

Appeal Decision

Site visit made on 23 September 2025

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

an Inspector appointed by the Secretary of State

Decision date: 04 November 2025

Appeal Ref: APP/F0114/W/25/3363998

Frome Road, Radstock BA3 3LD

- 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 Mrs Diane and Mr Tim Gregory against the decision of Bath and North East Somerset Council.
 - The application Ref is 25/00427/PIP.
 - The development proposed is single detached split level green dwelling.
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Decision

1. The appeal is dismissed.

Background and Main Issues

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. Scope of considerations for permission in principle is limited to location, land use and amount of development permitted. All other matters are considered as part of a subsequent TDC application if permission in principle is granted. Therefore, whilst a layout and cross-section plan has been submitted, I must consider that as being indicative in nature. I have determined the appeal accordingly.
4. The appeal site is within the Radstock Conservation Area (RCA). The PPG indicates that other statutory requirements may apply at the TDC stage. However, the general duty in conservation areas under Section 72(1) of the Listed Buildings and Conservation Areas Act 1990 applies to the exercise of any functions under the Planning Acts, which includes permission in principle. I have therefore considered this duty as part of my determination of this appeal.
5. In light of the above, the main issue is whether the site is suitable in principle for one dwelling having regard to location, land use, and amount of development.

Reasons

6. Policy DW1 of the Council’s Core Strategy and Placemaking Plan incorporating the Local Plan Partial Update 2023 (CSPP) sets out the spatial strategy for the Council. This focusses new housing in Bath, Keynsham, and the Somer Valley.

7. Policy SV1 of the CSPP sets out the spatial strategy for the Somer Valley. It seeks to enable around 2,470 new homes to be built at Midsomer Norton, Radstock, Westfield, Paulton and Peasedown St John within the housing development boundary (HDB). Certain types of residential development on sites outside the HDB are acceptable if identified in an adopted Neighbourhood Plan.
8. The appeal site is near to but outside of the HDB of Radstock town, and is not covered by an adopted Neighbourhood Plan. The main parties refer to an appeal allowed in 2023¹ for three dwellings at a site on Mill Road known as Magpies. Although the plans and details for that appeal are not before me, I found this site during my visit. I also noted that it is opposite a modern terrace of dwellings. The Inspector for the Magpies appeal found that site to be in a sustainable location in respect to access to the town's services and facilities.
9. The locational characteristics of the appeal site differ to those of Magpies. It is sited further away from Radstock centre, and the route along Frome Road includes a significant incline towards the proposal. This route is however served by continuous footway and would be within a realistic everyday walking distance for a wide-ranging demographic. Moreover, the officer report indicates that the Council's Transport Development Management team raised no in-principle objection to the appeal scheme. I therefore conclude that the location, land use and amount of development proposed is acceptable in terms of access to services and facilities.
10. Turning to the impact on the RCA, I accept that many years have passed since the publication of its Conservation Area Assessment (CAA) in 1999. However, during my visit I could still appreciate Radstock's distinct landscape backdrop, as the CAA still accurately describes despite not being updated. Radstock is surrounded by hillsides, with this countryside still noticeably encroaching close to the town centre.
11. The significance of the RCA as a designated heritage asset (DHA) is in part derived from this landscape setting, as the RCA covers much of the built form of Radstock and its surrounding landscape. The RCA's significance is also in part derived from its industrial architecture, with many traditional materials reflecting local geology. The CAA divides the RCA into eight character areas and the appeal site is within "Area 7 – Writhlington Collieries". The collieries no longer exist and there is also no presence of above ground tramway remnants, but this area forms part of an important rural visual envelope that can still be appreciated today.
12. Ground levels decline significantly from Frome Road across the appeal site towards the valley floor along Mill Road. The appeal site contains low-lying shrubbery, with taller mature trees surrounding it at close proximity. Its undeveloped condition forming part of a wider verdant hillside below Frome Hill therefore contributes positively to the significance of the CA as a DHA.
13. The appellants question why there should still be a presumption in favour of preserving important views and avoiding further development on the hillside below Frome Hill (as indicated in the CAA), and to whose benefit? I accept that new development within a Conservation Area would not automatically lead to harm to it as at DHA. That being said, based on all the submitted evidence before me and my site visit observations, the RCA is clearly an important asset for Radstock, and I afford great weight to its conservation.

