



Appeal Decision

Site visit made on 7 February 2025

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2025

Appeal Ref: APP/D0121/W/24/3353947

Car Park Site, Land Adjacent to 134 Main Road, Cleeve, North Somerset BS49 4PW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Ms Maria Mason against the decision of North Somerset Council.
 - The application Ref is 24/P/0878/OUT.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is allowed and outline planning permission is granted for a new dwelling at Car Park Site, Land Adjacent to 134 Main Road, Cleeve, North Somerset BS49 4PW in accordance with the terms of the application, Ref 24/P/0878/OUT, and the plans submitted with it, subject the conditions in the attached schedule.

Preliminary Matters

2. I have removed wording that does not describe an act of development from the description above.
3. The application is in outline with all matters reserved for future consideration. The submitted proposed site plan (0110) is therefore indicative only. As such, amended site plan 0110A is also indicative, and in accepting this plan there is no prejudice to interested parties.
4. The Government published in December 2024 a revised version of the National Planning Policy Framework (the Framework). Amongst other matters, this introduced the concept of Grey Belt. The Council and the appellant have referenced this document within their appeal statements and as such I am satisfied that no party would be prejudiced by my also making reference to the Framework in this decision.

Main Issues

5. The appeal site is located within an area of Green Belt. Accordingly, I consider the main issues are:
 - whether the proposed development is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the 'Framework') and relevant development plan policies; and
 - whether the appeal site is a suitable location for the proposal having regard to the development plan and national strategy.

Reasons

Whether inappropriate development

6. Policy CS6 of the Core Strategy (2017) (CS) sets out that there is a strong presumption against inappropriate development within the Green Belt. Policy DM12 of the North Somerset Sites and Policies Plan (Part 1) (2016) (SPP) identifies development which can be considered acceptable in the Green Belt. The list of exceptions does not include development on grey belt land. This is because these policies significantly predate the December 2024 Framework. Due weight should be given to its policies according to their degree of consistency with the Framework. Accordingly, I have given significantly greater weight to the Framework in determining whether the appeal proposal is inappropriate development.
7. The mostly linear and limited wider pattern of development along Main Road does not represent the unrestricted sprawl of a large built-up area. The development would not merge towns into another nor affect the setting and special character of any historic town. As such, the site does not strongly contribute to these Green Belt purposes. I therefore have no reason to disagree with the main parties that the appeal site meets the definition of Grey Belt provided in Annex 2 of the Framework.
8. Paragraph 155 of the Framework notes that the development of homes in the Green Belt should not be regarded as inappropriate where the development meets all the criteria set out under four bullet points.
 - *The development would utilise grey belt land and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan;*
 - *There is a demonstrable unmet need for the type of development proposed;*
 - *The development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of this Framework; and*
 - *Where applicable the development proposed meets the ‘Golden Rules’ requirements set out in paragraphs 156-157 below.*
9. Given the limited scale of development, the proposal would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. The Council accepts that it cannot demonstrate a 5 year supply of deliverable housing sites, and therefore the proposal meets the criteria of demonstrable unmet need. The scale of development does not meet the Framework major development definition, and so the ‘Golden Rules’ requirements of paragraphs 156-157 are not applicable.
10. The appeal site sits outside but in reasonable proximity to the settlement of Cleeve. Cleeve contains facilities such as a local convenience store, fast food takeaway, health and beauty salon, restaurants, petrol station and village hall, all within walking or cycling distance of the appeal site along pavements/footpaths. In addition, in close proximity to the site is a garden centre, a local produce/farm shop and some businesses/offices.

11. Moreover, there are bus stops in close proximity to the appeal site providing access to the numerous supermarkets and services of Bristol or Weston-Super-Mare. Even if the service is limited, it is regular and offers a genuine convenient alternative choice of means of travel to future occupiers. The appeal site is therefore reasonably well connected.
12. Accordingly, the intended future occupiers of the new dwelling would not necessarily be likely to have a high reliance on a private motor vehicle to access day to day services. Consequently, I find the proposal would not conflict with paragraphs 110 and 115 of the Framework, which seek to maximise sustainable transport solutions.
13. None of the criteria relating to grey belt land are concerned with openness. Therefore, this should not be a consideration in determining whether proposals are inappropriate development in this regard or not, as set out in Framework footnote 55.
14. As such, I conclude that the development meets the criteria of paragraph 155 of the Framework, and therefore does not represent inappropriate development in the Green Belt.

