
Appeal Decision

Site visit made on 9 June 2025

by **Matthew Jones BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 September 2025

Appeal Ref: APP/D0121/W/25/3362265

Bristol Road, Wraxall, BS48 1NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for planning permission
 - The appeal is made by Dr Hugh Pratt against North Somerset Council.
 - The application Ref is 24/P/1510/FUL.
 - The development proposed is Installation of a novel hydro turbine and the provision of 3no. gypsy/traveller pitches.
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Decision

1. The appeal is dismissed, and planning permission is refused.

Background and Main Issues

2. The Council failed to give notice of its decision within the requisite period. However, putative reasons for refusal have been put forward by the Council within its appeal evidence. They, together with the submissions of the appellant and interested parties, have led me to identify the following main issues:
 - whether or not the proposal would be inappropriate development in the Green Belt, with particular regard to highway safety and the proximity of services and facilities;
 - the effect of the proposal on the openness of the Green Belt;
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on biodiversity, with reference to protected species;
 - whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether or not inappropriate development in the Green Belt

3. The site largely comprises grassland, trees, a small barn and a watercourse within the countryside and Green Belt some 2.5 miles to the east of Nailsea. There is a modern vehicular access from Bristol Road to the north. Next to this access, a Public Right of Way (PRoW) travels south between the site's east boundary and the adjacent property Gable Farm before passing a fishing lake. Housing

development in the area is fairly sparse, but exists in pockets around existing and former farmsteads, along Bristol Road, and within nearby Wraxall.

4. Policy E of the Planning Policy for Travellers Sites (PPTS) establishes that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. It goes on to say that gypsy and traveller sites in the Green Belt are inappropriate development unless the exceptions set out in Chapter 13 of the National Planning Policy Framework (the Framework) apply.
5. Insofar as it is relevant to this proposal, Paragraph 155 of the Framework states that the development of homes and other development in the Green Belt should not be regarded as inappropriate where the proposal would utilise 'grey belt land' and would not fundamentally undermine the purposes of the remaining Green Belt across the plan area. There must be a demonstrable unmet need for the development which must also be in a sustainable location with reference to Paragraphs 110 and 115. These paragraphs relate to the accessibility of services and highway safety. Reference should also be made to Paragraph 13 of the PPTS.
6. The Framework defines 'grey belt' as land that does not strongly contribute to any of purposes (a), (b), or (d) in Paragraph 143. Taking each one in turn, the site is away from the nearest large built-up area of Nailsea, and so the scheme would not contribute to its unrestricted sprawl. The site has no neighbouring towns and so there would be no merging of towns and no harm to the setting and special character of any historic town. The site therefore fulfils the definition of grey belt land.
7. Given the modest size of the site, its largely innocuous presence from the public realm owing to the slope of the land and dense vegetation, together with the modest scale of the proposed development, the scheme would not fundamentally undermine the purposes of the remaining Green Belt in the plan area. Owing to the Council's acknowledged lack of a five-year supply of deliverable gypsy and traveller sites, there is a demonstrable need for this type of development within North Somerset. There is also a general need for more sources of renewable energy.
8. The site has an agricultural use, and its modern access may also serve the fishing lake. Given the modest size of the holding and the logical scale of farming activity that could be carried out, plus the private status of the fishing lake, the provision of three gypsy and traveller pitches on the site would lead to a material intensification in the use of this access. It is suggested that some traffic generated by the scheme could use an alternative means to access and exit the site. It is not clear how this could be controlled, with it more likely that the modern access would be used by all residents as the most convenient and direct way to connect to Bristol Road.
9. Bristol Road is largely rural and has a 40mph speed limit. I observed traffic along it to be frequent. In such circumstances the Design Manual for Roads and Bridges (DMRB) recommends visibility splays of 120m. Whilst 120m splays are shown on the plans, they are not plotted in line with the DMRB's best practice as they are not measured to the nearside edge of the carriageway in either direction. The access drawing indicates that, if the splays were plotted to the inside kerb as required by the DMRB, the extent of the visibility splays would fall significantly short of 120m.
10. This suggests that visibility at the access is not to a safe standard, and corresponds with my experience on site, with the curvature of the road obstructing visibility and vehicles appearing quickly from left and right, with limited time to react if pulling out. As such, the occasional use of the access by vehicles towing caravans, and the

more frequent use of the access by individual vehicles, would carry a significantly heightened and unacceptable risk for conflict between road users.

