

BATH AND NORTH EAST SOMERSET COUNCIL

Planning Committee

30th July 2025

**UPDATE REPORT AND OBSERVATIONS RECEIVED SINCE THE
PREPARATION OF THE MAIN AGENDA**

ITEMS FOR PLANNING PERMISSION

Item No.	Application No.	Address
02	25/00872/PIP	Highbanks, The Street, Stowey, Bristol, Bath And North East Somerset

Update:

Updated references to National and Neighbourhood Planning Policies, including the following:

“Paragraph 124. of the NPPF sets out that planning decisions should promote an effective use of land in meeting the need for homes and other uses. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land.”

“SSHP01 of the Stowey Sutton Neighbourhood Plan reaffirms the housing development boundary for Bishop Sutton.”

“Policy SSHP02 of the Stowey Sutton Neighbourhood Plan sets out that infill housing will be supported within housing development boundaries. The policy sets out that the exception to such development will be if it is deemed to be harmful to the Green Belt.”

“Policy SSHP03 of the Neighbourhood Plan seeks to support future housing development which will reflect the character, varied materials and varied build design as identified through the Character Assessment and should be limited to infill within the amended HDB.”

Insert of Public Sector Equality Duty tests:

“PUBLIC SECTOR EQUALITY DUTY:

In reaching its decision on a planning application the Council is required to have regard to the duties contained in section 149 of the Equality Act 2010, known collectively as the public sector equality duty.

Section 149 provides that the Council must have due regard to the need to—

- (a) eliminate discrimination, harassment, victimisation
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

Officers have had due regard to these matters when assessing this application and have concluded that neither the grant nor the refusal of this application would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application”.

Updates to the planning Balance to provide more clarity around the Officers findings.
Full new Planning Balance section copied below:

“PLANNING BALANCE

Paragraph 11 of the NPPF Sets out that decisions should apply a presumption in favour of sustainable development. Subparagraph d)i) sets out that, where policies which are most important for determining the application are out-of-date, which includes policies involving the provision of housing where an LPA cannot demonstrate a 5-year housing land supply, permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Paragraph 14. of the NPPF sets out that, in situations where the presumption of paragraph 11.d applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:

- a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made;

In this instance, the neighbourhood plan was adopted over 5-years ago, so the provisions of Paragraph 14 are not engaged.

At the time of making this decision, the LPA are unable to demonstrate a 5-year housing land supply. The LPA has a supply of 2.5 years housing land and as such, paragraph 11d as above is a material consideration for this application.

In this instance, the application is found to be appropriate development in the green belt, constituting the partial or complete redevelopment of Previously Developed Land. The development would need to avoid causing substantial harm to the openness of the Green Belt.

The scope of a permission in principle application is limited to location, land use and the amount of development so the matters of design, size and scale are to be scrutinised during a Technical Details application.

The application site is found to be outside of the Bishop Sutton housing development boundary and is unsustainable by location, finding the development contrary with policies ST1 and ST7 of the LPPU and SSHP01 of the Stowey Sutton Neighbourhood Plan as a result. However, the site sits amongst existing residential housing. It is not isolated from other development and may be found to constitute infill development in accordance with Policy D7.

The decision must be made in accordance with relevant policies in the development plan unless there are material considerations, such as those in the National Planning Policy Framework and national guidance, which indicate otherwise.

The proposal is found contrary with a number of strategic policies and the neighbourhood plan.

In accordance with 11.d)i) there are no strong reasons for refusing the application relating to protected areas or assets (footnote 7 of the NPPF).

In accordance with 11.d)ii), harm arising from the site's unsustainable location is not found to significantly and demonstrably outweigh the benefits.

Accordingly, it is recommended that permission is granted."

Item No.	Application No.	Address
03	25/00041/FUL	Parcel 6200, Moorledge Lane, Chew Magna, Bristol, Bath And North East Somerset

Removal of the wording “Sui-Generis” from the introduction.

Addition of wording to acknowledge that “the field shelter is considered to be proportionate and commensurate with the proposed use”.

Reference to Case Law updated to appropriately reference “The Courts”.

Insert of Public Sector Equality Duty tests:

“PUBLIC SECTOR EQUALITY DUTY:

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Section 149 provides that the Council must have due regard to the need to—

(a) *eliminate discrimination, harassment, victimisation*

(b) *advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and*

(c) *foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

Officers have had due regard to these matters when assessing this application and have concluded that neither the grant nor the refusal of this application would be likely to have an impact on protected groups and, therefore, that these considerations would not weigh in favour of or against this application”

Conclusion wording update to clarify the policy test:

“The decision must be taken in accordance with the development plan unless there are material considerations that indicate otherwise. It is considered the proposal is compliant with the development plan as outlined above and there are considered no material consideration that indicate otherwise. The proposal is therefore recommended for permission.”

Addition of Condition to secure the operation of the development in line with the Management Plan

Business Management Plan (Compliance)

The operation of the development hereby approval shall be undertaken in accordance with the submitted 2025 PAWS UP Paddock Management Plan, which includes the listed opening hours, booking processes, noise management and waste management.

Reason: To protect the amenity of the nearby residents in accordance with Policy D6 of the LPPU.