balance' set out in paragraph 11 of the National Planning Policy Framework (the Framework) should be applied. I have taken this into account in framing the main issue.
4. On behalf of the appellant, I have been informed that a planning obligation, in the form of an Agreement, under the provisions of section 106 of the Town and Country Planning Act 1990 (as amended) would be submitted in support of the appeal. However, no completed obligation has been submitted and I am required to determine the appeal on the basis of the information before me.

### Main Issue

5. The main issue is whether any adverse impacts of the proposal, with particular regard to development plan policies for the location and distribution of housing, the likely effect upon the character and appearance of the area and the extent to which there would be an increase in the need to travel by car, would significantly and demonstrably outweigh the benefits and if so, whether there is a mechanism in place to secure the delivery of these benefits and to mitigate any potential harmful impacts.

### Reasons

#### *Planning Policy*

6. The development plan includes the North Somerset Council Core Strategy (CS) adopted in 2017 and the LPA's Sites and Policies Plan Part 1 Development

Management Policies (DMP) and Part 2: Site Allocations Plan (SAP) that were adopted in 2016 and 2018 respectively.

7. The most important development plan policies to the determination of this appeal are: CS14 (distribution of new housing), CS15 (mixed and balanced communities), CS16 (affordable housing), CS33 (infill villages) CS34 (infrastructure delivery and development contributions) and; DMP policy 71 (planning obligations). Given the above noted housing land supply position, policies CS14 and CS33 are now out-of-date. This would limit the weight to be attached to any conflict with them.

### *Benefits*

8. The proposed development would help address the shortfall in housing land supply within North Somerset and would increase the choice of homes available in the local housing market. If the affordable housing element of the development (30% or 4.2 units<sup>1</sup>) could be secured by way of an appropriate mechanism, the proposal would also assist in meeting the housing needs of the local community. I note that the Parish Council supported the application. These social benefits carry considerable weight in the planning balance.
9. Occupiers of the proposed dwellings would support local services and facilities and there would be an increase in Council Tax receipts. The building works would also help to support the construction industry. Strengthened planting and a suitable management regime along the northern and eastern boundaries of the site could enhance biodiversity<sup>2</sup>. These economic and environmental benefits can be given limited weight in the overall balance.

### *Location and Distribution of Housing*

10. In an attempt to secure sustainable development CS policies CS14 and CS33 are aimed at limiting the growth of settlements like Bleadon and ensuring that new housing takes place within defined development boundaries. The appeal site lies outside the settlement limits for Bleadon and is not a site allocated for housing. The proposal would be contrary to the provisions of CS14 and CS33. This policy conflict weighs against granting planning permission. However, it is very far from certain that the Council is going to be able to meet its housing requirement without development taking place on some sites that do not fit with its existing policies for the distribution of new housing and infill villages.

### *Character and Appearance*

11. This 0.82 ha appeal site comprises a large field that adjoins the settlement edge of Bleadon. There is housing on two sides (Purn Way to the south and Manor Grange to the west) and allotments to the north (separated from the site by the West Mendip Way) and east (separated by an unmade track that also a public right of way). Beyond the allotments to the north, the land rises steeply up Bleadon Hill. Parts of the site can be seen from Celtic Way to the north east and sections of the West Mendip Way, including Purn Hill to the west. Although the site forms part of the countryside that surrounds Bleadon, by virtue of its relationship to neighbouring housing and allotments, it is

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<sup>1</sup> The Council has rounded this figure up to a requirement for 5 affordable units.

<sup>2</sup> The proposed site plan shows these areas as ecological buffers. Within the officer's report, it is acknowledged that these could provide "valuable wildlife corridors". Amongst other things, this would be likely to benefit local populations of birds and bats.

visually well contained and appears somewhat detached from the larger tracts of countryside beyond both sets of allotments.

12. The proposed 14 dwellings would be sited around the head of a 'T' shaped extension to the existing driveway off Purn Way. The development would entail the loss of the green, open qualities of the site and would very clearly incorporate this field within the extended limits of the settlement. The proposal would bring development closer to the public rights of way immediately to the north and east of the site. With appropriate landscape planting, it is unlikely that there would be any harmful loss of amenity for those using these sections of the paths which already border the settlement edge. In more distant public views to the north east and west, the proposed dwellings, roads and hard surfaced areas would be apparent as a modest extension to the settlement and a minor detractor in these wide panoramas.
13. The proposed development would detract from the character and appearance of the countryside along the northern edge of Bleadon. This weighs against granting planning permission. With generous landscape planting<sup>3</sup> along the northern and eastern boundaries of the site and given the proximity of existing housing and the allotments, the proposal would not result in any serious adverse landscape and visual impact. The harm that I have identified above carries moderate weight in the overall balance. I am mindful that in meeting its housing requirement the Council, in all probability, is going to have to release some tracts of countryside.

