



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/25/3373565

Land Off Junction at Broadway and Loxton Road, Weston-Super-Mare BS23 4RF

- 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/0556/FUL.
 - The development proposed is the construction of micro energy storage facility.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of micro energy storage facility at Land Off Junction at Broadway and Loxton Road, Weston-Super-Mare BS23 4RF in accordance with the terms of the application, Ref 25/P/0556/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 Rev B, PLAN 4, PLAN 5 and PLAN 6.
 - 3) 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.
3. The Council's Delegated Report and reasons for refusal refer to policy CS10 of the North Somerset Council Core Strategy (adopted January 2017) (the Core Strategy) in respect of the matter concerning the site lying within a Strategic Gap. This policy relates to an unrelated matter, and the Council has confirmed that policy CS19 is the relevant policy. I have therefore had regard to this policy, not CS10.

Main Issues

4. The main issues are:
 - The effect on the character and appearance of the area, including the effect on existing trees, and

- Flood risk.

Reasons

Character and appearance

5. The appeal site comprises an area of open land positioned at the junction of Loxton Road and Broadway. The parcel of land is triangular, contains a number of both mature and younger trees, and lies adjacent to an educational campus. The land is also part of a Strategic Gap. The location provides for an attractive open space providing visual relief from the surrounding built development.
6. The proposed development would introduce new built features at this location, which given the positioning within a defined area of open land and a strategic gap, would appear as somewhat indiscreet additions. While not being a dominant feature, as contended by the Council, the scheme would nonetheless fail to respect the open aspect of the land. The harmful effect in this respect would be tempered to some extent by the addition of planting around the perimeter of the development, which while taking some time to establish, would aid in screening and softening the development's visual effect.
7. The Council has raised concern that the development could impact on trees that have been planted in proximity to the development. However, the appellant clarifies that the scheme would have no impact on any trees. Subject to this clarification, and suggested conditions which I consider below, the Council does not make further comment on this. From the information before me, I am satisfied that there would be no direct impact on any existing trees.
8. The Council have referenced the site's location within a designated landscape character area, that being C1 Weston Bay Settled Coastal Edge and referred to a Landscape Character Assessment Supplementary Planning Document. However, this document has not been provided. Notwithstanding, in light of the small scale of the development, that it lies within a well-defined and small parcel of land and therefore within a small visual envelope, the extent of the development is not such that it would have a wider effect on landscape character. Thus, there would be no conflict with policy CS5 of the Core Strategy, or DM10 of the North Somerset Council Development Management Policies - Site and Policies Plan Part 1 (adopted July 2016) (the Site and Policies Plan).
9. Nonetheless, when having regard to the particular characteristics of this appeal site, while not adversely affecting the character of the area or the landscape within which it sits, the development would result in a low level of harm to the appearance of the area. It would therefore conflict with policies CS12 and CS19 of the Core Strategy and DM32 of the Site and Policies Plan, insofar as they seek to ensure development is of a high-quality design and that Strategic Gaps are protected.

Flood risk

10. 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.

11. 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. It is unclear what industrial site is referred to. There is nothing to suggest that the development is to serve any nearby industrial site. Thus, it is not possible to consider it as an extension to such a site. The development does not fall within the exceptions outlined in footnote 62 and thus the Sequential Test should be applied.
12. 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.
13. 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.
14. The Council highlight in its statement of case that recent case law has established the 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 very low, and that the development would remain safe from flooding for its lifetime.

Other Matters

15. There has been some concern in respect of an increase in traffic and potential vandalism. There is no substantive evidence that the development would result in adverse effect in regard to these matters and thus they have little bearing on my decision.

Planning Balance

16. There would be some harm in that there would be a low level of harm to the appearance of the area and loss of part of a strategic gap. There would also be some conflict with policy in respect of flood risk. This relates only to the lack of

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

accord with the sequential test for development and not to any tangible risk arising from actual flooding. This therefore tempers the weight I attach to this conflict.

17. I am mindful 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 outweigh the policy conflict and harm that would arise and as such planning permission should be forthcoming.

Conditions

18. To define the extent of the permission, I have included a plans condition. 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.
19. 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.
20. The Council suggests a condition in respect of tree replacement, covering a period of 10 years post development. However, as I have outlined above, there will be no direct effect on any trees and as such this condition is not reasonable nor necessary.

Conclusion

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

Martin Allen

INSPECTOR