



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: 11th August 2025

Appeal Ref: APP/D0121/W/25/3359137

Black Rock Quarry, Valley Road, Weston-in-Gordano, North Somerset BS20 8JY

- 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 Mr P Handscomb against the decision of North Somerset Council.
 - The application Ref is 24/P/1221/OUT.
 - The development proposed is outline application for construction of 7 No workshops/machine shops with landscape matters reserved.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appeal scheme relates to an outline proposal, with landscaping to be reserved. Full details regarding site access have been provided and there is dispute between the main parties on this matter. Although not explicitly forming part of the reasons for refusal, the location of the proposal is also in dispute in respect of sustainable modes of travel. In design terms, the Council has raised no objections in respect of the proposed appearance, layout and scale. Following my site visit, I have no reason to disagree. I have determined the appeal accordingly.
3. The fourth reason for refusal refers to biodiversity. The appeal submission includes additional biodiversity data. The Council has reviewed this and accepts that the proposal could achieve a 10% biodiversity net gain, such that this reason for refusal has been overcome.
4. In light of the above, the main issues are:
 - Whether the location of the proposal is acceptable having regard to the development plan;
 - the effect on highway safety, with particular regard to visibility and egress at the vehicular junction of the appeal site and Valley Road; and
 - whether the proposal is inappropriate development for the purposes of the Framework and the development plan, including the effect upon the openness of the Green Belt.

Reasons

Location

5. Policy DM47 of the North Somerset Sites and Policies Plan Part 1 (SPPP1) (2016) supports economic development within the settlement boundaries of the four towns of Weston-super-Mare (including Weston Villages), Clevedon, Nailsea and Portishead, subject to a list of criteria. The proposal site is however outside of a defined settlement boundary.
6. SPPP1 Policy DM47 links to Policy CS20 of the North Somerset Core Strategy (CS) (2017). Policy CS20 sets out that the spatial approach is employment-led in order to achieve a more sustainable alignment between jobs and the economically active population across towns and villages in North Somerset. This seeks to increase their sustainability, self containment, decrease out-commuting, provide for a range of local jobs and reduce carbon emissions from unsustainable car use.
7. Noting that the proposal site is in the Green Belt, the Planning Practice Guidance advises¹ that the question of whether a location is sustainable should be determined in light of local context and site or development-specific considerations. However, in reaching these judgements, national policy is clear that authorities should consider opportunities to maximise sustainable transport solutions, as set out in Paragraphs 110 and 115 of the Framework.
8. The appellant states that the site is approximately 450m from the Portishead Settlement Boundary, which appears to be measured “as the crow flies”, and this distance increases to some 750m along Valley Road. The proposed vehicular access is however at the far end of the site from Portishead, at significant further distance away from this town and from the proposal site. Although it may be possible to provide a shorter more direct pedestrian route to the proposal, a specific design for such access is not before me.
9. Valley Road is served by the X10 bus route between Portishead and Clevedon, with north and south bus stops within some 100m from the site entrance. However, during my site visit I found that Valley Road, from the Portishead town boundary to the appeal site and beyond to its junction with Clevedon Road (B3124), did not feel particularly safe to walk on. This was due to its undulations, bends, traffic speeds and lack of footway provision, with limited pedestrian refuge points.
10. These characteristics of Valley Road would make it unattractive to travel to the proposal site by foot or by bus, and would also likely present a deterrent for less experienced or confident cyclists. Users of the surrounding Public Rights of Way network would still have to travel along parts of Valley Road to the proposal site. I therefore consider it likely that the proposed development would lead to increased unsustainable private car use, including out-commuting from Portishead.
11. I accept that the appeal site already serves a business and is near to a civic waste recycling centre facility and a police training centre. This does not however justify further unsustainable means of travel.
12. It is put to me that although the proposal site is not in a protected or designated employment area, as an existing employment site it benefits from protection under CS Policy CS20, as it gives priority to the reuse of previously developed land (PDL)

¹ Paragraph: 011 Reference ID: 64-011-20250225

and the safeguarding of sites in existing economic use. The proposal site includes an area of hardstanding but no buildings. This hardstanding extends towards existing buildings facilitating the appellant's company which supplies and fits marble, granite, limestone, and slate for various building features and facilities.