¹ APP/F0114/W/22/3313796

14. The proposal site would be physically separated from the boundary of Providence Bungalow, which angles away from it. Full access details are not for consideration at this permission in principle stage. However, access for one dwelling at this location would clearly require removal of a section of low stone wall running along Frome Road, and removal of some low height boundary shrubbery immediately behind and along the wall. Some close-range views of new development along Frome Road would therefore be inevitable, despite the declining land levels from the highway and the intended provision of indigenous landscaping.
15. At the time of my site visit, many wider views of the appeal site, beyond Frome Road and across the town, were largely restricted by mature trees. However, such views may be less filtered during winter months. At some high viewpoints within the opposite built-up valley, I was able to view the undeveloped appeal site as part of the wider surrounding hillside sloping up to Frome Road.
16. Provision of one dwelling would therefore form an isolated development within the hillside, both in functional and visual terms. Due to the significant width and depth of the proposal site, a spread of domestic paraphernalia across the site would to my mind be inevitable, which would further add to the visual impact.
17. For the above reasons, I conclude that the appeal scheme would harm the significance of the RCA, and the landscape character of the surrounding area, in both functional and visual terms. Due to the sloping land levels, I do not envisage that a sufficient design (including a green roof), or existing or new landscape screening, could be secured at this location under TDC to mitigate this impact.
18. The proposal thus conflicts with Policies DW1 and SV1 of the CSPP. Collectively, these policies require, amongst other things, development to protect and enhance the District's heritage assets and the distinctive character of the area including the landscape and built and historic environment. In such circumstances, Policy HE1 of the CSPP and the heritage policies of the National Planning Policy Framework (the Framework) require these impacts be weighed against the public benefits of the proposal. This forms part of the below Heritage and Planning Balance.

Other Matters

19. My attention has been drawn to a new dwelling approved by the Council at Old Road, near Frome Road and at the eastern fringe of Radstock, further away from the town centre than the appeal proposal. I noted however that this example has been constructed between other dwellings to form a row of development, whereas the appeal proposal is physically separated from surrounding dwellings.
20. The Council refers to a recently dismissed appeal² for six dwellings which it describes as being within the same location. The appellants dispute this and contend that the current proposal is 100m away from that previous scheme. The plans for that previous scheme are not before me but in any event, the number of dwellings that were proposed is significantly greater than the current proposal. The above two examples are therefore not directly comparable to the current proposal.
21. Reference is made to many other cases of significant development allowed in Radstock outside the HDB and in the RCA. The specific details for these cases are also not before me. Thus, the above cited examples have not had a bearing on my

² APP/F0114/W/23/3334021

determination of the current appeal, which I have considered on its own planning merits and site-specific circumstances.

Heritage and Planning Balance

22. There is in-principle conflict with the spatial strategy set out in Policies DW1 and SV1 of the CSPP, as the site is outside of the HDB. However, as I have found its location to have good access to Radstock's facilities and services, I ascribe limited weight to this aspect of policy conflict. More significantly, I have found that the scheme would harm the significance of the RCA and would harm the landscape character of the surrounding area, contrary to Policies DW1, SV1 and HE1 of the CSPP. The proposal is thus contrary to the development plan as a whole.
23. The Council advises that it cannot currently demonstrate a five-year housing land supply, with its current supply being 2.5 years. I view this to be a substantial undersupply. Therefore, the approach set out in paragraph 11d) of the Framework applies. However, this sets out that 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 DHAs, provides a strong reason for refusing the development proposed. The proposal amounts to less than substantial harm to the significance of the RCA as a DHA, having regard to the Framework's historic environment policies.
24. Less than substantial harm does not however equate to a less than substantial planning objection. Framework Paragraph 212 states that when considering the impact of development on the significance of a DHA, great weight should be given to its conservation. Paragraph 213 states that any harm to the DHA's significance should require clear and convincing justification, and Paragraph 215 states that less than substantial harm should be weighed against the public benefits of the proposal. The above approach set out in the Framework reflects that of Policy HE1 of the CSPP.
25. The proposal would make a small but positive contribution to the District's housing supply. Such small sites can cumulatively make an important contribution to meeting the housing requirement of an area, and the Government's wider housing targets. Given the extent of housing supply as already set out above, I therefore attach moderate weight in favour of the provision of one dwelling at the appeal site.
26. These benefits would however not outweigh the extent of harm upon the CA's significance which would arise from the provision of one dwelling at the appeal site. This harm amounts to a strong reason to refuse the proposal in terms of location, land use and amount of development. The proposal would also cause further harm to the landscape character of the surrounding area.

Conclusion

27. For the reasons given above, the proposal conflicts with the development plan as a whole and the material considerations before me, including the Framework, 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