

NOTICE OF DECISION

Town and Country Planning Act 1990



Mr Cem Kosaner
Lichfields
Helmont House
Churchill Way
Cardiff
CF10 2HE

Application Number: 22/P/0459/OUT

Category: Outline application

Application No: 22/P/0459/OUT
Applicant: M7 Planning Limited And M7 SW LLP
Site: Land North Of Mulberry Road, Congresbury , BS49 5HD,
Description: Outline planning application for the erection of up to 70no. dwellings (including 30% affordable housing), public open space, children's play area, landscaping, sustainable urban drainage system and engineering works, with vehicular access off Mulberry Road. All matters reserved except for means of access.

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 occupies an elevated position on the edge of the village and the position, scale and extent of the proposed development would have a significant urbanising effect on its rural location, adversely affect the landscape setting of the village and harm the recreational enjoyment of the public footpaths across and adjoining the site contrary to policy CS5 of the North Somerset Core Strategy 2017 and policies DM10 and DM25 of the North Somerset Sites and Policies Plan Part1 Development Management Policies 2016. The adverse impacts of the development significantly outweigh the benefits of the development contrary to paragraph 11 of the National Planning Policy Framework.
- 2 The nature and scale of development on land which is within the setting of the designated heritage asset would cause less than substantial harm to the setting of the designated asset by further eroding the relationship of the grade 2 listed Park Farmhouse from the previously associated farmland contrary to policy CS5 of the North Somerset Core Strategy 2017, policy DM4 of the North Somerset Sites and Policies Plan Part 1 Development Management Policies 2016 and paragraphs 199 and 202 of the National Planning Policy Framework.
- 3 The proposed development would not enhance the overall sustainability of the settlement and substantially exceeds the threshold which defines the appropriate scale of development deemed to be sustainable on the edge of service villages and in the case of Congresbury has inadequate local infrastructure in terms of primary school places and doctors' surgery to serve the scale of development proposed contrary to

policies CS14 and CS32 of the North Somerset Core Strategy, policy H1 of the Congresbury Neighbourhood Development Plan 2019-2036.

- 4 The application has failed to make satisfactory provision for mitigating the effect of the scheme on insufficient primary school places and doctors' services contrary to policies CS25 and CS32 of the North Somerset Core Strategy 2017.

Date: 21 November 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.

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.