#### *Need to Travel*

14. There are a limited range of services available within Bleadon. These include a small shop, post office, public houses and a bus service. Whilst the site is only about 5 km from the centre of the main settlement of Weston-super-Mare, in all likelihood, occupiers of the proposed dwellings would require the use of private motor vehicles for accessing employment, healthcare services and main shopping facilities<sup>4</sup>. The proposed development would therefore increase the need to travel by car. However, given the scale of the development, the proposal would be unlikely to frustrate local and national planning policies for promoting sustainable transport. In this regard, I note that a site has been allocated within the SAP for larger scale housing elsewhere within Bleadon. In this instance, I attach limited weight to the increase in need to travel by car.

#### *Mechanism to Secure Benefits / Mitigate any Harmful Impacts*

15. CS policy CS34 and DMP policy 71 support the provision of planning obligations to make development proposals acceptable and to provide any necessary contributions to mitigate the impact of new development. Both main parties agree that a completed section 106 Agreement would be necessary to secure the proposed affordable housing provision. Without such an Agreement in place this important social benefit would not be provided and there would be conflict with CS policies CS15 and CS16, as well as national planning policies that are aimed at providing affordable housing and achieving mixed and balanced communities. This weighs heavily against an approval.
16. The Council has also informed me that planning obligations would be necessary, in the form of financial contributions, for: the West Mendip Way that

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<sup>3</sup> As part of the reserved matters.

<sup>4</sup> Due to the COVID-19 pandemic, shopping habits have changed and some people may continue to shop on-line.

- passes the rear of the site; public transport vouchers (£100/dwelling) to encourage more sustainable travel patterns; £1,500 per annum for a five year period to install and maintain a fire hydrant; the provision and maintenance of on-site public open space and; home to school transport.
17. I recognise that some occupiers the proposed dwellings would be likely to use the section of the West Mendip Way that passes to the rear (north) of the site. However, there is nothing of substance before me to demonstrate that this section of path would be unable to satisfactorily accommodate this increase in use. It has not been demonstrated that a financial contribution towards the cost of maintaining or improving the West Mendip Way would be necessary.
  18. Given my findings above in respect of the need to travel, the use of public transport vouchers could be helpful in encouraging some occupiers of the proposed dwellings to travel by alternatives modes of transport to the private car. Although it is unclear to me how the figure of £100/dwelling has been calculated, in my experience, this is a similar sum to voucher schemes that have been deemed necessary in respect of some other housing schemes elsewhere in the country. However, on balance, and in this instance, it would be very difficult to reasonably argue that permission should be withheld without a completed planning obligation in place for the provision of travel vouchers.
  19. It is important to ensure that there is adequate fire safety provision for the proposed development. Although I note the consultation response from the Avon Fire and Rescue service, it is not evident why a fire hydrant could not be provided under separate regulations or that the nearest existing hydrant, wherever that is, would be incapable of serving the development. In addition, there is nothing to show how the figure of £1,500 per annum for five years has been derived. It has not been demonstrated that a financial contribution towards the cost of a fire hydrant is necessary to make this development acceptable in planning terms or that the cost is fairly and reasonably related to the proposal. On the basis of the information before me, it would be unsound to withhold permission without a planning obligation relating to a fire hydrant.
  20. Some occupiers of the proposed dwellings could reasonably require convenient access to public open space. Whilst I note from the officer's report that Neighbourhood Open Space would be delivered on site as part of the proposed ecological buffer, the proposed layout does not show this. Moreover, whilst the officer's report refers to an under-supply in open space provision, there is no evidence before me to substantiate this. It has also not been demonstrated that existing public open space would be unable to adequately accommodate the likely increase in use arising as a consequence of the appeal scheme.
  21. Some residents of the proposed dwellings could be children of school age. There are no primary or secondary schools in Bleadon. I note from the officer's report that the distance between the settlement and the nearest schools exceeds "*statutory walking distances*" and there are no "*safe walking routes*". As a consequence, home to school transport is provided.
  22. To ensure adequate school transport is available for pupils it would be necessary for the proposed development to include a financial contribution towards the ongoing cost of providing this important service. The absence of a planning obligation to this effect could compromise the quality of existing school transport services and/or result in some pupils being unable to safely and conveniently access their local schools. This weighs against an approval.

