
Appeal Decision

Site visit made on 10 June 2025

by **R Cahalane BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 August 2025

Appeal Ref: APP/D0121/W/25/3361731

Land at Panorama, Tickenham Hill, Tickenham BS21 6SH

- 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 Angela James against the decision of North Somerset Council.
 - The application Ref is 24/P/1938/PIP.
 - The development proposed is 1 new detached residential dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is for permission in principle. The Planning Practice Guidance (PPG) states that this 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. The second “technical details consent” (TDC) stage is when the detailed development proposals are assessed. This appeal relates to the first stage and thus solely relates to the principle of the scheme.
3. Article 5B of the Town and Country Planning (Permission in Principle) Order 2017 (as amended) (“The Order”) sets out that permission in principle must not be granted for development which is “habitats development”. This is defined in Article 5B(5) of the Order as including development which is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site. There is a specific process to deem what would constitute habitats development. I have determined the appeal accordingly.
4. The proposal site fronts Tickenham Hill (B3128) and shares access with the existing dwelling of Panorama, sited on higher ground via a long driveway. I understand that this site was historically used as part of a quarry. Existing use is described in the officer report as car park land associated with Panorama, although there were no cars parked within it at the time of my visit. It mainly contains gravel hardstanding enclosed by hedgerow along the road frontage. There is an earth bank and rock face along the rear boundary with an agricultural field that is also on higher ground. Some other dwellings are in the vicinity.
5. The site is within the Horseshoe Bat Consultation Zone (BCZ) C as set out in the North Somerset and Mendip Bats Special Area of Conservation Guidance on Development Supplementary Planning Document (SPD) (2018). This guidance relates to the impact of development on the North Somerset and Mendip Bats

Special Area of Conservation (SAC), designated as such due to its importance for Greater and Lesser Horseshoe Bats. The various sizes of the BCZ's are informed by an accumulation of data, including radio tracking studies of bat maternity roosts within the SAC.

6. Given its designation, the SAC is protected as a European Site of Nature Conservation Importance and are subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 ("the Regulations"). The SAC's conservation objectives are to ensure that its integrity is maintained or restored as appropriate, and that the SAC contributes to achieving the favourable conservation status of its qualifying features, which includes Horseshow bats.
7. 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.
8. The SPD sets out that whilst the BCZ's are not within the SAC, the landscape surrounding it is important in providing foraging habitat needed to maintain the favourable conservation status of the Horseshoe bats. The bats need to be able to move through the landscape between their roosts and foraging areas and require linear features in the landscape such as hedgerows. They tend to commute close to the ground up to a height of two metres, and mostly beneath vegetation cover.
9. I found the hedgerow along the site's road frontage to be tall and dense in form. It is also near to other hedgerows and trees, and agricultural land behind its rear boundary. I also saw shrubbery upon the rear earth bank. The proposal site is therefore not devoid of shrubbery, despite the presence of gravel secured by membrane. The above referenced natural features could provide foraging habitat and flyways for bats, despite the absence of any caves or buildings. Such natural features could therefore form part of a functionally linked foraging habitat and commuting route for bats associated with the SAC.
10. Horseshoe bats are also known to be a very light sensitive species and will avoid lit areas, forcing them to find an alternative route. This can lead to isolation and fragmentation of the bat population from key foraging areas and/or roosts. There are some low illuminated bollards along the driveway to Panorama, but I saw no other fixed light sources within or adjacent to the proposal site.
11. The addition of one dwelling could therefore introduce illumination of the abovementioned natural features through internal and external lighting sources. The intensity of such illumination would likely go beyond the existing situation, including any vehicle parking within the proposal site.
12. The submitted plans show that some of the front hedgerow would be removed to provide vehicular access for the new dwelling. It is put to me that the proposal includes additional planting and other habitats improvements, but there are no specific details of this before me. In any event, as the appeal is focussed on the principle of development only, the submitted plans must be treated as being purely indicative only.
13. That being said, the PPG states that it is not possible to impose conditions at this permission in principle stage, as the terms of any permission in principle must only include the location of the site, and the type and amount of development. Given this, along with the absence of a legal mechanism before me, the retention of

existing hedgerow and shrubbery, along with additional planting and other habitats improvements, cannot be secured at this first permission in principle stage.

14. The SPD also advises that proposals within BCZ C should at an early stage consult with an ecologist to identify and assess any impacts on Horseshoe bats. There is no evidence before me that this has taken place, nor is there technical evidence such as an ecological survey undertaken by a suitably qualified expert.
15. Adopting a precautionary approach, I am not satisfied that the appeal proposal would not adversely affect the foraging habitat and commuting routes for Horseshoe bats. Accordingly, I cannot be certain that the integrity of the protected site would not be harmed as a result of this proposal, either alone or in combination with other plans and projects. Neither is it shown that the development must be carried out for reasons of overriding public interest.
16. To complete an appropriate assessment, the Regulations require me to consult with Natural England and take their comments into account. However, that is rendered unnecessary in circumstances where I have found that the development would be likely to have a significant effect on a European site and an absence of adequate mitigation. The proposal would constitute habitats development for the purposes of Article 5B of the Order. Accordingly, it lies outside of the remit of the permission in principle regime.

Other Matters

17. The Council's Statement of Case also refers to other matters, namely the proposed location of the development, and the effect on the character and appearance of the area. However, it would not be appropriate for me to address these matters, as permission in principle must not be granted in this instance, and to do so may fetter the judgement of any future decision maker.

Conclusion

18. For the above reasons, the appeal should be dismissed as it does not comply with Article 5B (1) of the Town and Country Planning (Permission in Principle) Order 2017 (as amended).

R Cahalane

INSPECTOR