

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: 03 October 2025

Appeal Ref: APP/D0121/W/24/3357628

The Star Inn, Clevedon Road, Tickenham, North Somerset BS21 6SE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Mr Stean Williams against the decision of North Somerset Council.
- The application Ref is 23/P/0581/FUL.
- The development proposed is erection of 5no. dwellings, following demolition of the existing building.

Decision

1. The appeal is dismissed.

Background and Main Issues

2. The first reason for refusal cites harm to the Green Belt in which the appeal site is located within. Subsequent to the National Planning Policy Framework (Framework) revisions and having regard to a permission in principle granted in 2021¹ for 4-5 dwellings following demolition of the Star Inn, the Council now considers the site to constitute grey belt land, and that the appeal proposal is not inappropriate development in the Green Belt as set out in Framework paragraph 155. Following my site visit, I have no reason to disagree.
3. In light of the above, the main issues are:
 - the effect of the proposed development on the North Somerset and Mendip Bats Special Area of Conservation (SAC); and
 - the effect of the proposed development on highway safety, with particular regard to visibility at the proposed vehicular access off Clevedon Road, and the safe operation of the highway.

Reasons

Somerset and Mendip Bats SAC

4. The appeal site comprises a restaurant and public house building (The Star Inn), with vehicular access off Clevedon Road and a long road frontage. It also contains a large car parking area and hedgerows and trees along most of its boundaries. It is within Band C of the Horseshoe Bat Consultation Zone (BCZ) for Greater Horseshoe Bats, 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 SAC, designated due to amongst other aspects its importance for Greater and Lesser Horseshoe Bats.

¹ Council Ref: 21/P/2131/PIP

5. The site is also within Band B of the BCZ for Lesser Horseshoe bats, due to its closer proximity to roosts either side of it (to the east and to the northwest) that are outside of the SAC boundaries. The various sizes of the BCZs 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 subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (“the Habitats 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.
7. Due to the distances involved, I accept that it is unlikely that bats would fly directly to the appeal site from the roosts within the SAC. However, the abovementioned SPD sets out that whilst the BCZs are not within the SAC, the landscape surrounding it is important in providing foraging habitat needed to maintain the favourable conservation status of Horseshoe bats.
8. Bats are a highly mobile species and need to be able to move through landscapes between their roosts and foraging areas, and require linear features such as hedgerows. During my site visit, I noted that the boundaries of the site mainly contained long and dense hedgerow. It is also near to other hedgerow, trees and fields. These natural features could provide foraging habitat and flyways for bats.
9. It is put to me that the site’s connectivity to the wider landscape is somewhat lessened by Clevedon Road to the south, and the access lane serving the Hinkley Point pylons to the north. I however found Clevedon Road in the vicinity of the appeal site to be lined by hedgerow and not served by streetlighting. Horseshoe bats also tend to commute close to the ground up to a height of two metres, and mostly beneath vegetation cover. The site could therefore form part of a functionally linked foraging habitat and commuting route for Horseshoe bats.
10. A bat emergence survey was carried out on the appeal site in May 2021. This recorded no bats roosting within the Star Inn structure or emerging from it. Noctule bats were however recorded passing the site. I note that the survey was undertaken when areas within the site were bathed in artificial light from the exterior floodlights lighting the public house, beer garden and carpark. It would however be likely that illumination would reduce after closing time each evening, which could provide more favourable conditions for commuting or foraging Horseshoe bats.
11. I found the northern boundary hedgerow to be long and dense, and not fragmented or severely defunct as set out in the latest updated ecological walkover survey undertaken in February 2023, a time of year when the shrubbery would not be in full leaf. I noted that the other hedgerows and grassland appeared to be of broadly similar condition as amplified in the previous surveys before me (including the Ecological Assessment undertaken in January 2020). The site’s natural features therefore appear to have remained substantially intact in recent years.
12. The updated walkover survey also states that the Star Inn building was inspected internally, although no internal photographs were provided. I noted during my visit that this building appeared to be generally in good external condition, including its roof tiles and front gable timber panelling. However, given its age and location, I cannot discount the possibility that bat roosts may be present within this building.

