



Appeal Decision

Site visit made on 10 December 2024

by **K Reeves BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 May 2025

Appeal Ref: APP/D0121/W/24/3345273

12 Clevedon Road, Tickenham BS21 6QT

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr R Backhouse of Tron UK Ltd against the decision of North Somerset Council.
 - The application Ref is 24/P/0517/PIP.
 - The development proposed is to demolish agricultural building and erect 2 dwellings with shared access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is for permission in principle, as provided for in the Town and Country Planning (Permission in Principle) Order 2017. Planning Practice Guidance advises that permission in principle is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or 'permission in principle' stage) establishes whether a site is suitable in principle, and the second ('technical details consent' stage) is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
3. The scope of the considerations for permission in principle is limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. As such, I have regarded the submitted plans as indicative only.
4. On 12 December 2024, the Government published a revised National Planning Policy Framework (the Framework). This included revisions to policies that are pertinent to the appeal, such as those relating to development in the Green Belt. During the appeal the parties were invited to comment on the relevance of the revised Framework to the appeal proposal. In my decision, I have had regard to the parties' written responses.

Main Issues

5. The main issues are:
 - whether the proposal is inappropriate development in the Green Belt having

regard to the Framework and any relevant development plan policies;

- whether the appeal site would be a suitable location for residential development having regard to the locational strategy of the development plan and the effect of the proposal on the character of the area; and
- whether the proposal would result in an unacceptable loss of best and most versatile agricultural land.

Reasons

Whether inappropriate development

6. The site is within the Bristol/Bath Green Belt. The Framework attaches great importance to Green Belts. It states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and identifies the essential characteristics of Green Belts are their openness and their permanence. Paragraph 154 goes on to indicate that the construction of any buildings is inappropriate in the Green Belt, subject to a closed list of exceptions. Exception (e) relates to limited infilling in villages.
7. Policy DM12 of the Development Management Policies Sites and Policies Plan Part 1 (2016) (SPP Part 1) sets out the approach to development within the Green Belt and states, amongst other things, that limited infilling and redevelopment will not be regarded as inappropriate within those villages washed over by Green Belt but which have retained their settlement boundaries.
8. Tickenham does not presently have a settlement boundary. Notwithstanding this, a settlement boundary for Tickenham is proposed in the emerging North Somerset Local Plan's Settlement Boundary Review (October 2023) and the site would be outside that proposed boundary.
9. Paragraph 154(e) of the Framework does not specify that a proposal would need to be limited infilling within a defined village. As confirmed by the *Wood* judgement¹, the boundary of a village defined in a development plan may not be determinative for these purposes. Therefore, when considering whether a site is in a village, the decision maker should have regard to the situation on the ground, as well as any relevant policies.
10. Due weight should be given to the development plan policies according to their degree of consistency with the Framework. Policy DM12 stating that limited infilling will be restricted to villages that have retained their settlement boundaries is not consistent with the Framework and the *Wood* judgement. Accordingly, I have given significantly greater weight to the Framework in determining whether the appeal proposal is inappropriate development.
11. Tickenham is a village that comprises ribbon development along the B3130. The properties within the village typically face the road, although there are examples of roads and properties off the main road. The properties facing the main road are predominantly tightly spaced in relation to their neighbouring properties. There are occasional gaps in development of varying sizes along the road frontages in the village, but the residential development continues on one side of the road for the entire length of the village.