13. This business received permanent planning permission in 2006². The approved site plan before me does not however include the land subject of the appeal proposal. For this reason, the Council considers that the proposal site does not have planning permission for such a business use.
14. There is limited evidence before me that the use of the proposal site as part of the appellant's company is lawful, for example a lawful development certificate. In any event, the specific functional link between the proposal site and the appellant's business is also not borne out in the evidence before me. Although my site visit was only a snapshot in time, I observed no obvious active use of the proposal site as part of the existing business. I therefore cannot consider the proposal site as an existing employment site for the purposes of Policy CS20.
15. For the above reasons, I conclude that the location of the proposal is unacceptable and significantly conflicts with the spatial and development strategy set out in Policy CS20 of the CS and Policy DM47 of the SPPP1, as already outlined above. The scheme also does not benefit from support under Policy CS10 of the CS, which supports development proposals that allow for a wide choice of modes of transport as a means of access to jobs.
16. My attention is also drawn to Draft Policy SP9 of the Council's emerging Local Plan. Whilst this seeks to provide additional employment land, it also requires such land to contribute to sustainable patterns of development and commuting. This emerging policy therefore does not indicate a significant shift in the spatial strategy to justify the location of the appeal proposal.

Highway safety

17. As part of this appeal, the appellant has provided a site plan purporting to show visibility to a distance of 215m to the northwest from the appeal site access, at a point 2.4m set back from the carriageway edge. The 215m distance is in reference to the Design Manual for Roads and Bridges (DMRB), which the Council cites due to Valley Road being subject to the national speed limit (60 mph).
18. The DMRB requirements typically apply to motorways and trunk roads, whereas Valley Road is a C Class road. It also sets out that on roads that are not part of the trunk road network, use of the DMRB could result in significant over-specification. In such circumstances, alternative documents such as the Manual for Streets may be used. The precise average speeds and traffic flows along Valley Road approaching the site access have not however been demonstrated, for example a technical traffic and speed survey undertaken by a suitably qualified person.
19. The visibility splay setback distance of 2.4m is as recommended by the Manual for Streets (DfT, 2007). It also sets out that drivers need to be able to see obstructions 2m high and down to a point 600mm above the carriageway. I noted during my visit that when set back from the carriageway as indicated on the abovementioned site plan, visibility along the northwest splay was partially obstructed by an earth

² Council Ref: 06/P/0572/F

- embankment immediately along the highway, and more significantly obstructed by large trees in leaf further beyond and a slight curvature to the highway route.
20. The proposal does not include any works to trees and shrubs along Valley Road. Their presence means that visibility towards southbound traffic is significantly shorter than as indicated in the abovementioned site plan.
 21. I also saw southbound vehicles accelerating downhill past a bend in Valley Road by the civic waste recycling centre. Although vehicles then reduced their speeds towards the T-junction at the other side of the appeal site access, deceleration occurred at various points along Valley Road. Speeds past the appeal site therefore varied considerably. Although this was only a snapshot in time, from what I saw on site, the existing access visibility is insufficient for the proposal.
 22. It is put to me that the proposal is small in scale and would thus unlikely to be serviced by HGV's. The proposed workshops/machine shops would instead be serviced by vans and lorries. I accept that each proposed unit is not particularly large, and I have no reason to dispute that delivery vehicles already use the existing access.
 23. However, the anticipated nature and amount of existing and proposed traffic generation has not been adequately demonstrated through a transport assessment undertaken by a suitably qualified expert. I therefore cannot reach an informed conclusion as to whether or not the proposal would lead to a significant intensification in use of the existing vehicular access.
 24. The appellant is prepared to accept a planning condition to limit use of the units to Use Classes B2 (general industrial), B8 (storage or distribution), E(c)(iii) (services appropriate to provide in a commercial, business or service locality) or E(g) (offices, research and development processes, or industrial processes), each with a maximum Gross Internal Area of 180sq m. This would still form a wide range of potential uses. The possibility of additional commercial vehicle trip generation (including HGVs) therefore cannot be discounted.
 25. The proposed restricted use condition therefore does not provide any meaningful certainty or control in respect of the nature of commercial vehicular traffic that would be generated. The lack of an accident record at the access point does not in itself demonstrate acceptable highway safety for the proposal, given that only crashes which involve personal injuries are recorded by the police.
 26. No tracking plans of HGV's turning right to exit the appeal site access are before me. For the above reasons, I cannot discount the possibility that HGVs would turn right towards Portishead to undertake other commercial deliveries throughout that town. A condition restricting HGV movements to and from the site would be unreasonable and unenforceable.
 27. It is put to me that there is potential for the existing appeal site junction to be moved forward to further increase visibility. No specific details of this are before me. Given the current significant level of uncertainty regarding anticipated vehicular trips and achievable visibility splays, I am not satisfied that a planning condition to this effect would avoid an unacceptable highway safety impact. A suitably worded condition could however secure an acceptable internal parking and turning layout, had I been minded to allow the appeal.