11. In terms of accessibility, whilst there are bus stops on Bristol Road, and fairly frequent services available, there is also an absence of street lighting and dedicated pedestrian space along the highway. This is to such extent that Bristol Road is experienced as an inhospitable environment for pedestrians which prevents safe walking to public transport and dissuades cycle use. The typically basic PROW network around the site is not a reliable or inclusive route for people to use to meet day to day needs either. This means that residents of the site would be near totally dependent on private transport to access all services and facilities.
12. Nonetheless, gypsy and traveller sites are common in more rural areas, where opportunities to access sustainable transport are typically less. I am mindful that persons with a nomadic way of life will travel by definition and that wherever gypsies and travellers live, it is likely that they will have a heightened degree of reliance on private vehicles to access what they need. In this case, the broad range of facilities in Nailsea and even the vast array of facilities in Bristol are not especially far away, nor is the M5 to the south. Paragraph 13 of the PPTS further points out that providing a settled base for gypsies and travellers reduces the need for long-distance travelling. Given such, the site is adequately accessible insofar as it relates to the particular prospect of gypsy and traveller development.
13. Drawing this issue together, I conclude that, whilst the proposal would be within adequate proximity to services and facilities, the proposal would be inappropriate development in the Green Belt with reference to highway safety. The proposal would conflict with the aims of Policy CS18 of the Core Strategy (adopted 2017), Policy DM24 of the Development Management Policies Sites and Policies Plan Part 1 (adopted 2016) (the SPPP1) and the Framework insofar as they together require development, including gypsy and traveller development, to be safely located.

Openness

14. Paragraph 142 of the Framework states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and permanence. The openness of the Green Belt has a spatial aspect as well as a visual aspect.
15. The turbine would be substantially submerged, significantly reducing its effect on openness. The location for the gypsy and traveller pitches is only glimpsed in filtered views through greenery from the PROW to the east. I was unable to gain any alternative, clear view of the location of the proposed pitches from the wider PROW network, and I am mindful that further screen landscaping is proposed. Even during the winter months, the caravan pitches would be barely noticeable from the public realm in my view. Given such, there would be a minimal and acceptable effect on the visual aspect of openness.
16. However, the location of the pitches is currently open. The caravans and associated vehicles and domestic paraphernalia would have a clearer harmful effect on the spatial aspect of openness. Given that the pitches would be larger and the caravans more spread out, the harm to openness would not be offset by the removal of the small, and quite open, barn from the site. Whilst the residual level of harm would be limited, the Framework advises that substantial weight be given to

inappropriate development in the Green Belt and any other harm and that is the weight I shall apply to the loss of openness in this case.

Character and appearance

17. The site falls within Landscape Character Area B1: Land Yeo, Kenn River and River Avon Floodplain as set out in the Council's Landscape Character Assessment document (2018). Its key characteristics include its peaceful pastoral landscape, small open water bodies, broadleaved small woodlands, trees, rivers and streams. The site and its environs clearly exhibit these attributes.
18. However, the largely submerged turbine would be a small feature, and caravans are not an inherently alien feature within the countryside. Given also that the scheme would utilise an existing access, and considering how well screened the pitches would be, there would be negligible visual and landscape harm arising from the proposal. The Council has also referred to the potential for the storage and treatment of waste material. However, the adequate preclusion of open-air storage around the site associated with the proposal could be secured with a condition.
19. Accordingly, I conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area. It would accord with the visual and landscape aims of Policies CS5 and CS18 of the Core Strategy, Policies DM10 and DM32 of the SPPP1, the Framework and the PPTS.

