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## Appeal Decision

Site visit made on 1 May 2025

**by Laura Cuthbert BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20<sup>th</sup> May 2025

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**Appeal Ref: APP/P0119/W/25/3360214**

**Land At The Old Police Station, Haw Lane, Olveston, South Gloucestershire BS35 4EQ**

- 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 Michael Burt against the decision of South Gloucestershire Council.
  - The application Ref is P24/02177/F.
  - The development proposed is Erection of two storey side extension to enlarge existing dwelling. Erection of 1no. detached dwelling with associated works.
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### Decision

1. The appeal is allowed and planning permission is granted for Erection of two storey side extension to enlarge existing dwelling. Erection of 1no. detached dwelling with associated works at Land At The Old Police Station, Haw Lane, Olveston, South Gloucestershire BS35 4EQ in accordance with the terms of the application, Ref P24/02177/F, subject to the conditions in the attached schedule.

### Preliminary Matters

2. Since the appeal was made, a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. I have taken the revised Framework into account as part of the determination of this appeal.
3. The appeal site lies within the Bristol and Bath Green Belt. The proposed new dwelling would represent 'limited infilling in villages'. It would therefore fall under the exception set out in criterion 'e' of paragraph 154 of the Framework. Furthermore, the proposed extension to the existing dwelling would not result in disproportionate additions over and above the size of the original building. This would fall under the exception set out in criterion 'c' of paragraph 154. Consequently, the proposal as a whole does not constitute inappropriate development in the Green Belt in accordance with Paragraph 154 of the Framework. The Council have not objected in this regard, and I agree with its conclusion on this matter.
4. The description of development includes the erection of a two storey side extension to enlarge the existing dwelling. The Council have not raised any objections to this element of the proposal. Based on my observations on site, I have no reason to come to a different conclusion on the matter. The Council's objection, in regard to the first reason for refusal, relates to the erection of the 1 no detached dwelling with associated works. Therefore, I have determined the appeal on this basis.

### Main Issues

5. The main issues are: -

- the effect of the proposal on the character and appearance of the area, including the effect on the significance of the designated heritage asset of Olveston Conservation Area (CA), by virtue of development within the CA; and
- whether the proposal would make adequate provision for Biodiversity Net Gain (BNG).

## Reasons

### *Character and Appearance*

6. The appeal site relates to an existing dwelling known as The Old Police Station and its associated private garden. It is situated on a corner plot, at the junction of Haw Lane and Upper Tockington Road in the settlement of Olveston. The existing house fronts Upper Tockington Road, while the vehicular access is from Haw Lane. There is an existing expanse of hardstanding on the appeal site which accommodates the access, parking and turning area associated with the existing dwelling. A pair of relatively new dwellings<sup>1</sup> have been constructed to the northeast of the appeal site.
7. The site is enclosed with an established hedge and a mature tree on the frontage running around the corner. To the frontage along Upper Tockington Road lies a low stone wall, with an established hedge behind. A 2m wall runs along the shared boundary with the new dwelling to the northeast, with evidence of the recently removed belt of conifers on the neighbouring land visible, and a hedge along the southeastern boundary, with the open countryside rising up beyond.
8. The site is located within the Olveston CA. As set out in the Olveston CA Supplementary Planning Document (the SPD) (2013), the special character of Olveston has been shaped by its agricultural origins, its links to important trade and transport routes, as well as its religious and social history. The village of Olveston contains a number of different areas, each with their own distinctive character reflecting the various functions and development of the settlement. The appeal site is within the 'Haw Lane' Character Area.
9. For the purposes of this appeal, the significance of the Haw Lane character area, as set out in the SPD, derives from the strong linear form and development pattern. The character of Haw Lane is further enhanced by the very loose-knit and spacious pattern of development along the south side of Haw Lane, with buildings spaced further apart, and with pleasant views between properties and across gardens towards the rising levels of Eastcombe Hill to the south/southeast. Eastcombe Hill provides both an attractive setting and a sense of shelter and containment to the conservation area, and views to the open fields are gained from many various points along Haw Lane. This is broadly what I observed on my site visit.
10. The SPD also states that to the southern side of Haw Lane there are far fewer properties, and these mostly date from the 20th century, although the dwelling known as The Yard was originally a barn which belonged to the Haw Farm. It is important that the rural setting and tranquil character of Haw Lane is protected and views to Eastcombe Hill are maintained and therefore proposals for further development on the south side of the lane will be resisted where this would not achieve this aim. I note that Map 1 of the SPD<sup>2</sup> identifies protected views 'to open

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<sup>1</sup> Application Ref PT14/4525/F, approved July 2015

<sup>2</sup> Olveston Conservation Area Preservation and Enhancement Strategy

landscape and rural landscape setting to the conservation area' along Haw Lane, although these do not extend as far as the appeal site, stopping at the northeast boundary of the site.

