
Appeal Decision

Site visit made on 23 September 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 November 2025

Appeal Ref: APP/D0121/W/25/3366314

Land to Southeast of Wood Lane, Clapton in Gordano

Grid Ref Easting: 347357, Grid Ref Northing: 173889

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr David Withers against the decision of North Somerset Council.
 - The application Ref is 25/P/0470/PIP.
 - The development proposed is erection up to 5 to 6 no. dwellinghouses.
-

Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr David Withers against North Somerset Council. A further application for costs was made by North Somerset Council against Mr David Withers. These applications are the subject of separate Decisions.

Preliminary Matters

3. The proposal is for permission in principle. The Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has 2 stages: the first (or permission in principle stage) establishes whether a site is suitable in principle and the second (technical details consent stage) is when the detailed development proposals are assessed. This appeal relates to the first of these 2 stages.
4. The scope of the considerations for permission in principle is limited to location, land use and the amount of development proposed. All other matters are considered as part of a subsequent technical details consent application if permission in principle is granted. I have determined the appeal accordingly and have considered the submitted layout plan as indicative.
5. An applicant can apply for permission in principle for a range of dwellings by expressing a minimum and maximum net number of dwellings as part of the application. In this instance, permission in principle has been sought for between 5 and 6 dwellings on the appeal site.
6. Article 5B (1) of the Town and Country Planning (Permission in Principle) Order 2017 (as amended) (the Order) identifies that certain types of development are excluded from the grant of permission in principle. This includes habitats

development. This is defined in Article 5B (5) as development which is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site; and for which the competent authority has not given consent, permission, or other authorisation in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (Habitats Regulations).

7. If a proposed permission in principle development is likely to have a significant effect on a qualifying European site or a European offshore marine site without any mitigation measures in place, an Appropriate Assessment (AA) must be carried out. If the outcome of the AA is unfavourable, it would preclude the grant of permission in principle.
8. The appeal site is located within Consultation Zone B of the North Somerset and Mendip Bats Special Area of Conservation (Bats SAC), which is a European Site as defined by the Habitats Regulations. Consequently, it is necessary for me to consider the effect of the proposal on the integrity of the Bats SAC.
9. New evidence was submitted by the appellant, in the form of information on an allocation in the draft local plan for several hundred new houses. The submission of new evidence outside the normal limits will usually be disregarded, unless exceptional circumstances exist. It does not appear to have been presented as new evidence as a result of a change that occurred after relevant appeal timetable dates, and no exceptional circumstances have been presented. As such, I have not accepted this new evidence.

Main Issues

10. The main issues are whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development, with particular regard to:
 - the effect of the proposal on the integrity of the Bats SAC;
 - whether the appeal site is grey belt and whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - the effect of the proposed development on the openness of the Green Belt;
 - whether the site would be a suitable location for the proposal, having regard to local and national policy, and accessibility to services and facilities;
 - the effect of the proposed development on the character and appearance of the area; and
 - whether other considerations clearly outweigh the harm to the Green Belt and any other harm as to amount to very special circumstances.

Reasons

Integrity of the Bats SAC

11. The Bats SAC is important for the Greater and Lesser Horseshoe Bats and comprises component Sites of Specific Scientific Interest. The Conservation Objectives for the Bats SAC is to ensure the integrity of the site is maintained or restored and ensure that the site contributes to achieving the Favourable Conservation Status of the Greater and Lesser Horseshoe Bats.
12. Guidance contained within the Council's Bats SAC Supplementary Planning Document (January 2018) (Bat SAC SPD) was produced with Natural England and is also consistent with Natural England's Site Improvement Plan for the Bats SAC. This document highlights that landscapes around the Bats SAC itself are important in providing foraging habitats needed to maintain the favourable conservation status of the Horseshoe Bats. A Consultation Zone (CZ) identifies where Horseshoe Bats may be found and the zone is divided into bands A, B and C, reflecting the likely importance of the habitat for the bats and proximity to maternity and other roosts.
13. Depending on the sensitivity of the site within the CZ, development is likely to be subject to particular requirements and the Bats SAC SPD sets out that proposals within bands A and B will require full season surveys, unless minor impacts can be demonstrated. It emphasises that the survey results are crucial for understanding how bats use the site and therefore how impacts on Horseshoe Bats can be avoided, minimised or mitigated.
14. The appeal site is broadly rectangular in shape and follows the road at the junction between Clevedon Lane and Wood Lane where it is partly enclosed by stone boundary walling. The site contains trees and scrub, and ground levels rise to the southeast. Notwithstanding the size of the appeal site and its distance from the Bats SAC, due to the suitability of the vegetation and the lack of lighting on the site, as well as its location within CZ band B, it is likely that Horseshoe Bats both commute and forage in this area.
15. The development of the site would result in a change to the existing vegetation and introduce lighting associated with the use of the site for residential purposes where there is currently none. I recognise that the indicative plan shows the proposed dwellings set in from the northwestern boundary, located behind trees, with an area of land to the south that could be used as a wildlife corridor. Whilst these parts of the site form part of the structural layout of the proposal, in the absence of appropriate surveys the impact of the proposal on Horseshoe Bats cannot be fully appraised. In light of the above, the proposal would be likely to have a significant effect on the integrity of the Bats SAC.
16. The PPG states that permission in principle can be granted if, after taking account of mitigation measures in the AA, a decision-maker concludes the development would not adversely affect the integrity of a habitats site. In order to come to such a conclusion, I must be satisfied beyond all reasonable scientific doubt that an adverse effect on the integrity of the Bats SAC would be avoided. This means there must be certainty that the mitigation proposed would be delivered.
17. The appellant contends that the very substantive parts of the required mitigation strategy, in terms of the ecological areas and vegetation to be retained would be