Biodiversity, with reference to protected species

20. Policy CS4 of the Core Strategy requires that biodiversity net loss is avoided, and net gains are achieved wherever possible. The area set aside for the pitches is currently modified grassland of little biodiversity value. Given the breadth of land within the appellant's control, and the intention to provide enhanced planting within the site, I accept the appellant's position that a 29% uplift in the general biodiversity value of the site could be achieved by the development.
21. That being said, Policy DM8 of the SPPP1 states, amongst other things, that development which could harm legally protected species should not be permitted unless the harm can be avoided or mitigated by appropriate measures.
22. Bat is a protected species. 12 types of bat have been recorded within 2km of the appeal site. From the information before me, I can ascertain that the area of the novel hydro turbine, comprising a slow-moving watercourse shaded by trees, is highly likely to support commuting and foraging bats. Tree belts around the proposed pitches and the site access are also likely to support these activities. Trees around the barn proposed to be removed have the potential for roosting.
23. There is an absence of substantive work to adequately ascertain the full extent of any bat activity. The appellant's ecological evidence identifies the potential for disturbance to bat as a consequence of human occupation, and specifically light spill from caravan windows. The extent of the latter has not been modelled. The potential harm caused by lighting and human activity also logically extends to the maintenance and operation of the turbine. It is suggested that light pollution from Gable Farm site may already dissuade bat activity within the appeal site, but again this has not been corroborated by substantive survey or modelling evidence.
24. It follows that there is a reasonable prospect of bats being on site and being negatively affected by the development. In the absence of sufficient survey and

modelling evidence to fully understand the extent of this issue, I am unable to conclude that the suggested mitigation measures would be successful in maintaining the favourable conservation status of this protected species.

25. The 06/2005 Government Circular: Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System makes clear that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by a development, is established before permission is granted, otherwise all relevant considerations may not have been addressed. This is therefore a matter which should not be left to a planning condition.
26. For the above reasons, there is insufficient information before me to conclude that the proposal would not have an unacceptable effect on biodiversity, with reference to protected species. This leads me to conclude that the proposal would conflict with the ecological aims of Policy CS4 of the Core Strategy, Policy DM8 of the SPPP 1, the North Somerset and Mendip Bats Special Area of Conservation Guidance on Development Supplementary Planning Document (2018), and the Framework.

Other Considerations

27. The Framework states that inappropriate development in the Green Belt should not be approved except in very special circumstances and very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
28. The North Somerset Gypsy and Traveller Accommodation Assessment (GTAA) (2022) identifies an unmet need for 114 pitches for gypsies and travellers up to 2042. This equates to 103 pitches over the given period of the development plan, and 18 pitches by 2026. Despite that, there have been no allocations made by the Council to date, and only limited evidence of windfall sites coming forward with permission. Moreover, given the subsequent broadening of the definition of gypsies and travellers within the PPTS as revised in late 2024, the level of unmet need in North Somerset is likely to be higher than that assessed by the GTAA in 2022.
29. I understand that the Council's emerging Local Plan proposes two allocations for gypsy and traveller sites offering a combined total of 44 pitches. It is not clear at this stage how the residual unmet need for pitches will be addressed beyond that. This suggests that, even if the emerging Local Plan is adopted, the considerable unmet need for gypsy and traveller development in North Somerset may well perpetuate for the foreseeable future. The likely level of unmet need in North Somerset now and going forward attracts significant weight in favour of this appeal.
30. The Public Sector Equality Duty as set out in s149 of the Equality Act 2010 (PSED) requires that, when carrying out its functions, a public authority must foster good relations between persons who share a relevant protected characteristic and persons who do not.
31. Whilst there is no persuasive evidence that the appellant is a Gypsy or Traveller in ethnicity terms, it is clear from the evidence that they previously had a nomadic life and ceased to travel for personal reasons. These circumstances fulfil the definition of gypsies and travellers as set out by the PPTS. If the appellant were to live on the site, the scheme would be a benefit by returning them to a more traditional and nomadic way of life. Moreover, other future residents could well be ethnic Gypsies

or Travellers. The contribution that the scheme would make to meeting the unmet need for pitches, within the context of the PSED, together with the personal circumstances of the appellant, each attract significant weight.