11. Nevertheless, I observed that whilst the character of the CA to the south is more spacious than the north, there is some variety in the plot sizes and spaces between dwellings, including that of the new houses next door. I also saw that there is no dominant architectural style, with the local vernacular comprising an eclectic mix of built form and architectural composition, all predominantly of a 2 storey scale, as submitted by the appellant. Furthermore, the southern side of Haw Lane is more enclosed with mature vegetation than the northern side, adding to the rural feel and tranquillity of the CA. Whilst there are existing views through to the Eastcombe Hill behind, in my mind, these are more glimpsed views in between properties and down driveways, where there are gaps in the vegetation. The only clear view of Eastcombe Hill is to the east of 'The Yard', where it is completely devoid of built form. I note that this is identified in the SPD as an 'important view to maintain'.
12. Taking the above into account, I consider that the appeal site, by virtue of it forming part of the 'loose knit' built form to the southern side of Haw Lane and the glimpsed views afforded to Eastcombe Hill to the beyond, contributes positively towards the significance of the CA, reinforcing some of the characteristics identified above that contribute towards the significance of the CA.
13. The appeal proposal, whilst it would introduce new built development to the south side of Haw Lane, would protect the rural setting and tranquil character of Haw Lane. Whilst the grain would inevitably be tighter than the existing situation, the proposal would retain a sufficient gap between both the existing dwelling on the appeal site and that of the neighbouring dwelling to the northeast. Due to the existing variety of plot sizes and spaces, the grain would not be significantly incongruous to the immediate area. The built form would remain to be 'loose knit'. Importantly, the proposal would maintain a glimpsed view towards Eastcombe Hill, in between properties. Furthermore, the proposal would not affect the protected views as identified on Map 1 of the SPD.
14. Any views from the crossroads to the northwest would be mitigated by the existing tree and hedge, and the siting of plot 2 would further preserve the openness of the northwest corner of the appeal site. A glimpsed view across to Eastcombe Hill would still be possible and thus the effect on the protected views from along Upper Tockington Road, would be negligible. Alongside the proposed new shrub and tree planting along the Haw Lane frontage, it is considered that the proposal would preserve the rural setting and tranquil character of this part of the CA, and thus the significance of the designated heritage asset.
15. The proposal would not result in an 'incongruous, suburban pattern of development', as alleged by the Council. The proposed new dwelling would respect the development pattern, retaining the strong linear form. It would also maintain the building lines along Haw Lane, most notably that of the adjacent dwellings to the northeast and those further along Haw Lane.
16. The proposed parking area, which would serve the subsequent 2 dwellings, would be slightly more than the existing hardstanding on the appeal site and would move marginally closer to the northwestern corner. However, by virtue of the existing established vegetation that encloses the site along its corner, as well as the

proposed landscaping along the site's frontage, this would not be materially harmful to the contribution the appeal site makes towards the significance of the CA. As such, I consider that the proposal would preserve the qualities of the southern side of Haw Lane, that make a positive contribution to the character and appearance, and thus the significance, of the Olveston CA.

17. Therefore, for the reasons set out above, the proposal would not harm the character and appearance of the area. Notably, it would preserve the significance of the designated heritage asset of Olveston CA, by virtue of development within the CA. It would be in accordance with Policies CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (adopted 2013) and Policies PSP1 and PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (adopted 2017).
18. In combination, these policies seek to achieve high standards of design, safeguarding existing features of heritage value, respecting the character and local distinctiveness of the site and its context. Development within or affecting the setting of a conservation area will be expected to preserve or, where appropriate, enhance those elements which contribute to their special character or appearance and pay particular attention to opportunities to enhance negative parts of conservation areas and to draw on local character and distinctiveness. Proposals should demonstrate that historic street and plot patterns, open spaces, building lines and views, amongst others, which contribute to the character or appearance of the conservation area, are retained.
19. It would also be in accordance with the principles set out in Section 16 of the Framework, which requires great weight to be given to heritage assets' conservation.

#### *Biodiversity Net Gain*

20. Schedule 7A of the Town and Country Planning Act 1990 (as amended) (the Act) introduced a statutory framework for biodiversity net gain (BNG), and it applies to all planning applications for non-major development submitted on or after 2 April 2024. Under the statutory framework, subject to some exceptions, every grant of planning permission is deemed to have been granted subject to the Biodiversity Gain Condition (BGC), which requires that at least a 10% increase in biodiversity value is met. It follows that the proposal is subject to the general BGC, as set out in the Act.
21. In order to achieve the mandatory 10% BNG, an area of 'other neutral grassland' would be created along the north-west boundary of the site, alongside the planting of 3 small individual trees. This would deliver a 12.97% BNG within the site boundary but outside of the private garden areas associated with the proposed 2 dwellings. The BNG area would be delineated with a 900mm picket fence. I am therefore satisfied that the BNG area is achievable and can be maintained as public land in accordance with the requirements of the Act.
22. On-site gain can be subject to planning conditions, as well as legal agreements. In these circumstances, given the scale and nature of the on-site net gain, it is considered reasonable that a suitably worded planning condition requiring a Landscape and Ecological Management Plan (LEMP) would secure the delivery and on-going management and maintenance of the net gain, as well as other on-site ecological enhancements.