provided at this stage. Moreover, it is added that details at the technical details consent stage would be able to confirm the precise specification and ensure the retention of the areas shown on the plan, and if this were not the case the technical details consent could be refused.

18. However, it is not possible for conditions to be attached to a grant of permission in principle and the layout plan before me, including the identified vegetation to be retained and a wildlife corridor is only indicative. Even if the proposed mitigation was acceptable in principle, in the absence of a condition, or similar, there is no certainty that the mitigation measures would be secured. Moreover, in undertaking this AA, I must take a precautionary approach and as such securing such matters at technical details consent stage does not provide me with the necessary certainty that an adverse effect on the integrity of the Bats SAC would be avoided. Furthermore, imperative reasons of overriding public interest of a social or economic nature are not present that would be sufficient to overcome the harm that would be caused to the Bats SAC.
19. Whilst this matter did not form part of the proposal subject to the 2024 appeal and the appellant claims inconsistency with the Council's approach in this regard, I must determine the appeal on its individual merits and the evidence before me.
20. Consequently, the proposal would cause harm to the integrity of the Bats SAC which would conflict with Policy CS4 of the North Somerset Council Core Strategy (January 2017) (the Core Strategy), Policy DM8 of the Development Management Policies Sites and Policies Plan Part 1 (July 2016) (DMP SPP1) and the Council's Bats SAC SPD and Biodiversity Supplementary Planning Document (January 2024). Furthermore, I have found that the proposal would constitute habitats development, which is excluded from a grant of permission in principle under Article 5B of the Order.

Whether inappropriate development in the Green Belt

21. The appeal site is located within the Green Belt. The Framework identifies that the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open. The essential characteristics of Green Belts are their openness and their permanence. The Framework states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances.
22. Policy CS6 of the Core Strategy references the fundamental aim of the Green Belt as well as the five purposes it serves, whilst DM12 of the DMP SPP1 identifies that inappropriate development is, by definition, harmful to the Green Belt and will not be approved except in very special circumstances. These policies pre-date the latest version of the Framework and I have had regard to them insofar as they are consistent with the Framework.
23. The appellant contends that the proposal would not represent inappropriate development in the Green Belt in terms of Paragraph 155 of the Framework. The definition of grey belt in the Framework excludes land where the application of the policies relating to the areas or assets in footnote 7 (other than Green Belt) would provide a strong reason for refusing or restricting development. Footnote 7 lists habitats site as protected areas or assets of particular importance and provides a strong reason for refusing the development proposed. In light of my findings on the effect of the proposal on the integrity of the Bats SAC and the Framework's

policies in relation to habitats sites, the site is excluded from the definition of the grey belt, and the proposal would not utilise grey belt land. Therefore, I have not considered further the criteria contained within paragraph 155 of the Framework.

24. A previous appeal¹ (the 2024 appeal) on the site relating to a proposal for permission in principle for up to 5 dwellings was dismissed prior to the 2024 version of the Framework that had a revision on 7 February 2025. In that decision the Inspector concluded that the site was in the village of Clapton-in-Gordano for the purposes of Paragraph 154 e) of the Framework but questioned whether it was infilling due to the absence of built development immediately adjoining the site. The Inspector concluded that due to the site's total size, its wide width span adjacent to the highway, and it encompassing a substantial area of transitional space between the nearby-built-up area of the village and the open countryside, it could not be reasonably described as comprising 'limited' infilling in the village.
25. This part of national Green Belt policy has not changed as a result of the publication of the latest version of the Framework. Based on the evidence before me and from my own observations on site, I find no reason to disagree with the Inspector's previous conclusion on this matter. Consequently, the appeal scheme would not accord with paragraph 154 e) of the Framework and would therefore be inappropriate development within the Green Belt in terms of the Framework and Policy DM12 of the DMP SPP1. The Decision Notice refers to Policy CS6 of the Core Strategy. Nevertheless, as this policy primarily relates to Green Belt boundaries it is not directly relevant to this main issue.