32. The scheme would provide biodiversity net gain and help to combat climate change with a contribution to renewable energy in the form of an innovative hydro turbine, allowing residents to live 'off grid'. Vehicle charging points could be secured on the site. Residents would also benefit from their own spring water supply, and facilities for the disposal of foul and grey waste. I understand that the operation of the turbine would allow fish to travel upstream for the first time here since the Victorian era, and the installation of the turbine could spur others on to push forward with similar schemes. These benefits attract moderate weight in favour of the proposal.
33. Given this tranquil and sparsely populated rural location, I do not doubt that the site would provide high quality living conditions for residents and promote peaceful and integrated coexistence between them and the local settled community. In offering a settled base for future residents, it is logical that the scheme would reduce the prospect for unauthorised encampments elsewhere. I also recognise that the site is away from areas at risk of flooding and offers space for the keeping of horses, thus potentially facilitating this aspect of the traditional gypsy and traveller way of life. These matters also attract moderate weight in the scheme's favour.

Green Belt Balance

34. Policy E of the PPTS provides that, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.
35. Taking that into account, the appellant's personal circumstances and the unmet need for pitches, together with the other considerations before me, fall short of outweighing the harms that would arise. It follows that the very special circumstances necessary to justify the scheme do not exist. The proposal would conflict with Policy CS6 of the Core Strategy, DM12 of the SPPP1, the Framework, and the PPTS insofar as they together seek to prevent inappropriate development in the Green Belt unless under very special circumstances.

Other Matters

36. The site is within the impact risk zone of the North Somerset and Mendip Bats Special Area of Conservation (the SAC), which is designated for the populations of Greater Horseshoe Bat and Lesser Horseshoe Bat that it supports. Given the likelihood of bats in and around the site, I am unable to rule out that likely significant effects may arise to the integrity of the SAC as a result of the development. Had I been minded to allow this appeal, it would have been necessary for me to first address this matter within an Appropriate Assessment. As I am dismissing the appeal for other reasons, I have not done so.
37. The appellant has directed me to several developments that have taken place in the surrounding area, some of which do not appear to have the benefit of planning permission. However, none appear to match the combination of circumstances at this site, such as the complex planning history, much of which has taken place at appeal. I am not beholden to previous decisions made elsewhere by the Council in any event. The scheme at neighbouring Watercress Farm relates to the conversion of redundant farm buildings and so would have been assessed within a different

context. Given also that each case must be determined on its own merits, the various schemes highlighted have had little influence on my own assessment.

Planning Balance

38. In light of the harms identified above, the proposal conflicts with the development plan when read as a whole.
39. The Council's lack of a five-year supply of sites engages Paragraph 11 d) of the Framework. It states amongst other things that in such circumstances permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development. Protected species and the Green Belt are such assets, and given the harm in relation to both, the Framework provides a strong reason for refusing the proposal. Temporary or personal permission would not resolve the issues before me, as the same harms hold true for a time limited development.
40. In reaching this view I have had due regard to my responsibilities under the PSED. Ultimately the harms that would be caused by the appeal development outweigh its potential benefits in terms of eliminating discrimination against persons with the protected characteristic of race, advancing equality of opportunity for those persons and fostering good relations between them and others. It is proportionate to dismiss the appeal in these circumstances.
41. Consequently, the other considerations before me do not indicate that I should make my decision other than in accordance with the development plan.

Conclusion

42. For the reasons given above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR