
Appeal Decision

Site visit made on 16 September 2025

by **R J Redford MTCP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 September 2025

Appeal Ref: APP/D0121/W/24/3356972

Land to the east (Builders Yard) of the Guide Hut, Weston Road, Long Ashton, North Somerset BS41 9BJ

- 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 S Weeks against the decision of North Somerset Council.
 - The application Ref is 22/P/2073/OUT.
 - The development proposed is for up to 7 detached dwellings and garages with associated access and parking.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr S Weeks against North Somerset Council. This application is the subject of a separate Decision.

Preliminary Matters

3. The application was made in outline with details of access, layout and scale submitted for approval. Details relating to appearance and landscaping are reserved for later consideration.

Main Issues

4. The main issues are the effect of the proposed development on the North Somerset and Mendip Bats Special Area of Conservation, and local infrastructure specifically regarding home to school transport.

Reasons

North Somerset and Mendip Bats Special Area of Conservation (SAC)

5. The appeal site was a builder's yard but is no longer in use and is overgrown. It is located on the edge of the village of Long Ashton along Weston Road between the Long Ashton District Guide Headquarters and some residential properties. To the rear of the site is a woodland strip with the railway beyond. The proposal would redevelop the appeal site as 7 detached dwellings set back from the road.
6. The appeal site is within the consultation area of the North Somerset and Mendip Bat Special Area of Conservation (SAC). Policy CS4 of the Core Strategy (CS) seeks to maintain and enhance the biodiversity of North Somerset, including rare species such as horseshoe bats (HSBs). This is similarly reflected in Policy DM8 of the Sites and Policies Plan Part 1 – Development Management Policies (DMP)

which, amongst other things, requires development within the consultation area to identify potential impact it may have on the SAC and any appropriate mitigation.

7. The North Somerset and Mendip Bats SAC Guidance on Development Supplementary Planning Document (SPD) states that the consultation zone is where horseshoe bats may be found and these are the species that are the primary reason for the SAC designation. The appeal site is a distance from the SAC, but the consultation zone takes account of the use of functionally linked roosts beyond the SAC by the bats from within the SAC. Further, Natural England considers the connectivity of the appeal site with the SAC via strong linear habitat features such as the railway to mean that HSBs using the site are likely connected to the SAC.
8. Accordingly, any impact on bats at the appeal site has the potential to impact the reason for the SAC designation. As such Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (Habitat Regulations) requires an appropriate assessment to ensure that the development would not adversely affect the integrity of the SAC.
9. The appellant's Ecological Appraisal, and Bat Activity Survey (BAS) confirm the use of the south and east boundaries of the site by HSBs for commuting and foraging, and that any lighting on the site may disturb this behaviour. The BAS has also indicated that demolition of one of the buildings on site would result in the loss of a night roost for Lesser HSBs. This is supported by the Habitat Evaluation Procedure worksheets for Lesser HSBs which identifies a loss of their habitat. It is noted that the proposal would provide a small increase in Greater HSBs habitat on site, but this would not be to such an extent as to compensate for the loss of Lesser HSBs habitat. Therefore, the proposal would have a detrimental impact on HSBs and so it cannot be concluded that the development would not adversely affect the integrity of the SAC.
10. The BAS provides a series of mitigation measures to overcome the proposed loss of the night roost and potential light disturbance to the HSBs, and these could be secured by condition. However, no mitigation for the overall loss of habitat has been provided which, if on site, may require alterations to the layout of the proposed development so would not be appropriate to condition as this is not a reserved detail.
11. The appellant has drawn my attention to the Epic Campus development as an example where bat habitat loss was considered acceptable. That application was supported by 4 years of bat surveying, so a more detailed picture of its use was available, and Epic Campus is further away from the SAC than the appeal site. It is not therefore comparable to the proposed development.
12. They have also referred to the appeal decisions at Rectory Farm¹ and Farleigh Farm². At Rectory Farm additional off-site habitat provision was proposed to make up for an on-site shortfall and at Farleigh Farm there was an increase in the on-site habitat provision. Neither is the case for the scheme before me.
13. As such the proposal could detrimentally effect HSBs and so could adversely affect the integrity of the SAC, so would not comply with the Habitat Regulations, CS Policy CS4 and DMP Policy DM8.