28. For the above reasons, I conclude that it has not been adequately demonstrated that the existing vehicular access to serve the proposal would provide sufficient and safe northwestern visibility and egress for its intended use. This amounts to an unacceptable impact on highway safety. The proposal thus substantially conflicts with Policy DM24 of the SPPP1 which requires, amongst other things, development to not prejudice highway safety.
29. The appeal scheme is a resubmission of an earlier withdrawn planning application³ whereby the Council's Highways Officer did not require visibility splays in their consultation response. I must however determine the current proposal based on the submitted evidence before and my site visit observations. In any event, I note that this previous consultation response referred to Valley Road being subject a 30mph speed limit, whereas it is currently subject to a 60mph limit along the appeal site access.
30. Looking south-eastwards from the appeal site access, I found no obstruction of views of traffic travelling northbound along Valley Road from the T-junction with Clevedon Road (B3124). Visibility in this direction is therefore acceptable.

Whether the proposal is inappropriate development in the Green Belt

31. One of the Framework exceptions put to me is criterion g) within paragraph 154: limited infilling or the partial or complete redevelopment of PDL (including a material change of use to residential or mixed use including residential), whether redundant or in continuing use (excluding temporary buildings), which would not cause substantial harm to the openness of the Green Belt.
32. Policy DM12 of the SPPP1 does not entirely accord with this recently amended Framework exception. It does however refer to the Framework's PDL definition, which includes land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). This definition also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed.
33. This PDL definition explicitly excludes land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures. Whilst the quarry use of the proposal site has ceased, there is no evidence before me that the land has been restored through development management procedures, for example historic planning permissions.
34. Although the 2006 planning permission does not include the proposal site, I noted some evidence of previous buildings and fixed infrastructure in the form of two concrete pads and surrounding slabs. The Council refers to archive aerial photographs that purportedly show that buildings once stood on the proposal site, which were removed in the 1990s, with remnant hardstanding areas.
35. The Council's above description corroborates with what I saw on site, as the concrete pads and surrounding slabs appear to have been in situ for many years. Although they are mostly outside of the area of the current proposed building,

³Council Ref: 22/P/1939/FUL

based on the evidence before me and what I saw on site, the proposal site nonetheless forms PDL as defined above in the Framework.

Effect on openness

36. In spatial terms, the building to provide seven workshops/machine shops would have a significant footprint owing to its long length. It would also have a significant height due to its pitched roof and eaves height to provide sufficient internal space for various potential employment uses. The overall proposal would also include an increase in hardstanding to each side of the building.
37. In visual terms, the proposed development would be generally well contained by the civic waste recycling centre sited on slightly higher ground, the existing buildings used by the business, and more significantly by the high and steep cliff walls of the former quarry along two sides of the proposal site. Some views of the proposed building would be possible from Valley Road when passing the recycling centre entrance, including intervisibility with the existing buildings. Views further northbound and southbound along the road are blocked by mature shrubbery.
38. When viewed from the recycling centre entrance, the proposed building would sit lower than the appellant's nearest existing building. Views of the proposal would also be filtered in the foreground by the recycling centre development, including various storage containers, signage and palisade fencing.
39. Considering all the above in the round, the overall harm to the openness of the Green Belt arising from the proposal would be moderate. Policy CS6 of the CS states that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open, the most important characteristic of the Green Belt being its openness. However, I have found that the proposal would not be inappropriate development in the Green Belt having regard to Policy DM12 of the SPPP1 and paragraph 154 g) of the Framework, as it would be sited within PDL and would not cause substantial harm to the openness of the Green Belt.
40. As I have found the proposal to not be inappropriate development in the Green Belt, I do not need to consider whether the proposal site comprises grey belt land, nor whether the proposal would meet all relevant grey belt land requirements as set out in the Framework.