Openness

26. Openness is an essential characteristic of the Green Belt. In considering the concept of openness, the courts have found that it broadly has visual and spatial dimensions. Matters such as height, scale and massing are not considerations for permission in principle. I found the condition of the site and its surroundings similar to that described by the Inspector in the 2024 appeal. The range of the amount of development in the 2024 appeal was up to 5 dwellings, whilst the current appeal scheme has a higher upper limit at between 5 and 6 dwellings. Therefore, the current appeal scheme could have a greater impact. However, due to enclosed nature of the site, with potential enhanced screening from landscaping, the proposal would not have a significant impact on the openness of the Green Belt in visual terms. Moreover, the introduction of 5 or 6 dwellings on the site, with associated domestic paraphernalia where there is currently none, would reduce the openness of the Green Belt in spatial terms.
27. For the above reasons, I have come to the same conclusion as the Inspector on the 2024 appeal in that the proposed development would result in harm to the openness of the Green Belt, though it would still be limited and localised in both visual and spatial terms.

Location

28. The appeal site is located outside of a settlement boundary and is classed as being in the countryside. Policies CS14, CS29, CS30, CS31 and CS32 of the Core Strategy strictly control development in the countryside to protect the character of the rural area and prevent unsustainable development. The proposal does not fall

¹ Appeal Ref: APP/D0121/W/23/3334852

within any of the areas covered by these policies. Moreover, it does not represent a form of development that Policy CS33 of the Core Strategy would permit. Consequently, the proposal fails to accord with the development plan's locational strategy.

29. Information is before me relating to routes to Gordano Secondary School and Portishead town centre and associated cycle times. Moreover, details have been provided of a bus service operating on weekdays from Clapton in Gordano to Gordano Secondary School and a free minibus service for children aged up to eight years to go to school in Portbury or Portishead.
30. These bus services are very important for children to access local schools. However, for other occupants of the proposed dwellings accessing day-to-day needs, I found Clevedon Lane to be narrow in many places with no street lighting or footpath. Whilst it may be suitable for confident walkers and cyclists, the road conditions would not be attractive to all including those with mobility issues, particularly during adverse weather and during the hours of darkness. The presence of nearby public rights of way and the Sustains Avon Cycleway, which runs along Clevedon Lane, has not altered my findings as they include unlit and unmade surfaces or the road conditions of Clevedon Lane as described above.
31. Therefore, due to a lack of genuinely sustainable travel choices, the occupants of the proposed houses would be heavily reliant on private motor vehicles to access services and facilities on a regular basis.
32. The Framework acknowledges opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Notwithstanding that and the presences of existing houses in the village, this does not give reason to locate development within locations which are inherently inaccessible by means other than private motor vehicles. The proposal would not provide the opportunity to maximise the use of sustainable transport solutions, even when accepting that the site is in a rural location.
33. In addition, there is no compelling evidence before me that future occupants of the proposed houses would use the limited services and facilities in the village or those in nearby rural settlements, thereby enhancing or maintaining their vitality, rather than those that would be found in the large town.
34. Appeal decisions² have been presented in support of the proposal. As I have found the appeal site not to meet the definition of grey belt and that the appeal decisions were for fewer dwellings, a comparison is of limited relevance in this instance. I have therefore considered the appeal before me on its individual merits.
35. The appeal site is not isolated, insofar as it is located to the opposite side of existing properties and the public house on Clevedon Lane and Wood Lane. However, there are limited services and facilities in the village and future occupants of the proposal would need to travel further distances to meet day-to-day needs.
36. My attention has been drawn to the North Somerset Local Plan 2039: Pre-submission Plan, which contains a proposed settlement boundary for Clapton-in-Gordano where the appeal site would be located outside but adjacent to the

² Appeal Refs: APP/B1930/W/24/3349774 & APP/J0405/W/24/3356545

boundary. Due to the current stage of this plan, this attracts limited weight and has not changed my findings in regard to this main issue.

37. For the above reasons, I conclude that the appeal site is not a suitable location for the proposal, having regard to local and national policy, and accessibility to services and facilities. This is contrary to Policies CS1, CS14, CS32 and CS33 of the Core Strategy, which together make up the locational strategy for the area. It is also in conflict with Policy SA2 of the DMP SPP1 that states residential development within settlement boundaries is acceptable subject to the detailed policies in the Core Strategy.
38. The Decision Notices references CS13 of the Core Strategy. However, as this policy relates to the supply of deliverable and developable land, it is not directly relevant to this main issue.