¹ APP/D0121/W/21/3286677

² APP/D0121/W/21/3285624

Local infrastructure

14. CS Policy CS25 seeks to secure improved facilities and services where local provision for children and young people will be inadequate to meet the needs of new residential development. Although the focus of the policy is on new facilities, it is evident in paragraph 3.309 of the policy's supporting text that services can also include contributions towards improving safe routes to school, or home to school transport (HtST).
15. As the proposal is for homes suitable for families it is likely there would be an increased pressure on facilities and services for children and young people. In consultation with the Local Highways Authority, the Council has found that the proposal would likely increase the number of children over 8-years-old by one. This would require a financial contribution towards HtST due to the distance of the appeal site from St Katherine's Secondary School, the school it falls into the catchment of. This is supported by the Council's Home to School Travel Policy September 2020 which is based on statutory guidance produced by the Department for Education. This is not a local development plan policy but does inform the requirements of CS Policy CS25 as it sets out when a student is eligible for home to school travel subsidy.
16. However, the Appellant has noted that there are 2 other secondary schools closer to the appeal site, Backwell and Ashton, both of which are close enough not to require HtST subsidy. Nevertheless, no mechanism has been put forward which would preclude future occupants of the proposal from going to St Katherine's or that travel to this school could be secured without the need for HtST subsidiary. Nor is it likely such limitations on future occupants would be appropriate.
17. Therefore, for the proposal to comply with CS Policy CS25, a contribution towards HtST for 1 child over 8-years-old would be necessary, directly related to the development, and reasonably related in scale and kind to that development. As a contribution of this nature is related to the number of dwellings proposed, it would be necessary to secure this at the outline stage, and this has not been done.
18. Consequently, the proposed development fails to secure appropriate contributions to local infrastructure with specific regard to HtST, so does not comply with CS Policy CS25, and by default CS Policy CS34 and DMP Policies DM70 and DM71 as far as they seek to secure infrastructure contributions via obligation.

Balance and Conclusion

19. The Council cannot demonstrate a 5-year housing land supply therefore it is necessary to apply Paragraph 11 of the National Planning Policy Framework (the Framework). However, Paragraph 11 (d) indicates that permission should be granted, unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. The application of the Framework's habitats site policies, in this case relating to the SAC, provides that to be the case here. As such, the proposal would not be the sustainable development for which Paragraph 11 of the Framework indicates a presumption in favour.
20. Nonetheless, it is recognised that the Framework seeks to boost the supply of homes and make more efficient use of land in accessible locations. The proposal would provide a net increase of 7 homes on previously developed land in a

reasonably accessible location, on a site which could be considered to support SME³ housebuilders. Along with the associated economic benefits this contribution to the windfall element of the Council's five-year housing land supply attracts modest weight based on the number of houses involved.

21. It is also recognised that, although not to a level to overcome the potential impact on the SAC, the proposal would provide some modest ecological benefits which would attract limited weight.
22. No harm has been identified in relation to character and appearance, green belt, living conditions, drainage and flood risk, highway safety, trees and landscaping, heritage, architecture, and climate change. Nevertheless, a lack of harm, by definition, cannot weigh for or against the proposal.
23. However, housing provision should not come at the cost of protected habitats or local infrastructure, a position also supported by the Framework. So, when weighed against the policies in the Framework taken as a whole, the adverse impacts of granting planning permission would outweigh the proposed benefits.
24. Consequently, for the reasons given above the appeal scheme would conflict with the development plan when read as a whole and there are no sufficiently weighted material considerations, including the Framework, which would indicate a decision otherwise. The appeal is, therefore, dismissed.

RJ Redford

INSPECTOR

³ Small and Medium Enterprise