

## NOTICE OF DECISION

Town and Country Planning Act 1990



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Application Number: 21/P/1766/OUT

Category: Outline application

**Application No:** 21/P/1766/OUT  
**Applicant:** Persimmon Homes (Severn Valley)  
**Site:** Land At Farleigh Farm And, 54 And 56 Farleigh Road, Backwell,  
**Description:** Outline planning application for demolition of 54 and 56 Farleigh Road; residential development of up to 125 dwellings (Class C3); strategic landscaping and earthworks, surface water drainage and all other ancillary infrastructure and enabling works with means of site access (excluding internal roads) from the new junction off Farleigh Road for approval; all other matters (internal access, layout, appearance, scale and landscaping) reserved for subsequent approval.

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

- 1 The site lies outside of the settlement boundary for Backwell and is not allocated for development in the adopted Backwell Neighbourhood Plan. It is considered that the proposed development, which would be large in scale would have a detrimental impact upon the character of the area. The proposal is therefore considered to be contrary to Policy CS32 of the Core Strategy and Policy Development 1 of the Backwell Neighbourhood Plan 2015.
- 2 The proposed erection of 125 new dwellings outside the established settlement boundary of the village represents a form of development that will be out of keeping with the overall character of the village and its landscape setting and quality and will result in harm to the setting and edge of the village, and to the setting, tranquility and recreational value of the 'Farleigh Fields' Local Green Space. The proposal is therefore contrary to policies CS5 and CS12 of the Core Strategy, Policies DM10 and DM32 of the Sites and Policies Plan, Policy SA5 of the Sites and Policies Plan, the Landscape Character Assessment SPD and NPPF paragraphs 130 and 174.
- 3 The proposed development is accompanied by insufficient evidence to demonstrate that surface water discharge can be achieved without increased risk of surface water flooding, increased pollution and with acceptable discharge to local receptors. In addition, the proposed surface water drainage basin would not meet safety standards

and has been allocated insufficient space on the submitted parameter plans and illustrative masterplan. The proposed development is therefore contrary to Policy CS2 of the Core Strategy, Policy DM9 of the Sites and Policies Plan Part 1: Development Management Policies and paragraphs 167 and 169 of the NPPF.

- 4 The proposed access into the site will encroach into the RPA of the protected Pine tree within the front garden of 54 Farleigh Road. Insufficient detail has been submitted to demonstrate that the works will be outside of the RPA of the Pine and that there will be no impact on the health of this tree. The proposed development is therefore contrary to Policy DM9 of the Sites and Policies Plan and paragraph 131 of the NPPF.
- 5 The proposed development, by reason of the failure to demonstrate how local character will inform the development, the relatively high density proposed, the relationships illustrated on the submitted masterplan, and the failure to allocate sufficient space for surface water drainage features, will result in a cramped layout that fails to create a high-quality design that reflects the character of this edge of village location. The proposed development is therefore contrary to Policy CS12 of the Core Strategy, Policies DM10 and DM32 of the Sites and Policies Plan, paragraphs 110, 12, 130, 131 and 134 of the NPPF and the National Model Design Code.

#### **Advice Notes:**

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

Site Location Plan edp6976\_d005 F  
Framework Masterplan edp6976\_d003 D  
Landscape Plan 09944-FPCR-ZZ-XX-DR-L-0001 P05  
Proposed Access Plan P706/13 G  
Proposed Pedestrian Crossing P706/24  
Proposed Traffic Calming P706/25  
REVISED ENTRANCE DETAIL AIA PLAN D35 22 P5.2  
LAND USE PARAMETER PLAN EDP6976\_D004-B  
DENSITY PARAMETER EDP6976\_D006-B  
HEIGHT AND SCALE PARAMETER EDP6976\_D007-B  
ACCESS AND MOVEMENT PARAMETER EDP6976\_D008-C  
Flood Risk Assessment and Drainage Strategy April 2021  
Archaeological and Heritage Assessment April 2021  
Transport Assessment issue 3  
Residential Travel Plan issue 3  
Preliminary Land Contamination and Geotechnical Risk Assessment November 2014  
LANDSCAPE AND VISUAL APPRAISAL April 2021  
Agricultural Considerations November 2014  
Energy Statement April 2021

- 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: 15 September 2021  
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](http://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.

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### 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<sup>1</sup> 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](mailto: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](http://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](http://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](http://www.n-somerset.gov.uk/contactplanning)**

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<sup>1</sup> 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.

