



Appeal Decision

Site visit made on 20 January 2026

by Martin Allen BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 February 2026

Appeal Ref: APP/D0121/W/25/3373613

**Land on the South side of Coleridge Road, Rear of Weston Youth Centre,
Weston-Super-Mare BS23 3UW**

- 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 Ashleigh Boyce, AMP Clean Energy against the decision of North Somerset Council.
 - The application Ref is 25/P/0592/FUL.
 - The development proposed is the construction and operation of micro energy storage facility.
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Decision

1. The appeal is allowed and planning permission is granted for the construction and operation of micro energy storage facility at Land on South side of Coleridge Road, Rear of Weston Youth Centre, Weston-Super-Mare BS23 3UW in accordance with the terms of the application, Ref 25/P/0592/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawings PLAN 1, PLAN 2, PLAN 4, PLAN 5 and PLAN 6.
 - 3) No development shall commence, except archaeological investigation work, until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted to and approved in writing by the local planning authority. The programme of archaeological work shall provide details of a controlled watching brief during groundworks on the site, with provision for excavation of any significant deposits or features encountered. The development shall be carried out in accordance with the approved WSI.
 - 4) No development above ground level shall take place until a detailed Fire Emergency Response Plan, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Preliminary Matters

2. I have taken the site address from the appeal form submitted by the appellant as this more precisely describes the location.

Main Issues

3. The main issues are:

- The effect on the character and appearance of the area,
- Whether the development would result in the unjustified loss of public open space, and
- Flood risk.

Reasons

Character and appearance

4. The appeal site comprises a small area located within St Johns Park, a recreation area which includes a youth club, boxing club, open air gym, football fields, as well as informal open grassed areas. The proposed development would be located within an area that is bordered by buildings and other visual features, which include storage containers, portable toilets, and fencing. Contrary to the Council's description of the location as an open area, it is an area that is visually influenced by the nearby built form and other structures.
5. While the scheme would introduce additional features into the area, they would not be viewed in isolation but within the context of the existing features that I describe above. As a result, the development would have a very limited visual effect and certainly would not transform the space for the worse, as the Council contends. It would add a modestly sized, new visual element, but one which would sit comfortably within its context.
6. As such, the proposal would not be harmful to the character or appearance of the area, and would accord with policies CS12 of the North Somerset Council Core Strategy (adopted January 2017) (the Core Strategy) and DM32 of the North Somerset Council Development Management Policies - Site and Policies Plan Part 1 (adopted July 2016) (the Site and Policies Plan), insofar as they seek to ensure development is of a high-quality design.

Public open space

7. The appeal site is located within a recreation area that is used by the public and as such is considered as a community facility. Policy CS27 of the Core Strategy and policy DM68 of the Site and Policies Plan set out that community facilities should be safeguarded from alternative uses, unless alternative provision has been made, or the site is surplus to requirements. The development makes no provision for any alternative, replacement land provision and there is nothing to show that the site is currently surplus to requirements. As such, the development fails to accord with these policies.

Flood risk

8. The appeal site lies within Flood Zone 3a, which the Planning Practice Guidance (the PPG) sets out is land that is at a high probability of flooding. The National Planning Policy Framework (the Framework) establishes that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk. To this end, the Framework advocates a sequential risk-based approach to individual applications, and this is

reflected in policy CS3 of the Core Strategy and policy DM1 of the Site and Policies Plan also.

9. Some minor development is not subject to this sequential approach, as stated in footnote 62 of the Framework and it is the position set out in the appellant's Flood Risk Assessment (FRA), that the development falls under this category and should be considered as a "small non-residential extension" to an existing industrial site. The industrial site referred to lies to the east of the appeal site, beyond a football pitch and a railway line. There is nothing to suggest that the development is to serve this industrial site exclusively and thus should not be considered as an extension to that site. The development does not fall within the exceptions outlined in footnote 62 and thus the Sequential Test should be applied.
10. The PPG states that the area to which the test needs to be applied will be governed by local circumstances relating to the catchment area for the type of development proposed and the needs it is proposing to address. The catchment area should always be appropriate to the nature and scale of the proposal and the settlement it is proposed for¹. While it is stated that stored electricity from the proposed development will be exported and consumed locally, there is little information in respect of the extent of the area over which this would take place. I note that there are constraints to the location of these types of developments, in that they need to be within 50 metres of an existing substation or a large 3 phase low voltage cable to allow for a viable electrical connection, yet there is no assessment before me to show that other suitable locations have been considered and discounted that would also meet this standard, while still serving the required geographical area.
11. Accordingly, by failing to undertake the sequential approach to development, the scheme conflicts with policy CS3 of the Core Strategy and policy DM1 of the Site and Policies Plan, as well as the provisions of the Framework.
12. The Council highlight in its statement of case that recent case law has established that failure to accord with the sequential test is not fatal to the outcome of an appeal and that this is a matter that should be weighed in the planning balance when considering whether or not to grant permission. I shall return to this matter below but note that the submitted FRA concludes that the risk of flooding from any source is low or very low, and that the development would remain safe from flooding for its lifetime.

Planning Balance

13. I have found that the scheme would not result in harm to the character or appearance of the area, this is a neutral matter. There would be some harm in that there would be the loss of part of a community facility, however given the extent of the loss together with that it comprises a very small part of a much larger area of recreation space, I attribute only limited weight to this harm. There would also be some conflict with policy in respect of flood risk. This relates only to the lack of accord with the sequential test for development and not to any tangible risk arising from actual flooding. This harm is therefore tempered, and I accord it limited weight also.

¹ Paragraph 027a Reference ID: 7-027a-20220825

14. I am mindful that paragraph 168 of the Framework sets out that significant weight should be given to the benefits associated with renewable and low carbon energy generation and a proposal's contribution to a net zero future. In my view, the benefits that would arise from the development in this respect would markedly outweigh the conflict with policy and harm that would arise and as such planning permission should be forthcoming.

Conditions

15. To define the extent of the permission, I have included a plans condition. The Council have also advised that there is the potential for archaeological remains to lie within the site and so I have imposed a condition requiring a scheme of investigation to be submitted for approval.
16. The Council, following comments from the Environment Agency, recommends conditions in respect of the control of surface water from the development, particularly any discharge of contaminated firefighting water that may result from a fire event. The appellant has clarified that, in the event of a fire, water should not be used to extinguish it. As such, conditions in this respect are not necessary. I have however included a condition requiring the submission of a Fire Emergency Response Plan to be submitted and approved, which could include details of how such an event should be dealt with and how such details will be communicated to the relevant authority.
17. The Council has suggested a condition in respect of requiring details of general surface water drainage. However, given the small scale of the development and the surrounding greenfield land, this is not considered to be necessary. Given the small scale of the development, I do not consider it necessary to secure a Construction Environmental Management Plan.

Conclusion

18. For the reasons given above the appeal should be allowed.

Martin Allen

INSPECTOR