



---

## Appeal Decisions

Site visit made on 11 February 2025

**by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI**

an Inspector appointed by the Secretary of State

**Decision date:** 14 April 2025

---

**Ref: APP/C1625/W/24/3353573**

**Land at, Old Bristol Road, Nailsworth, Stroud, GL6 0LJ**

- 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 Andrew Jones/Mr T Evans - Colburn Homes Ltd against the decision of Stroud District Council.
  - The application Ref is S. 24/1172/FUL.
  - The development proposed is Construction of 4 no. dwellings.
- 

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. This appeal has been considered alongside another appeal for four dwellings at the same address/site, reference APP/C1625/W/24/3348792. However, there are clear and substantial differences between the proposals and also differences with the reasons for refusal from the Council. As such, the other appeal is the subject to a separate decision letter.
3. Within the Council's Statement it makes clear that with the submission of post-decision information the Council are not defending reasons for refusal relating to the potential effects on Rodborough Common Special Area of Conservation (SAC) and the Cotswold Beechwoods SAC.

### Main Issues

4. The main issues are as follows:
  - The effect of the development on the character and appearance of the area, and also on heritage assets in the locality of the site.
  - The effect of the proposed development on the amenities of neighbours to the site.
  - Whether the development would contribute a sufficient level of biodiversity net gain.

### Reasons

#### *Character and Appearance – Heritage Assets*

5. The section of the Old Bristol Road that the site is within is of an urban appearance, though the site is on the edge of Nailsworth with the far side of Bath Road to the rear of the site being undeveloped countryside. However, the site itself appears part of a residential area and not as part of a transitional character

between urban and rural areas. The rear gardens to the Old Bristol Road houses adjacent to the site do contribute to the verdant quality of the area, but the site itself does not have such a quality, being that it is largely clear of vegetation and most recently used as a form of workshop or storage yard. As such, the proposed development would not discernibly erode the sense of transition between the open countryside and the existing settlement.

6. The proposed houses would be located close to the boundary with Bath Road. Furthermore, the elevation facing Bath Road would be the front elevation for these houses. Whilst not fronting immediately onto Bath Road, the layout is such that the proposed housing would be read as part of the Bath Road street scene, similar to the terrace of houses (Wycliffe Terrace) nearby. The proposed houses would not be back-land development, even though the vehicular access would be off the Old Bristol Road.
7. The design of the proposed houses which would be seen as two storey from Bath Road and three storey from the rear (facing Old Bristol Road). Whilst the height and position of the houses are not out of keeping with some of the other houses in the vicinity, the elevations are not considered appropriate. For example, the side elevations of plots 1 and 4 have a multitude of windows and door openings with some different sizes and one being a dormer. There are also three separate gables for these side elevations. This leads to a proposed elevation which appears confused and without coherence in its visual appearance. The elevations would appear generally at odds with the other prominent dwelling elevations in the area.
8. The height of the eaves above the windows at upper ground floor, such as those on the rear elevations, appears excessive and results in elevations appearing to be poorly proportioned.
9. The proposed design for these houses would be visible from public view points, such as on the approach into Nailsworth. As such, the design would be harmful to the character and appearance of the area.
10. It is agreed that the site is of little aesthetic value currently, but due to the lack of many buildings on site it is not prominent, especially due to the wall along Bath Road. Furthermore, the lack of a quality design for the proposed dwellings should not be accepted due to the state of the site currently.
11. The site is situated within the Nailsworth Conservation Area. The development would be of a poor standard of design which would adversely affect the historic character and appearance of this area, which I consider contributes to the significance of the Conservation Area. As such, the proposal would result in less than substantial harm to the Conservation Area.
12. I have found that the proposed development would harm the significance of the Conservation Area. Paragraph 215 of the Framework states that any less than substantial harm should be weighed against the public benefits of the proposal. The proposal would contribute towards the housing supply for the town and district, but only with four additional dwellings. It would also provide a use for a current derelict site of negative visual impact. Considering all the public benefits combined, they would not outweigh the harm to the heritage assets.
13. The proposal is therefore contrary to policy ES10 of the Stroud District Local Plan which requires that any harm or loss to heritage assets would require clear and

convincing justification to the relevant decision-maker as to why the heritage interest should be overridden. No such clear and convincing reasons are given in this case.

14. Due to the separation distances involved, the harm due to the design of the proposed houses' elevations would not adversely affect the setting of any nearby listed buildings.
15. Furthermore, for these reasons the proposal would not accord with Local Plan policy HC1, ES12 and policy CP14. These policies require that small-scale housing need within defined settlements are well designed and compatible with the character, appearance and amenity of the part of the settlement; be respectful of the built environment, and integrate with their surroundings, amongst other things.

