



Appeal Decision

Site visit made on 5 November 2025

by R J Redford MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2025

Appeal Ref: APP/D0121/W/25/3367341

Manor Farm, Valley Road, Portishead BS20 8JZ

- 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 A Mitchell against the decision of North Somerset Council.
 - The application Ref is 25/P/0787/PIP.
 - The development proposed is described as the demolition of existing agricultural building and redevelopment of site to provide a minimum of four dwellings and a maximum of eight dwellings.
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Decision

1. The appeal is dismissed.

Applications for costs

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

Preliminary Matters

3. The proposal is for Permission in Principle (PiP) and represents the first of a two-stage process. Planning Practice Guidance (PPG) advises that the permission in principle consent is an alternative way of obtaining planning permission for housing-led development. A planning permission is only created once both stages have been completed. The first stage, PiP, establishes whether a site is suitable in-principle, and the second stage, Technical Details Consent (TDC), is when the detailed development proposals are assessed.
4. For PiP the scope of considerations are limited to location, land use and the amount of development permitted¹. All other matters are considered as part of the subsequent TDC application if the PiP is granted. This appeal has been determined accordingly and with regard that conditions and obligations cannot be applied to a PiP decision.
5. However, in line with Article 5B of the Town and Country Planning (Permission in Principle) Order 2017 (as amended) (Article 5B) PiP must not be granted for development which is habitats development. Habitats development is development which is likely to have a significant effect on a qualifying European site or a European offshore marine site, referred to as habitats sites in the National Planning Policy Framework (the Framework).

¹ set out within PPG: Permission in principle Paragraph: 012 Reference ID: 58-012-20180615 Revision date: 15 06 2018

Background and Main Issue

6. In terms of location, proposed land use, and amount of development the Council has found the proposed development acceptable when considering the principle of development, and character and appearance. It also considers that the effect on highways, trees, contamination, living conditions both for future occupants and existing nearby residents, and other technical matters could be dealt with under a TDC should PiP be granted. There is nothing before me to conclude otherwise.
7. However, the Council has refused PiP as it considers the proposal to constitute habitats development. Therefore, the main issue is whether the proposed development would be habitats development under Article 5B.

Reasons

8. To ascertain whether the proposal is habitats development, Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (Habitat Regulations) requires an appropriate assessment (AA), This is to ensure that the development would not adversely affect the integrity of a qualifying European site either alone or in combination with other plans or projects.
9. The appeal site is within the Horseshoe Bat Consultation Zone (BCZ) for the North Somerset and Mendip Bats Special Area of Conservation (SAC), a qualifying European site. According to the North Somerset and Mendip Special area of Conservation Guidance on Development: Supplementary Planning Document (SPD)², the SAC is important for the Greater and Lesser Horseshoe bats. It goes on to state that the landscape around the SAC is also important in providing the foraging habitats needed to maintain the favourable conservation status of those species.
10. The BCZ is divided into bands A, B and C to reflect the likely importance of the habitat for the bats and proximity to maternity and other roosts. The Council has confirmed that the appeal site is partly within BCZ B and BCZ C for horseshoe bats in general, whilst the appellant's Preliminary Ecological Appraisal (PEA) considers the appeal site to only be within BCZ C.
11. However, on review of the flow chart on page 10 of the SPD, it is clear that in both cases, the procedure is the same, requiring assessment of whether additional surveys would be required in light of the major or minor impact the proposal would have.
12. The appellant's PEA³ confirms that the very large tree on the site has the potential for roosting bats and the whole site a potential to support foraging and commuting bats. However, this has not been quantified due to the limitations of the PEA⁴ which states its objective was to broadly identify habitats and indicate the potential for the site to support protected and notable species.
13. It is recognised that the Council's Ecologist considers the site unlikely to be an important foraging and commuting area for horseshoe bats. Although this goes against the findings of the PEA, stated above, it is not supported by any physical

² a document developed with Natural England

³ Paragraphs 5.3.6 and 5.3.7

⁴ as set out in section 3.3 of the PEA

assessment or study. The appellant has even stated, within their final comments, that a site visit was not undertaken by the Council Ecologist.

14. It would therefore be necessary for further surveys to be undertaken to properly understand the potential impact of the proposal on roosting, foraging, and commuting horseshoe bats. With this in mind and taking a precautionary approach, due to the permanent harm that could be caused to these bats, it cannot be concluded that the proposal would not adversely affect the integrity of the SAC.
15. The potential mitigation recommendations set out in the PEA is recognised. Notwithstanding, the potential need for further assessment as part of those recommendations, there is no mechanism put forward to secure them. It is also not possible to secure them by condition on a PiP, as set out in the PPG⁵. Therefore, the proposed mitigation cannot be taken into account in the AA.
16. Consequently, it is evident that from the information before me a likely significant effect on a qualifying European site cannot be discounted. The proposal would, therefore, constitute habitats development, and in accordance with Article 5B, PiP cannot be granted.

Other Matters

17. The lack of a 5-year housing land supply is noted⁶, but this does not negate that PiP cannot be used for habitat development.

Conclusion

18. For the reasons given above the appeal is dismissed.

RJ Redford

INSPECTOR

⁵PPG: Permission in principle Paragraph: 020 Reference ID: 58-020-20180615 Revision date: 15 06 2018

⁶ with reference to appeal APP/J0405/W/24/3356545