23. Therefore, the proposal would be capable of meeting the mandatory requirements for a minimum of 10% BNG, in accordance with the statutory framework. I therefore find that it would not conflict with the requirements of the Act.

### **Other Matters**

24. Concerns have been raised in regard to possible overlooking into gardens and intervisibility between plots. The distances between the 2 plots of the proposed development are considered sufficient to ensure future occupants of both dwellings have acceptable levels of privacy, outlook and daylight. Furthermore, in regard to the impact on the neighbouring dwelling to the northeast, the proposed new dwelling would follow the same building line. Due to its siting, it would not be significantly overbearing to the occupants of the neighbouring property nor would the proposed new dwelling result in any significant loss of daylight/sunlight. Furthermore, there would only be one small window on the side elevation facing northeast, which would serve an ensuite. Therefore, the proposed new dwelling would not be significantly overlooking and the privacy levels enjoyed by the occupants of the neighbouring property would not be materially harmed.
25. Hawleaze House is located to the north-east of the site, on the opposite side of Haw Lane, which is a Grade II Listed Building. The setting of this designated heritage asset is best experienced from within its own immediate surroundings, which would be unaffected by the proposal. Therefore, I am satisfied that the setting, and thus the significance, of Hawleaze House would be preserved. I also note the Council did not raise any concerns in regard to this matter.

### **Conditions**

26. I have assessed the Council's suggested conditions in light of the advice provided in the Planning Practice Guidance (PPG).
27. A condition setting a time limit for the commencement of the development is required by statute. Whilst a plans condition has not been suggested, it is necessary that there is a condition requiring the development to be carried out in accordance with the approved plans for certainty. I have attached one accordingly.
28. As agreed with the appellant, the originally suggested conditions 3 and 4 have been removed, and condition 2 has been amended, which requires the submission of a LEMP, as already alluded to. This would ensure that the proposal would deliver a biodiversity net gain on site. The general BGC has a separate statutory basis as a planning condition under Paragraph 13 of Schedule 7A of the Act. On this basis, the PPG<sup>3</sup> strongly encourages decision makers to not include the BGC, or the reasons for applying it, in the list of conditions imposed in the written notice when granting planning permission. For this reason, the general BGC has not been imposed.
29. A condition requiring a landscaping scheme to be submitted and approved is considered necessary in order to protect the character and appearance of the area. In order to safeguard the trees on site, a condition to ensure the work is carried out in strict accordance with the submitted arboricultural report is considered both reasonable and necessary.

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<sup>3</sup> Planning Practice Guidance Paragraph: 024 Reference ID: 74-024-20240214

30. In the interests of highway safety, and to ensure that the development would be served by adequate parking facilities, a condition is considered necessary to ensure that the parking areas are all constructed and retained as approved.
31. Finally, in the interests of conserving the local biodiversity, a condition requiring the development to proceed in strict accordance with the mitigation measures provided in the Preliminary Ecological Appraisal and Bat Survey Report is considered both reasonable and necessary.

### **Conclusion**

32. The appeal scheme would comply with the development plan and as such, having considered all other matters raised, the appeal is allowed, subject to the conditions set out in the attached schedule.

*Laura Cuthbert*

INSPECTOR

### Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
  - PROPOSED SITE PLAN
  - PROPOSED PLOT 1 EXISTING HOUSE FLOOR PLANS AND TYPICAL SECTION
  - PROPOSED PLOT 1 EXISTING HOUSE PROPOSED ELEVATIONS
  - PROPOSED PLOT 2 PROPOSED NEW DWELLING FLOOR PLANS AND TYPICAL SECTION
  - PROPOSED PLOT 2 PROPOSED NEW DWELLING ELEVATIONS
  - LOCATION PLAN
  - ELEVATIONS AS EXISTING
  - PROPOSED STREET ELEVATIONS
- 3) A landscape and ecological management plan (LEMP) which includes management of the Biodiversity Net Gain Plan shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The LEMP shall be written in accordance with BS42020.

The LEMP shall include 30-year objectives, management responsibilities and maintenance schedules.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.
- 4) Prior to the first occupation of the dwellings hereby approved a scheme of landscaping, which shall include details of all proposed planting (and times of planting); boundary treatments and areas of hard surfacing shall be submitted to the local planning authority for approval. The works shall be implemented in accordance with the agreed details, no later than the first planting season following the works being substantially complete.
- 5) The works shall be implemented in strict accordance with the submitted Arboricultural Report.
- 6) The proposed off-street parking facilities shall be provided prior to the first occupation of the dwellings hereby approved and retained as such thereafter.

- 7) The development shall proceed in strict accordance with the mitigation measures provided in the Preliminary Ecological Appraisal and Bat Survey Report.