



Appeal Decision

Site visit made on 21 January 2025

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 February 2025

Appeal Ref: APP/P0119/W/24/3350116

Land off Freezinghill Lane, South Gloucestershire BA1 9DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Rees against the decision of South Gloucestershire Council.
 - The application Ref is P23/01906/F.
 - The development proposed is conversion of building to a holiday let and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At appeal stage the appellant has submitted an amended plan showing revised access arrangements. The Council has had the opportunity to comment on this plan and so no prejudice would result if I were to take this amended plan into account. I shall therefore determine the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposal on (1) highway safety, and (2) biodiversity, specifically bats.

Reasons

Highway Safety

4. The site consists of an existing stone building located in countryside. Access to the site is from Freezinghill Lane. This is a country road, signed as being unsuitable for heavy goods vehicles. There is no dispute that it is a busy commuter route for drivers seeking to avoid congested areas of Bath to reach the A46 and M4. The access to the site itself is a former gateway that once served allotments. The proposal seeks to convert the building into a one-bed unit of holiday accommodation.
5. No personal injury collisions at the access have been identified from the relevant data sources. Nevertheless, vegetation currently restricts the visibility available to drivers when leaving the site, particularly to the north. In addition, when approaching the site from the south, the forward visibility of drivers already travelling on Freezinghill Lane is affected by a bend in the road and further roadside vegetation. This limits the ability of drivers to see any vehicle that is stopped in the carriageway whilst waiting to turn right into the access. The Highway Authority objected to the proposal at application stage, because of the risk of collision from any increase in the use of the access.

6. At appeal stage, new and more accurate traffic speed and topographical evidence has been submitted. This shows that traffic speeds are lower than initially recorded, and well below the 60mph limit, thus requiring shorter stopping sight distances. No detailed technical evidence from the Highway Authority has been provided to dispute this.
7. On this basis, adequate visibility from the access itself may well be possible, at least in theory. However, the northern splay would require hedgerow and vegetation to be regularly cut back closely, especially in months of higher growth levels. Given the proximity of the carriageway edge, I am concerned about the practicalities of maintaining the splay effectively.
8. In any case, even using the reduced speeds of the appellant's evidence, the forward visibility available to drivers on Freezinghill Lane would still be appreciably below the minimum distance required. The obstructing hedgerow is currently maintained to a low level. That said, it is outside of the appellant's control and so there is no guarantee that the low hedge level would remain in perpetuity. For these reasons, increased use of the access would risk collisions and the safety of highway users.
9. As holiday accommodation, the building may not be used throughout the year. Its occupiers may not undertake trips to work or school, but they are more likely to be unfamiliar with the road and its hazards, increasing the level of risk. They may well arrive or leave during rush hours, for example if travelling from further afield. A sign could be erected warning oncoming traffic of the potential hazard. However, in my view, it is safer not to create the increased risk from the outset, rather than to try and mitigate it afterwards. Signage does not therefore overcome the adverse effects of the proposal.
10. I understand that the surrounding land has previously been used as allotments. I do not doubt that this use represents a realistic fallback. The proposal is fairly small, being for a single, one-bed unit. However, although reference is made to four allotment-holders, I have little substantive evidence that their use would generate similar or greater levels of traffic than occupation of the building as accommodation.
11. Furthermore, the application site boundary covers only a small part of the wider land, and no plan is before me for use of the allotments as garden for the proposal. As a result, it is conceivable that allotment use could continue or be re-introduced concurrently with holiday use of the building. Accordingly, the proposal would result in greater levels of traffic using the access than allotment use alone. Reported residential use of the building ceased many years ago and there is little before me to suggest that this is its lawful use. Consequently, these matters do not alter my conclusions.
12. For the reasons given above, the proposal would have a harmful effect on highway safety. It would therefore conflict with Policy CS8 of the South Gloucestershire Core Strategy (SGCS), adopted December 2013, and Policy PSP11 of the South Gloucestershire Policies, Sites and Places Plan (SGLP), adopted November 2017. These require that highway safety is not compromised. The proposal would similarly conflict with the aim of Paragraph 115 of the National Planning Policy Framework (the Framework) for safe and suitable access for all users. As such, I give this conflict very substantial weight.

Bats

13. In order to establish whether the site provides a habitat for bats, a Bat Activity Report was undertaken. This found no evidence of bats. However, the Council has questioned the adequacy of the Report, having regard to the Bat Conservation Trust guidelines, though these have not been provided. The evidence before me is that the ecologist who undertook the survey was suitably qualified. The Report confirms that there were two survey points, allowing both ends of the building and the ridgeline to be observed during the survey. Infra-red cameras were used, providing sufficient light. The appellant's evidence in these respects has not been subsequently challenged to any substantive degree.
14. Consequently, I see little reason to doubt the reliability of the Bat Activity Report or its findings. On this basis, the proposal would not have an unacceptable effect on biodiversity or bats. It would not therefore conflict with SGCS Policy CS9 or SGLP Policy PSP19, which seek to conserve the natural environment and avoid the loss of habitats. This matter is therefore neutral in the planning balance.

Other Considerations

15. Carrying out the proposal would make a positive economic contribution locally, for instance to the building industry. Its future holiday occupiers would make social and economic contributions to the area. The proposal would result in the efficient use of an existing building. However, given that only one unit is proposed, I give these benefits limited positive weight.
16. The proposal would add to the supply of housing albeit as holiday accommodation. Paragraph 11 of the Framework makes clear that where policies which are most important for determination are out-of-date, permission should be granted unless, relevant to this appeal, any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, assessed against the policies in the Framework as a whole.
17. Little evidence in respect of the Council's housing land supply position is before me. However, even if Paragraph 11 were now engaged as a result of the new Framework, for the reasons given above the adverse impacts of the proposal would significantly and demonstrably outweigh its benefits to the supply of housing. The Framework does not therefore provide a reason to allow the development.

Planning Balance and Conclusion

18. I have found conflict with the Development Plan, for the reasons set out above. The material considerations in this case, including the Framework, do not indicate a decision other than in accordance with the Development Plan. This leads me to conclude that the appeal should be dismissed.

O Marigold

INSPECTOR