

NOTICE OF DECISION

Town And Country Planning Act 1990



Mr B Lewis
Renplan Ltd.
Renplan Ltd.
Office 207, The Hive
6 Beaufighter Road
Weston-super-Mare
BS24 8EE

Application Number: 19/P/0525/FUL

Category: Full application

Application No: 19/P/0525/FUL
Applicant: Mrs R Landen
Site: Land Accessed From, Wentwood Drive, Weston-super-Mare,
Description: Change of use of land from agricultural use to use as a woodland pre-school. Erection of pre-school storage building with sedum roof, compost toilets and associated car parking and access arrangements

North Somerset District Council in pursuance of powers under the above mentioned Act hereby **REFUSE PERMISSION** for the above development for the following reasons:

- 1 Steep gradients, poor bus provision and lack of adequate public footpaths serving the site mean that the proposed development is poorly located where it is unlikely to be accessed other than by the private car. Development of community facilities outside settlement boundaries should only be in locations where good access by a variety of means can be achieved. The development is therefore contrary to policy CS25 of the North Somerset Core Strategy and Policy DM69 of the North Somerset Sites and Policies Plan (Part 1)
- 2 The proposed development would encroach on an undeveloped pastoral landscape currently separated from development by landscape buffers. It would lead to sporadic development to the detriment of the pastoral character. It would have an adverse impact on the rural character of the area of the landscape contrary to paragraph 172 of the National Planning Policy Framework, policies CS5 and CS12 of the North Somerset Core Strategy, policies DM10 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Landscape Character Assessment SPD
- 3 The site lies within a designated Wildlife Site where loss of extent of the wildlife site is unacceptable in principle and will adversely impact the integrity and future ecological improvement of that site. The proposed development has inadequate buffer areas to the woodland edge and will remove grazing from land used by Horseshoe Bats (and included in the HRA for a nearby housing development), which is likely to have an

adverse impact on the North Somerset and Mendip Bats SAC. the proposal will conflict with the requirements of The Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended)] and the Natural Environment and Rural Communities Act 2006, policy CS4 of the North Somerset Core Strategy, policy DM8 of the North Somerset Sites and Policies Plan (Part 1), the North Somerset and Mendip Horseshoe Bats SAC SPD and the North Somerset 'Biodiversity and Trees' SPD.

- 4 It has not been demonstrated that there is adequate turning space for peak drop off/ pick up times, and that lighting will be at safe levels. In the absence of this, the development is likely to cause harm to highway safety contrary to policy DM 24 of the North Somerset Sites and Policies Plan (Part 1).

Advice Notes:

- 1 Refused plans/documents: The plans/documents that were formally considered as part of this application are as follows:

PLANNING STATEMENT
APPLICANTS STATEMENT
TRANSPORT STATEMENT
AMENDED ECOLOGY REPORT
ARCHAEOLOGICAL ASSESSMENT
ARBORICULTURAL IMPACT ASSESSEMENT AND METHOD STATEMENT
TREE SURVEY SCHEDULE AND APPENDICES
PROPOSED SITE LAYOUT PLAN FIG 3 P0232/49 REV D
SITE LOCATION PLAN
PRE-SCHOOL BUILDING PLAN
TYPICAL COMPOST TOILET DETAILS
P0232-49 REV A FIG 2 - EXISTING SITE LAYOUT

- 2 Positive and proactive statement: The council worked with the applicant in a positive and proactive manner and implemented the requirement in section 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, by publishing local planning guidance on the council's website, offering pre-application advice and publishing statutory consultee and neighbour comments on the council's website. The council also looked for solutions to enable the grant of planning permission. However, in this case the proposal is not sustainable development for the reasons set out above and the council was unable to identify an appropriate way of securing a development that improves the economic, social and environmental conditions of the area and complies with the relevant planning policies. Clear reasons have been given to help the applicant understand why planning permission has not been granted.

Date: 1 August 2019
Signed: Richard Kent
Head of Development
Management

Please use our [online contact form](http://www.n-somerset.gov.uk/contactplanning) at www.n-somerset.gov.uk/contactplanning if you require further information on this decision.

;

NOTES RELATING TO A DECISION TO REFUSE PERMISSION

These notes are intended as helpful advice. PLEASE READ THEM CAREFULLY.

Appeals

If you are aggrieved by the decision of your Local Planning Authority to refuse permission for the proposed development or by any of the conditions, then you can appeal to the Secretary of State for the Environment in accordance with the provisions of Town and Country Planning Act 1990. If this is a decision to refuse planning permission for a householder application ¹ or shopfront proposal and you want to appeal, then you must do so **within 12 weeks** of the date of this notice. If this is a decision to refuse Advertisement Consent then you must submit your appeal **within 8 weeks** of the date of this notice. In all other cases if you want to appeal against your local planning authority's decision then you must do so **within 6 months** of the date of this notice.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

Appeals must be made using a form, which you can get from the Planning Inspectorate at Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Alternatively, your appeal can be submitted electronically using the Planning Portal at www.gov.uk/appeal-planning-inspectorate.

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances that excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions imposed, having regard to the statutory requirements, to the provisions of a Development Order or to directions given under it. In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

How to get our advice

It is well worth contacting the officer who dealt with your application to see if an alternative solution can be reached which would avoid the need for an appeal. Should you require our written advice prior to submitting a new application please be aware that there is normally a fee for such requests. Details of how to obtain our advice prior to submitting an application can be found on our website.

Access to further information

Further guidance on Planning and Building regulation information and services can be accessed on our website and on the Planning Portal at www.planningportal.co.uk.

We strongly encourage the submission of planning applications via the Planning Portal. We also provide an online planning service on our website that allows you to monitor and review all applications we receive. This can help you keep you up-to-date with planning matters in your area.

This publication is available in large print, Braille or audio formats on request. Help is also available for people who require council information in languages other than English. Please contact us using our www.n-somerset.gov.uk/contactplanning

¹ Householder developments are defined as those within the curtilage of a house and are not a change of use or the creation of an additional dwelling or flat. Included in householder developments are extensions, conservatories, loft conversions, dormer windows, alterations, garages, car ports or outbuildings, swimming pools, walls, fences, domestic vehicular accesses including footway crossovers, porches and satellite dishes.