### *Other Matters*

23. Within its consultation response, Natural England advised that the appeal site is in close proximity to the Mendip Limestone Grasslands Special Area of Conservation (SAC) and the North Somerset and Mendips Bats SAC<sup>5</sup>. Purn Hill Site of Special Scientific Interest is approximately 350m from the appeal site. As the competent authority, I am required, under the Habitats Regulations<sup>6</sup>, to have regard to any potential impacts on the above noted areas/site.
24. The Ecological Impact Assessment submitted in support of the proposal found, amongst other things, that habitats on the site were generally of poor quality and of low ecological value<sup>7</sup>, with low use<sup>8</sup> mainly by greater and lesser horseshoe bats. The eastern and northern boundary hedgerows represent a valuable commuting and foraging habitat for bats but a neighbouring dilapidated farm building was found to have negligible potential to support roosting bats. The site is considered to be of local importance for bats.
25. The proposed development is not directly connected with or necessary to site management for nature conservation purposes. Given the above, the proposed loss of this field/habitat and the likely disturbance that would arise as a result of residential activity on the site has the potential to cause a minor adverse impact on local populations of bats and the North Somerset and Mendips Bats SAC. However, this would fall short of having a likely significant effect on the integrity or qualifying features of this SAC. There is nothing to suggest that the proposal in combination with the development planned on the allocated site at Bleadon would result in any significant effects on this SAC.
26. The proposed loss of this field and the ensuing residential development would not result in the loss of any important flora or be likely to result in any material increase in harmful leisure activities within the Mendip Limestone Grasslands Special Area of Conservation SAC or the Purn Hill Site of Special Scientific Interest. There is also nothing to suggest that there would be any significant in combination effects with the housing planned on the allocated site at Bleadon.
27. I note the concerns of some interested parties regarding the increase in traffic that would be generated by the development and the potential risk to highway safety interests. During my visit, I saw the flowers that had been placed at the junction of Bleadon Road and the A370 to the west of the site indicating a recent road fatality. I also noted the traffic flows, speeds and visibility splays along various sections of the local highway network.
28. The Council, having carefully assessed the highway implications of the proposal, did not identify any highway concerns. I have not been informed of the cause of the recent fatality at the junction with the A370 and this incident, as awful as it must have been for those involved, does not indicate that this section of the highway network is inherently unsafe. On the basis of all of the evidence before me, I agree with the appellant's transport consultant that the proposal would be unlikely to have any significant impact on existing traffic and highway safety conditions.

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<sup>5</sup> The site is about 4.5 km from the SAC. It lies within Band C of the bat consultation zone, as identified within the North Somerset and Mendips Bats SAC Guidance produced by the 'Somerset Authorities' in 2018.

<sup>6</sup> As amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

<sup>7</sup> The Assessment found the ecological value was "low to moderate" to bat species.

<sup>8</sup> The bat activity surveys were undertaken in 2018 as part of an earlier ecology report.

29. Both main parties have drawn my attention to some other appeal decisions in respect of developments on sites elsewhere within North Somerset. These include a much larger development at Bleadon<sup>9</sup> that was dismissed in February 2020. Whilst I have noted the findings of the Inspectors who determined these other appeals, no two cases are the same. The characteristics of the site before me, its location, the scale of the proposed development and the absence of a completed planning obligation are materially different to the circumstances in these other cases. I have determined this appeal on its own planning merits and these other decisions do not set a precedent that I must follow.
30. During my site visit, it was apparent that the appeal site forms part of the surroundings in which the grade I listed parish church of St. Peter and St. Paul is experienced<sup>10</sup>. This is not a matter identified by the main parties and my decision does not turn on it. However, before any planning permission could be granted an assessment would be necessary to determine whether or not the proposal would preserve the setting of this designated heritage asset.

*Planning Balance / Overall Conclusion*

31. Given my findings above regarding the absence of an adequate mechanism to secure the proposed affordable dwellings and necessary mitigation in respect of home to school transport, I conclude that the conflict with development plan policies for the location and distribution of housing, the likely effect upon the character and appearance of the area, the extent to which there would be an increase in the need to travel by car and the harm related to school transport services would significantly and demonstrably outweigh the 'secured' benefits. The appeal should not therefore succeed.

*Neil Pope*

Inspector

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<sup>9</sup> APP/D0121/W/18/3211789.

<sup>10</sup> This included the views of the church tower from Purn Hill. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is engaged.