¹ Julian Wood v SSCLG & Gravesham Borough Council [2015] EWCA Civ 195

12. The appeal site is between two residential properties with an agricultural field on the opposite side of the road. The existing properties around the site are more sparsely laid out than the built form to the east of the site, but they do face the main road in a single plot layout. The signs indicating the speed limit change from 40mph to 30mph are located to the east of the site.
13. I observed that the roadside garden wall and hedge of 18 Clevedon Road continuing until 12 Clevedon Road gives the appearance of the uninterrupted flow of the ribbon development on the southern side of the road, which carries on through the site in a westward direction. There is a clear break in the built form on the northern side of the road, but as I have already established, that is not an uncommon feature in the central area of the village. Whilst the properties around the site are more sparsely laid out, the pattern and layout of those properties is consistent with the village, and this also leads me to the judgement that the site is within Tickenham.
14. Turning to the term 'limited infilling', this is not defined in the Framework. The Courts have held, in respect of this issue, that it is a matter of fact and judgement, taking account of factors on the ground as well as relevant policies. This can include the consideration of the context of the site and the nature and scale of the proposal within that context.
15. The site comprises agricultural land and buildings and occupies a relatively small gap between the built-up frontage on this section of the B3130. The provision of two dwellings on the site would be limited in scale. The proposed development would be for two dwellings in a small gap in the developed frontage of the B3130 and would therefore constitute limited infilling in a village.
16. The Council has made me aware of a dismissed appeal for up to four dwellings on land to the west of Bramley Rise² in Tickenham. That proposal was found to not constitute limited infilling in the village and was therefore inappropriate development in the Green Belt. I acknowledge the Inspector's conclusion, but that site has a different locational context, and it is therefore not a comparable scheme in respect of the matter of limited infilling. That appeal decision therefore does not alter my findings on limited infilling.
17. For these reasons, although the proposed development would not accord with Policy DM12 of the SPP Part 1 as Tickenham is not a village with a retained settlement boundary, it would be consistent with the Framework. Therefore, the proposal would not be inappropriate development in the Green Belt.
18. Case law establishes that where the development is not inappropriate in the Green Belt, applying the exceptions identified in the Framework, it should not be regarded harmful to the openness of the Green Belt. As the proposed development is not inappropriate development, as per Paragraph 154(e) of the Framework, an assessment on the effect of the proposed development on the openness is therefore not required. Likewise, very special circumstances do not need to be demonstrated in order for the proposal to be considered acceptable.

² Appeal reference APP/D0121/W/24/3337611

Location and character

19. Despite the appeal site being considered as within the village for the purposes of the Green Belt assessment, it is outside a settlement boundary and is therefore in the countryside for the purposes of the adopted development plan.
20. The emerging Local Plan proposes a settlement boundary for Tickenham. However, given the indicated stage of its preparation and the lack of information on any unresolved objections relating to settlement boundaries, I can only afford the proposed settlement boundary limited weight, and it remains that the site is in the countryside.
21. Policy CS14 of the North Somerset Core Strategy (2017) (CS) states that development outside the settlement boundaries will only be acceptable where a site is allocated in a Local Plan or where it comprises sustainable development which accords with the criteria set out in the relevant settlement policies.
22. Policy CS33 of the CS seeks to strictly control development in the countryside in order to protect the character of the rural area and prevent unsustainable development. It sets out that new residential development outside settlement boundaries will be restricted to replacement dwellings, residential subdivision, residential conversion of buildings where alternative economic uses is inappropriate, or dwellings for essential rural workers.
23. The appeal site is in the Kenn and Tickenham Moors landscape character area that is a rural, lowland landscape that has a strong sense of ruralness and remoteness with the exception of the northern extent, where the site is located, where the character is weakened by development along that fringe. Despite this, the North Somerset Council Landscape Character Assessment Supplementary Planning Document (2018) (SPD) confirms that the overall character of the landscape is considered to be strong.
24. The site comprises undeveloped agricultural land and a small group of agricultural buildings. It is visually prominent from the B3130 and provides a break in the built form on the southern side of the road, with an open view through the gap to the countryside beyond. However, the gap is a relatively small break in the built form. It does not make a significantly positive contribution to the street scene. Furthermore, the site is visually well related to existing buildings and the construction of residential development in the gap between the existing properties would not, in principle, result in an incongruent change to the site's surroundings.
25. I have already found that the development is small in scale and that it would not be out of scale with the surrounding built form and the wider village. While the details on the plans are indicative, they show two detached dwellings facing towards the road with plots that are split by a boundary running from the front of the site to the rear. The pattern, density and layout of the proposed development would be in keeping with the surrounding built form.
26. The proposal would not result in significant harm to the character of the area, subject to an appropriate design being achieved at the technical details stage. As such, the proposal would comply with Policy CS33 of the CS, insofar as it seeks to protect the character of the area.