Location

15. The appeal site is located outside of any identified settlement boundaries as defined by the development plan, and is therefore, for the purposes of policy, is in the countryside.
16. CS Policy CS14 is a strategic policy setting out the hierarchy of housing location, based on sustainability principles. The wider strategy of these policies is to direct new housing towards the most appropriate locations, principally in respect of services and facilities and transport accessibility.
17. CS Policy CS14 continues by confirming that development outside settlement boundaries will only be permitted where the site is allocated in the local plan or it comprises sustainable development that accords with the criteria set out in the relevant settlement policies of the Core Strategy. CS Policy CS33 sets out that development within the countryside will be strictly controlled in order to protect the character of the rural area and prevent unsustainable development. It states that new residential development will be restricted to replacement dwellings, residential subdivision, residential conversion of buildings or dwellings for essential rural workers. SPP Policy DM44 allows for replacement dwellings in the countryside.
18. As set out above, the proposal would be sited a sustainable location in terms of access to facilities and transport accessibility. Nevertheless, the proposal does not meet any of the circumstances for new development within the countryside and therefore conflicts with CS Policies CS14 and CS33 and SPP Policy DM44, which seek to control the distribution of housing.

Other matters

19. The appeal site is located within bat consultation zone 'A' (BCZ), as set out in the North Somerset and Mendip Bats Special Area of Conservation Guidance on Development: Supplementary Planning Document (2018) (SPD), and a Greater Horseshoe Bat Juvenile Sustenance Zone. The North Somerset and Mendip Bats Special Area of Conservation (SAC), one of four sites in North Somerset, is

designated because of its importance for Greater and Lesser Horseshoe Bats. These are protected as European Sites of Nature Conservation Importance and are subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 ('the Regulations'). Regulation 63 prevents the competent authority from granting permission unless the proposal would not adversely affect the integrity of the European site. I am the competent authority for the purposes of this appeal.

20. The SPD explains that whilst the BCZ's are not within the SAC, the landscape surrounding the European site is important in providing foraging habitat needed to maintain the favourable conservation status of the Horseshoe bats.
21. The appeal site is an existing car park with no structures on site. As such, from what is before me, including the submitted ecological checklist, no existing habitats and / or features of value to bats¹, including hedgerows, existing structures, woodland, would be lost nor affected. As such, I find that the development would not therefore adversely affect the SAC, in accordance with paragraph 7.1 of the SPD.
22. As such, there would be no likely significant effect alone or in combination on the qualifying features of the SAC. There is no conflict therefore with the protection of protected species requirements of the Regulations and Framework.
23. Opposite the site are a pair of Grade II listed properties, Number 133 and Lavender Cottage. The pair of cottages are early C19, and I observed that their significance in part derives from their retained architectural qualities, with pebble dashed walls, roman tiled roofs, sash windows and panel doors evident.
24. Their setting includes the highway and surrounding newer residential properties of mixed character and appearance, in addition to the appeal site, a car park and open land to the rear. The setting therefore contributes little to the significance of the listed properties.
25. The proposal would be seen in the context of the existing mixed surrounding built form. As such, a suitably designed property in this location would not harm the significance of these listed buildings.
26. There is no substantive evidence before me to dispute the submitted application forms (and site location plan) in terms of land ownership, and I note that the red line of the development involves land set away from the boundary with No 136. In any case, it is not the purpose of this appeal to arbitrate on ownership, which is a private matter, and nothing in this decision affects private rights.
27. The site is not within a flood zone, and details secured through condition would ensure that appropriate drainage details are secured. Issues relating to design and landscaping are reserved for future consideration. A suitably designed dwelling would not harm the character of the surroundings and given the size of the site and the siting of neighbouring dwellings, with appropriate siting and design, there would not be any unacceptable overlooking.
28. Whilst access is also a reserved matter, given the existing site, as a car park, is already used for access and exit for a number of vehicles, the proposal would lead to a reduction in vehicles using the site. As such, there would no harm to highway

¹ such as those listed in paragraph 3.2 of Part B of the SPD

safety, and it is notable that the Council do not object in this regard. The residential use of the site, with a garden and further landscaping, would enable benefits to biodiversity over the existing car park use.

29. A condition would ensure that the construction process does not unnecessarily disturb the amenity of neighbouring occupiers nor harm highway safety. The possible lack of mains gas services is not a reason refuse planning permission.