Character and appearance

39. Following my site visit I concur with the findings of the Inspector on the 2024 appeal, in that the undeveloped nature of the site shares a strong visual and physical connection with the wider area of countryside that it adjoins and serves to highlight the termination of the built-up area of the village.
40. As the current appeal scheme is for 5 or 6 dwellings, it could be for a greater amount of development on the site than that considered under the 2024 appeal. This quantum of development on the site with associated comings and goings, even with landscaped buffers as well as the retention of the narrow lanes to the front of the site and the stone boundary walls, would constitute an urbanising encroachment into the existing field, eroding the rural character and appearance of the area and would lessen the distinction between the built-up area and the countryside.
41. In light of my conclusion of the site not falling within the definition of grey belt, the appellant's argument that grey belt will encroach on the countryside is not relevant.
42. I therefore find that the proposed development would have an unacceptable effect on the character and appearance of the area. It would be contrary to Policies CS5 and CS12 of the Core Strategy, and Policies DM10, DM32 and DM37 of the DMP SPP1. Collectively these policies seek, amongst other things, high quality design and place-making that protects and enhances the character, distinctiveness, diversity and quality of landscapes and townscapes.

Other considerations

43. The proposal would deliver 5 or 6 dwellings to the housing supply with the associated contribution to village life that the occupiers would bring and would be provided with electric vehicle charging points. There would also be associated economic benefits during the construction and once the dwellings have been occupied. Nevertheless, due to the modest scale of the proposal, and thereby the modest scale of the associated benefits, I afford this moderate weight.
44. I have considered paragraphs 61 and 73 of the Framework, which emphasise the Government's objective of significantly boosting the supply of homes and the important contribution small and medium sized sites can make to meeting the housing requirement of an area. I am also mindful that small and medium sized sites are often built-out relatively quickly.

45. Evidence before me identifies that the site is a designated local wildlife site. The PPG states that statutory requirements such as those relating to protected species may apply at the technical details consent stage. However, this is distinctively different to the effect of the proposal on the integrity of the Bats SAC within the context of the limitations of the Order. As I am dismissing the appeal for other matters, I have not considered this matter further.
46. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 contains a statutory duty to consider whether to grant planning permission for development which affects a listed building or its setting. Special regard should be given to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
47. The Black Horse public house and Myrtle Cottage are located on the opposite side of Clevedon Lane to the appeal site and are both Grade II listed buildings. Their significance primarily lies in their architectural and historical interest as originally 17th century buildings. In the 2024 appeal the Inspector concluded that due to the size of the site and the likely landscaping, a scheme could conceivably be designed so that the experience of the architectural and historic features of the listed buildings in their settings would not be undermined. From my own observations, I have come to the same conclusion. A lack of harm in this respect is a neutral consideration that weighs neither for nor against the proposal.
48. Limited evidence has been provided to support the claim that the condition of the land makes it uneconomic to use and I attribute limited weight. It has not led me away from my conclusion on the main issues in this case.

Planning Balance

49. Paragraph 153 of the Framework is clear that substantial weight should be given to any harm to the Green Belt, including harm to its openness. I have found that there would be harm to the Green Belt by reason of the proposed development's inappropriateness and its effect on openness. The proposed development would also cause harm to the integrity of the Bats SAC. Moreover, the appeal site is not in a suitable location for the proposed development, in terms of access to services and facilities, and there would be harm to the character and appearance of the area.
50. The Framework states that the potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the development must be clearly outweighed by other considerations for planning permission to be granted. The other considerations in this case, as detailed above, do not have sufficient cumulative weight to clearly outweigh the harm to the Green Belt and any other harm. As such, the very special circumstances necessary to justify this development do not exist. This would be contrary to the Framework and Policy DM12 of the DMP SPP1.
51. The Council has a deliverable housing land supply of 2.79 years. Therefore, Paragraph 11 d) of the Framework is applicable. However, Paragraph 11 d) i) provides an exception where there are circumstances where the application of policies in the Framework to protect areas or assets of particular importance provides a strong reason for refusing the proposal. Footnote 7 establishes that this includes the Green Belt. As I have found that there would be harm to the Green

Belt, the appeal proposal does not benefit from the presumption in favour of sustainable development.

Conclusion

52. The proposal conflicts with the development plan as a whole and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. Moreover, the Order prevents the grant of permission in principle for habitats development. Therefore, the appeal is dismissed.

P Barton

INSPECTOR