27. Whilst the indicative plans of the proposal suggest that it would not harm the character of the area, the location of the site outside of a settlement boundary would result in a conflict with the locational strategy of the development plan. Given that it has not been demonstrated that one of the scenarios listed under Policy CS33 applies to the proposed development, the proposal would conflict with that policy. As the proposal conflicts with Policy CS33 and taking into account that the site is not allocated in the Local Plan for residential development, the proposal would also conflict with Policy CS14.
28. Tickenham has limited services and facilities. The site is a substantial distance from the services and facilities in Clevedon. The road from the site to Clevedon does not have a pavement or street lighting for the entirety of that journey. I have also not been provided with details of a safe cycle route from the site to Clevedon. As such, walking and cycling to and from the site to nearest services and facilities would not be easy or safe. This would be particularly challenging during the hours of darkness and inclement weather. The site is within walking distance of a bus stop. Whilst the appellant has confirmed that there is a half hourly service between Bristol and Clevedon, I have not been provided with information on the operating days nor the start and finish times of that service. It is therefore difficult to be satisfied that the bus service would offer a practical alternative for the future occupiers of the dwellings to access services, facilities and employment without using a private motor vehicle.
29. Based on the evidence before me, the use of a private motor vehicle would be the only practical means for residents to access day-to-day services and facilities. Access to the services and facilities that would support the day-to-day use of the dwellings, such as food shopping, employment, education and healthcare would be unsustainable in terms of transport options. There would therefore be a conflict with the Framework, which prioritises sustainable transport modes and promotes sustainable travel modes that limit future car use.
30. I acknowledge that there is the opportunity for the future occupiers of the dwellings to work from home, and that charging facilities for electric vehicles and bicycles would be provided on site. However, there is no means to ensure that residents work from home or that electric vehicles and bicycles are used to access services and facilities. As such, the unsustainable nature of the proposal in terms of transport options would not be mitigated.
31. For these reasons, the appeal site would not be a suitable location for residential development having regard to the locational strategy of the development plan. Consequently, the proposal would conflict with Policies CS14 and CS33 of the CS, insofar as they seek to prevent unsustainable development and distribute new housing to where there are the most opportunities for employment, services and transport accessibility.

Best and most versatile agricultural land

32. The development plan does not include a planning policy that relates to agricultural land classification. Instead, the Council has referred to Paragraph 180(b)) (now Paragraph 187(b)) of the Framework in its third reason for refusal, which requires the economic and other benefits of the best and most versatile agricultural land to be recognised when making planning decisions. Footnote 65 goes on to explain that where significant development of agricultural land is

demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality.

33. The appellant has provided Natural England's large-scale map of Agricultural Land Classifications for the South West Region. The large scale of the map makes it difficult to be clear on the classification of an individual piece of land. Indeed, the map is designed for strategic planning purposes only and should not be used for the definitive classification of any local area or site. However, it does provide a useful indicator. Without evidence to the contrary, I shall proceed on the basis that the site is Grade 1 agricultural land, which is defined in the Framework as best and most versatile agricultural land.
34. The Framework does not define 'significant'. I consider the proposed development would not comprise significant development as it would be a small site, currently occupied by buildings, hardstanding and a small amount of semi-improved grassland. Moreover, the land in question is a relatively small proportion of the overall Grade 1 agricultural land around Tickenham.
35. The Council has not explained what the economic or other benefits of the best and most versatile land are. The Council's third reason for refusal has therefore not been sufficiently substantiated. Additionally, as the proposal is not significant development, there is no requirement to demonstrate that poorer quality land has been considered.
36. For these reasons, the proposal would not result in an unacceptable loss of best and most versatile agricultural land. Consequently, the proposal would not conflict with Paragraph 187(b) of the Framework.

Planning Balance

37. The Council accepts that it cannot currently demonstrate a five-year housing land supply. It states that the demonstrable housing land supply is 3.88 years. In these circumstances, Paragraph 11(d) of the Framework states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
38. The proposal would result in the provision of two dwellings. Whilst the evidence indicates that there is a shortfall in housing delivery in the district and the Framework supports boosting housing supply, the proposal would make a limited contribution to the district's housing supply and therefore attracts moderate weight. There would also be associated social and economic benefits through future residents paying into the local economy. Although these types of benefits are supported by the Framework, given the relatively small scale of the proposal, they are given limited weight in the planning balance.
39. Weighing against the benefits is the conclusion that the appeal site would not be a suitable location for residential development having regard to the locational strategy of the development plan, resulting in a conflict with Policies CS14 and CS33 of the CS. The proposal may comply with certain policies contained in the development plan, but given the harm that I have identified, the proposal conflicts with the development plan when taken as a whole.

40. The aim to focus development in rural areas to villages and other settlements is set out in the development plan. This approach is consistent with the Framework, which seeks to promote a sustainable pattern of development and states that sustainable development in rural areas will comprise housing where it is located to enhance or maintain the vitality of rural communities. As the nearest settlement is not easily and safely accessible by means other than private vehicle and the proposal would only provide two dwellings, the proposal would have a very limited impact supporting local services.
41. Given that the development plan policies that I have identified are consistent with the Framework and that there would be a conflict with the policies of the Framework itself, I apportion significant weight to the national and local policy conflicts and associated harm that would be caused by the proposed development.
42. Overall, I find that the adverse impact of the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.

Conclusion

43. For the reasons given above, the proposed development would conflict with the development plan and material considerations do not indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal should be dismissed.

K Reeves

INSPECTOR