Planning balance and conclusion

30. There would be moderate temporary economic benefit during construction and once complete, an on-going benefit to the economy through spend by residents in the local economy and the support to local services, facilities and related employment. The addition of 1 unit would make a minor difference to the overall supply of housing, even with the current shortfall in housing land supply.
31. The proposal would conflict with the housing strategy in the development plan; however, this is only insofar as it is located outside of the defined settlement boundary. CS Policies CS14 and CS33 and SPP Policy DM44 are broadly consistent with the Framework where it states that the planning system should actively manage patterns of growth. Therefore, I give the conflict with these policies minor weight. Nevertheless, the scheme would conflict with the development plan as a whole.
32. The Council does not dispute the appellants assertion that the figure currently stands at between 3.83 and 3.88 supply. As I have found that the proposal does not represent inappropriate development in the Green Belt, the presumption in favour of sustainable development outlined in Paragraph 11d)ii of the Framework is therefore engaged.
33. The proposal would align with the Framework where it seeks to significantly boost the supply of housing and acknowledges that small-scale developments can make an important contribution to meeting the housing requirement and be built out quickly. The Framework also seeks to make use of previously developed land and maximise sustainable transport solutions. Whilst the scale of the shortfall identified is considerable, given the size of the proposal, all these matters attract minor weight in favour of the scheme.
34. The economic and social benefits from the build and occupation of the dwelling as well as support for local services, facilities and the community, including those in other villages would each be minor given the size of the development, and their weight in favour of the scheme is minor.
35. The proposal would conflict with the Framework where it seeks to actively manage patterns of growth. However, the lack of housing supply indicates these policies are currently not delivering sufficient homes. In addition, given the scale of the scheme and associated movements, I give this minor weight.
36. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that applications for planning permission, and therefore appeals, must be determined in accordance with the development plan, unless material considerations indicate otherwise. The proposal benefits from the presumption of sustainable development as outlined in Paragraph 11d)ii of the Framework. In this instance, the adverse impacts of granting permission would not significantly and demonstrably outweigh

the benefits, when assessed against the policies in the Framework taken as a whole.

37. On the basis of the individual merits of the scheme, the material considerations indicate that planning permission should be granted notwithstanding the conflict with the development plan.

Conditions

38. The Council has provided a list of suggested conditions that it considers would be appropriate. I have considered these in light of the Planning Practice Guidance (PPG) and the test set out in the Framework. For clarity and to ensure compliance with the tests, I have amended some of the Council's suggested wording.
39. In addition to the standard time limit for the reserved matters submissions, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty.
40. Given that the site is located within a core settlement as defined by the North Somerset Historic Environment Record, a condition securing a written scheme of investigation is necessary in order to ensure suitable archaeological monitoring and recording. This is required to be pre-commencement in order to ensure that measures are in place to prevent any inappropriate works or damage to any archaeological features on site.
41. Given that the appeal site is modest in scale and is located adjacent to the main highway, in addition to neighbouring residential properties, a construction method statement is necessary in order to preserve highway safety, local amenity and the living conditions of nearby residents during any construction period. This is also required to be pre-commencement in order to ensure the construction process is managed appropriately.
42. Details of external lighting is necessary in order to ensure that unnecessary light spillage and potential impact on ecology is avoided. A condition securing this is therefore appropriate.
43. A condition securing appropriate drainage is also necessary in order to reduce the risk of flooding and prevent pollution of the water environment.
44. Conditions securing the submission of appropriate cycle, bin storage and car parking details are necessary in order for future residents to have access to these facilities.
45. Conditions relating to landscaping and design, including materials and levels, are not necessary as they relate to the reserved matters.

Conclusion

46. For the reasons given above, the appeal is allowed.

B Phillips

INSPECTOR

Schedule of conditions

1. Details of the access, appearance, landscaping, layout, and scale, ("the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
4. The development hereby permitted shall be carried out in accordance with drawing no: Location Plan 0100.
5. No development shall commence, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the local planning authority. The programme of archaeological work should provide a controlled excavation of all significant deposits and features which are to be disturbed by the proposed development and shall be carried out and completed in accordance with the approved WSI. Thereafter the building work shall incorporate any building techniques and measures necessary to mitigate the loss or destruction of any further archaeological remains.
6. No development shall take place until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved Construction Management Plan shall be adhered to throughout the construction period for the development.
7. Prior to the installation of external lighting, full details including height, design, location and intensity shall be submitted to and approved in writing by the local planning authority. The lighting installation shall then be carried out in accordance with the approved details.
8. Prior to the commencement of development, full details of foul and surface water drainage, together with a programme of implementation, shall be submitted to and approved in writing by the local planning authority. Such works shall be carried out in accordance with the approved details and shall be completed prior to the occupation of the dwellings hereby permitted.
9. Prior to the first occupation of the development hereby approved, provision for parking bicycles on the site (at a rate of 1 cycle per bedroom) shall be made in accordance with the details which shall have been first submitted to, and approved in writing by, the local planning authority. The cycle parking shall be permanently retained and maintained thereafter.
10. Prior to the first occupation of the development hereby approved, provision for space and facilities for the separate storage and collection of waste and recycling

materials shall be made in accordance with the details which shall have been first submitted to, and approved in writing by, the local planning authority. The waste and recycling facility shall be permanently retained and maintained thereafter.

11. Prior to the first occupation of the development hereby approved, provision for a consolidated and surfaced parking area for 2no. vehicles together with a vehicular turning area, shall be made in accordance with details which shall have been first submitted to, and approved in writing by the local planning authority. The approved parking and turning area shall be permanently retained and kept available for parking at all times.

End of schedule