13. The CIEEM guidance note on the lifespan of ecological reports and surveys (April 2019) sets out that ecological reports that are more than three years old are likely to need updating. I accept that the Council has taken a significant amount of time to determine the planning application subject of this appeal. However, at the time of its submission the emergence survey was already some 21 months old. The abovementioned CIEEM guidance sets out that surveys may need to be updated after 12-18 months if the site may offer existing features which could be utilised by a mobile species (such as bats) within a short timeframe.
14. In excess of four years has now passed since the last bat survey, which goes significantly beyond the CIEEM guidance. This is a substantial period of time, particularly given the appeal site's location and characteristics, and that bat activity can change regularly. The bat survey information before me is thus not sufficiently up-to-date to allow me to conclude that the site is not used for foraging habitat, commuting routes or roosting for Horseshoe bats. I therefore cannot be sure that the proposed development, either alone or in combination with other plans or projects, would not be likely to have a significant effect on the SAC.
15. In such circumstances, Regulation 63 of the Habitats Regulations requires the competent authority to undertake an Appropriate Assessment of the project's implications for the SAC in view of its conservation objectives. To complete an Appropriate Assessment, the Habitats Regulations has required me to consult with Natural England and take their comments into account. Natural England's consultation response indicates that a likely significant effect cannot be ruled out.
16. Horseshoe bats are 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. The proposed lighting strategy advises that the proposed access road will be illuminated for safety and amenity purposes. Its light spill diagram plan indicates that an area of the existing northern boundary would be subject to light levels greater than 0.5lux. This conflicts with the SPD which sets out that effects on existing features used by SAC bats can be avoided through avoiding introduced light levels above 0.5 lux.
17. The proposed access road lighting would appear to be in closer proximity to the northern hedgerow than the existing fixed external light sources, leading to increased illumination of this natural feature when compared to the existing situation. Provision of five new dwellings as proposed with associated vehicular access, parking and turning areas, would also lead to illumination of some existing natural features, including at night beyond normal public house opening hours.
18. During my visit, I noted the presence of lights to the side and rear elevations of the building and a lamp post east of the building serving the vehicular access route to the car park. There was also a set of floodlights in the garden area. The site is therefore not devoid of existing fixed light sources. However, the evidence before me does not set out the precise extent of existing illumination. I also have little evidence in respect of the current opening hours and intensity of operation of the public house and associated external lighting. I cannot therefore be certain that the proposal would, as is alleged, reduce light spill on the northern hedgerow.
19. No mitigation is put forward to offset or avoid an adverse effect. As an enhancement measure, an integrated bat tube would be included into each of the proposed structures facing onto suitable habitat. Whilst these would create roosting

opportunities for crevice dwelling bats, they could not be regarded as sufficiently mitigating any harmful effects arising from the appeal proposal.

20. For the above reasons, and adopting a precautionary approach, I am not satisfied that the overall scheme would not adversely affect the foraging habitat and commuting routes for Horseshoe bats. Accordingly, I cannot be certain that the project would not adversely affect the integrity of the SAC.
21. In the light of a negative assessment on the implications on designated sites, the Habitats Regulations require consideration as to whether there are any alternative solutions and if not, whether there are any imperative reasons of overriding public interest. However, irrespective of whether there may be any alternative solutions, the proposed redevelopment of the site to provide five dwellings, taking into account its merits and scale, is not sufficient to amount to such overriding public interest. Consequently, having regard to the Habitat Regulations, permission must not be granted.
22. I therefore conclude that the proposal conflicts with Policy CS4 of North Somerset Core Strategy (CS) and Policy DM8 of the North Somerset Sites and Policies Plan Part 1 (SPP1). Collectively, these policies require, amongst other things, important habitats (including designated sites) to be protected and enhanced, and development proposals impacting legally protected species and habitats to be accompanied by an up to date ecological survey assessment.

Highway safety

23. The site contains a wide vehicular access on the outside of a relatively sharp bend in Clevedon Road, which is subject to a 40mph speed limit within this area. The proposed vehicular access is west of this existing access, which would be closed off. The scheme also includes footways either side of the proposed access, which would also serve a relocated bus stop at the location of the existing access.
24. It is put to me that due to the Council's designation of Cleveland Road as a "Principal Route", access splays should comply with the requirements of the Design Manual for Road and Bridges (DMRB). This would require significantly longer splays than those proposed. However, the DMRB requirements typically apply to motorways and trunk roads, whereas Clevedon Road is a B classified road. Moreover, the DMRB 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.
25. The appellant undertook an Automatic Traffic Count survey for a continuous seven-day period in January 2023. This indicates the 85th percentile speed of traffic, which is the speed at or below which 85% of motorists drove on the road. Such speeds are measured as 31.8mph eastbound and 29.4mph westbound. Proposed visibility splay distances for the new access are based on these recorded speeds and the formulae within Manual for Streets 2 (MfS2) (CIHT, 2010).
26. The Council measured slightly higher speeds of 32.4mph and 34mph respectively, although the specific details are not before me such as the time that they were recorded. In any event, the various recorded speeds appear to reflect what I observed during my site visit. Although this was only a snapshot in time, I noted traffic speeds to be low and appeared to be naturally contained by the road bends, and a noticeable amount of traffic along the highway.