Other Matters

41. The appellant's existing buildings are clearly of some age and are of relatively simple form and functionality. They are of smaller footprint than the proposed building. It is put to me that if new buildings are not provided with modern, fit-for-purpose accommodation to meet current market needs and expectations, and the operational needs of the appellant, pressure to sell the site and/or redevelop the land for an alternative use is inevitable.
42. There is however no substantive evidence before me that the existing viability of the appellant's business is solely reliant on the proposed development. The appellant has not specified precisely how many of the proposed units are needed to sustain or expand the existing business. The amount of revenue needed from the proposal as a form of enabling development for the existing business is also not quantified. The above matters therefore do not justify allowing the appeal.

43. The acceptable design of the proposal and the lack of negative effects on adjacent trees are neutral factors that neither weigh in favour nor against the proposal.
44. The site is within a consultation zone for both Greater and Lesser Horseshoe bats, as set out in the North Somerset and Mendip Bats Special Area of Conservation Guidance on Development Supplementary Planning Document (2018). This guidance relates to the impact of development on the North Somerset and Mendip Bats Special Area of Conservation (SAC). There is dispute between the main parties as to whether the proposal would have a likely significant effect on the existing habitat within the site as functionally linked habitat to the SAC and its conservation objectives. However, as I am dismissing the appeal for other reasons, I am not pursuing this matter further as it could not lead me to a different decision.

Planning Balance

45. I have found that the proposal would not be inappropriate development in the Green Belt having regard to Policy DM12 of the SPPP1 and paragraph 154 g) of the Framework. I have however found substantial conflict with Policy CS20 of the CS and Policies DM24 and DM47 of the SPPP1. This amounts to conflict with the development plan taken as a whole.
46. The Framework seeks to help build a strong, responsive and competitive economy, and states that planning decisions should help create the conditions in which businesses can invest, expand and adapt. It also however seeks to achieve sustainable patterns of development, safe and suitable access for all users, and resists development that would lead to an unacceptable impact on highway safety.
47. There is no evidence before me of specific existing businesses that have expressed an interest to occupy any of the proposed units. The appellant's longstanding business is however actively looking to expand into additional space and has expressed a desire that some of the units could be used to grow their existing company, which currently occupies the neighbouring site and buildings. I also accept that the lack of proximity to residential uses could make the site attractive for intensified economic purposes, and that the proposal would avoid development on greenfield sites.
48. The Council's Economic Development Officer also supports the development, and their consultation response includes a property search within a five-mile radius of Portishead for Class B2 general industrial properties, and within the size range of the proposal (including a scenario where the proposed building is occupied by one business). No such sites were found within this search area.
49. I also saw as part of my visit the Gordano Gate site in Portishead. Its undeveloped status is significant, as it is the only current development plan allocation for new employment land within Portishead's settlement boundary, and the nearby Weston-in-Gordano area has no such allocations. The appellant suggests that the proximity of residential neighbours may restrict the future operation of this allocated site and limit its overall viability, although there is no demonstrable evidence of that before me. On the other hand, there is also no evidence put to me to indicate the likely timeframe in which this site could deliver employment.
50. The appeal site is also within relatively convenient driving distance to the M5 motorway and to Clevedon and Nailsea. The Council's Economic Plan (2017-2036) refers to an historically low critical mass of employment, and anticipates growth in

employment within offices, research and development, light industrial and storage and distribution uses. The Council's emerging Local Plan and supporting evidence base also identifies the need for additional new employment space. This however does not demonstrate that there is currently a lack of comparable available employment space in the wider North Somerset area.

51. I nonetheless conclude that there is a demonstrable unmet need concentrated in Portishead and its locality for the proposal as an employment-generating development. The proposal would provide modern accommodation for a variety of uses that could create local employment opportunities for between 20-30 people, and associated opportunities for local skills and wages. There would be flexibility to provide small scale commercial workspaces and the scheme could also include expansion of the operation and labour force of the appellant's business. I afford these matters significant weight.
52. The scheme could also incorporate renewable energy generating technologies for both electricity and heating/hot water, including solar panels and heat pumps. Similarly, rainwater harvesting could allow greywater solutions. As the evidence before me does not specifically quantify these sustainability credentials, I can only afford these matters limited weight.
53. Taking all above matters into consideration, the benefits arising from the proposal would not outweigh the substantial harm I have identified in respect of the location of the proposed development and the unacceptable highway safety impact.

Conclusion

54. For the reasons given above, the proposal conflicts with the development plan as a whole and the material considerations before me do not indicate that a decision should be made otherwise than in accordance with the development plan. The appeal is therefore dismissed.

R Cahalane

INSPECTOR