

NOTICE OF DECISION

Town And Country Planning Act 1990



Mr Peter Bath
PDCM Ltd
5 Halswell Road
Clevedon
BS21 6LD

Application Number: 22/P/2666/FUL

Category: Full application

Application No: 22/P/2666/FUL
Applicant: Beckstone Developments Ltd
Site: Land Adjacent To , 32 Falcon Crescent, Weston-super-Mare, BS22 8RX
Description: Erection of 1no. detached bungalow

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 The application site is in an area at risk from flooding and the application does not demonstrate that the proposal passes the Sequential Test and the first part of the Exception Test set out in section 14 of the National Planning Policy Framework. The Local Planning Authority is not, therefore, satisfied that there are no alternative sites in the area that are reasonably available for development and have a lower probability of flooding, or that the proposal would provide wider sustainability benefits to the community that outweigh the flood risk. The proposed development is, therefore, considered to be at an unacceptable and avoidable risk of flooding, contrary to policy CS3 of the North Somerset Core Strategy, policy DM1 of the North Somerset Sites and Policies Plan (Part 1) and paragraphs 155-161 of the National Planning Policy Framework (and the associated Planning Practice Guidance).
- 2 The proposed development is below the DCLG's Technical Housing Standards- Nationally Described minimum space standards which would have an adverse impact upon the living conditions of future occupiers, by reason of providing a substandard living accommodation. In this respect, the proposal conflicts with policies CS3 and CS12 of the North Somerset Core Strategy and policies DM32, DM37 and DM42 of the Sites and Policies Plan (Part 1), DCLG's Technical Housing Standards and Section 11 of the National Planning Policy Framework

Advice Notes:

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

676-01 SITE LOCATION PLAN
676-02 A PROPOSED FLOORPLAN
676-03 B PROPOSED ELEVATIONS
676-04 PROPOSED BLOCK PLAN
676-05 PROPOSED SITE LAYOUT PLAN
676-06 STREET SCENE AS PROPOSED; BOUNDARY DETAILS

DESIGN & ACCESS STATEMENT
ARBORICULTURAL REPORT 01
FLOOD RISK ASSESSMENT
SEQUENTIAL TEST

- 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: 7 July 2023
Signed: Richard Kent
Head of Planning

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.

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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.