#### *Neighbour Amenity*

16. The Appellant submitted plans to the Council prior to the determination of the planning application. However, the Council determined the application based on the original plans. The amended plans have also been submitted with this appeal and it is my view that considering these revised proposals would not prejudice any interested party. The aim of these amended plans appears to be to reduce potential impacts to neighbour amenities through lesser overlooking impacts.
17. The rear elevations of the proposed houses would face towards the rear of the dwellings that front Old Bristol Road. This includes Nos 7 and 8 and Somerset Villa, all on Old Bristol Road. It is also important to acknowledge that the dwellings as proposed would be at a higher level than these neighbouring houses. There would be first floor windows serving habitable rooms in the proposed houses which would have views towards these neighbours, including towards windows in the rear elevations of these neighbouring houses and private amenity space. However, the dwellings as proposed are positioned close to Bath Road which increases the separation distance between proposed and existing windows to a degree which would minimise overlooking impact to a suitable degree.
18. The original plans had first floor terraces to the side and rear elevations, though these have been omitted with the amended plans, which helps to minimise neighbour amenity impacts.
19. There would be windows at first and second floor with views over the gardens to the side of the plots, however these views would mainly be to the rear portion of these gardens (away from typically more sensitive amenity areas for occupants nearer the houses) where there already appears to be some level of overlooking.
20. As such, the proposals accord with policies CP14 and ES3 of the adopted Stroud District Local Plan, which require that there should be no unacceptable adverse effect on the amenities of neighbouring occupiers, and that there should be no unacceptable level of loss of privacy or an overbearing effect, amongst other things.

#### *Biodiversity Net Gain (BNG)*

21. This appeal has been submitted with the BNG assessment which the Appellant states demonstrates that the mandatory requirements can be met for this scheme, subject to a biodiversity management plan being submitted (via condition).

22. The Council have reviewed the BNG information submitted but stated the following:
23. *Post-intervention habitat plans have not been provided that demonstrates habitats (as accounted for in the metric) to be situated outside of private gardens. Furthermore, detailed methodologies for enhancement of onsite habitats have not been provided, and there is no evidence that target condition of habitats is attainable or feasible alongside the proposed development.*
24. From my inspection of the submitted details relating to BNG, there is insufficient detail. It is not clear whether the proposal to create mixed scrub at the site is achievable with the housing also proposed. It is unclear where the proposed habitats would be delivered.
25. There remains significant doubt over whether BNG could be delivered to meet the minimum requirement, to meet the requirements set out in the Environment Act 2021 Schedule 14, Schedule 7A of the Town and Country Planning Act 1990.
26. Further to this, a revised Biodiversity Net Gain Assessment was submitted (dated December 2024) with the final comments from the Appellant. This does provide further detail, with it stating that the statutory 10% Biodiversity Net Gain cannot be achieved on site, with some offsite provision being proposed. This is suggested to be done by purchasing biodiversity credits. It is not clear how the off-site provision would be secured or whether the purchasing of credits would be sufficient. However, being submitted at the late stage in the appeal process there has not been the opportunity for the Council to respond.

#### *Rodborough Common SAC and the Cotswold Beechwoods SAC*

27. The proposed dwellings would come into a zone where it could affect the Rodborough Common SAC and the Cotswold Beechwoods SAC. The Appellant has submitted a Unilateral Undertaking to address this issue. If I was to allow the appeal then I would require more information on this matter prior to undertaking an Appropriate Assessment. However, as the appeal is being dismissed, I have not pursued this matter further.

#### **Planning Balance**

28. The proposed houses would contribute towards housing supply for the town and district, on what appears to be previously developed land within the settlement boundary and in an accessible location. The development would be an efficient use of this land. There would also be other social and economic benefits through the development of houses at this site, which has been redundant for some time, and also future occupants supporting local businesses.
29. In this case, the proposals would be harmful to the character of the area and would have less than substantial harm to the Conservation Area significance. A sufficient level of BNG has also not been demonstrated as being deliverable. This combined level of harm is significant. Furthermore, the proposed development is contrary to the aforementioned LP policies.
30. The Appellant states that the Council cannot demonstrate a five-year housing land supply. However, I find that the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed

against the policies in the Framework when taken as a whole, especially when factoring in the heritage harm identified.

**Conclusion**

31. For the reasons given above the appeal should be dismissed.

*Mr S Rennie*

INSPECTOR