27. Maximum achievable visibility distances would be substantially greater than the minimum distances required as indicated by MfS2. I see no reason why it would not be appropriate to relate the visibility splay requirements to the actual recorded speeds, and what I observed on site. On this basis, the proposed access visibility splays are sufficient in this location.
28. I also found that the existing bus stop is formally marked out fully on the carriageway, and already necessitates eastbound traffic to cross the centreline to pass a stopping bus. The proposed relocated bus stop would be on the bend and near to the proposed vehicular exit. However, having regard to the traffic levels and speeds that I observed, the proposed location of this stop adjacent the site exit and the bend would naturally deter vehicles from crossing the centreline past a stopping bus. This therefore does not amount to an unacceptable highway safety risk.
29. The proposed access is of sufficient layout and position away from the bend to avoid it being perceived by drivers as a continuation of the B class carriageway. Given the location of the existing public house access, there would be no additional impact arising from vehicle headlights waiting to exit the proposed access.
30. The existing access and route to the westbound bus stop is not served by street lighting or a footway. However, the appellant has provided technical highways evidence to demonstrate that the anticipated vehicle trips arising from the proposed residential scheme would be significantly less than the extant use of the site as a public house. Although the westbound bus stop is not fully segregated from the highway, it would still be a safe and convenient option for many future occupiers of the proposed dwellings. A requirement for street lighting or a continuous footway link to the westbound bus stop has therefore not been demonstrated.
31. Had I been minded to allow the appeal, measures to restrict vehicle parking adjacent the proposed entrance and to protect vehicles parked on the nearest private driveway could have been secured by means of a suitably worded planning condition. Similarly, final details of the communal bin store location, dropped kerbs for pedestrian access and secure cycle storage for each dwelling could also have been secured by conditions. There is no evidence before me to suggest that this is an unsafe location to cycle from to surrounding facilities and services.
32. For the above reasons, and despite the lack of a Stage 1 Road Safety Audit, I have found the proposed vehicular access to be acceptable, and the overall scheme would allow for the safe operation of the highway. In these respects, the proposal complies with Policy CS10 of the CS and Policy DM24 of the SPPP1. Collectively, these policies require, amongst other things, development proposals to not prejudice highway safety and to allow for a wide choice of modes of transport.
33. The officer report states that the proposal is contrary to SPPP1 Policy DM28, which relates to the Council's standards for parking of motor vehicles and bicycles and associated impacts on the character of the area, and the safe and effective operation of the local transport network. Each three-bed unit would be provided with two car parking spaces, and the four-bed unit would be provided with three spaces. This is sufficient bearing in mind the size and location of the dwellings.
34. The officer report also cites conflict with SPPP1 Policy DM38. This however concerns proposals to extend existing residential properties and construct new outbuildings. This policy is therefore not relevant to the appeal proposal.

Other Matters

35. Whilst the 2021 permission in principle is a material consideration, this expired in September 2024. Although full details of the prior approval for the demolition of the Star Inn are not before me, such prior notification does not in any event authorise the provision of dwellings. These permissions thus do not amount to sufficient fallback positions, either individually or cumulatively, to justify allowing the appeal.

Planning Balance

36. I have found that the proposal complies with Policy CS10 of the CS and Policies DM24 and DM28 of the SPPP1. I have however found substantial conflict with Policy CS4 of the CS and Policy DM8 of the SPPP1. This amounts to conflict with the development plan taken as a whole.
37. The Council states that its five-year housing land supply position was most recently tested in March 2025 as part of an appeal decision² determined by means of public inquiry. The Inspector for that appeal found the Council to have a 2.79-year supply, and there is no evidence before me to indicate a change to this situation. This is a substantial under supply of housing and means that the approach set out in paragraph 11d) of the Framework applies.
38. However, this sets out that planning permission should be granted unless, as per paragraph 11d)i. the application of policies in the Framework that protect areas or assets of particular importance, including SACs as 'Habitats sites', provides a strong reason for refusing the development proposed. On the basis that the appropriate assessment has not concluded that the project would not adversely affect the integrity of the SAC, there is a strong reason to refuse the development proposed; and Framework paragraph 195 is clear that the presumption in favour of sustainable development does not apply in such instances.
39. Provision of five dwellings would form a material contribution to housing supply within a previously developed site. The Framework also supports an increased supply of homes. These matters are afforded significant weight. However, as I have been unable to ascertain that the proposed development would not adversely affect the integrity of the SAC, there is a strong reason for refusing the proposed development. The Habitats Regulations also indicate that permission cannot be granted in this case.

Conclusion

40. The proposal conflicts with the development plan and the material considerations before me do not indicate that the appeal should be decided other than in accordance with it. For these reasons, the appeal is dismissed.

R Cahalane

INSPECTOR

² Ref: APP/D0121/W/24/3343144