



Appeal Decision

Site visit made on 2 June 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 7 July 2025

Appeal Ref: APP/P0119/W/25/3361075

Land at Cedar Lodge, Charlton Common, Brentry BS10 6LB

- 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 Woodstock Homes (Construction) Ltd against the decision of South Gloucestershire Council.
 - The application Ref is P24/02111/F.
 - The development proposed is erection of 4no. detached affordable dwellinghouses, with associated soft and hard landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of the application, a revised version of the National Planning Policy Framework (the Framework) was published. Parties have had the opportunity to comment on the changes within the appeal timetable. Therefore, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.
3. Following the decision of the Council, the appellant has submitted further information in relation to ecology being a revised Biodiversity Net Gain (BNG) metric, BNG Statement and Assessment and Ecological Impact Assessment. It is suggested that this information should be considered in the appeal decision to address the Council's concerns in relation to biodiversity. Furthermore, a draft heads of terms and Unilateral Undertaking pursuant to Section 106 of the Town & Country Planning Act 1990 (as amended) (UU) has been submitted during the appeal process to seek to address the Council's fourth reason for refusal.
4. The Procedural Guide to Planning Appeals – England states that the appeal process should not be used to evolve proposals and is clear that revisions intended to overcome reasons for refusal should normally be tested through a fresh application. I have had regard to the degree of engagement of all parties and the interests of fairness. Given the further information does not fundamentally alter the appeal proposal, and that the Council have had opportunity to comment on the additional information, I have accepted its submission and taken account of this evidence.

Main Issues

5. The main issues are:
 - the effect of the proposal on the character and appearance of the area;

- whether the proposal would make adequate provision for Biodiversity Net Gain (BNG); and
- whether the proposal would make adequate provision for affordable housing.

Reasons

Character and appearance

6. The appeal site is currently being used as a temporary compound for storage and parking in relation to an adjacent residential development. It is in a prominent position on Charlton Road adjacent the access to the adjacent development. Following the completion of the adjacent development, the appeal site is required to be returned to grass verge, in combination with a retained and enhanced mature hedge, secured within planning permissions¹ associated with the adjacent residential development.
7. The prominence of housing estates, some of which are still under construction, result in the area having a largely residential character. However, a mix of scrub, mature roadside planting and grass verges, particularly along Charlton Road, offer some visual relief to residential development in the vicinity and provides a positive contribution to the character of the area.
8. Furthermore, even if the appeal site is not subject to landscaping and could be at risk of littering, fly tipping, or being left unkempt if the appeal was unsuccessful, the openness it would provide to the street scene once returned to grass verge, in combination with vegetation, be it un-landscaped, would still positively contribute to the character and appearance of the area.
9. The proposed layout would not visually appear as a natural progression of the layout of the adjacent residential estate. Whilst separation distances between the proposed dwellings would be similar to that seen nearby, their spatial relationship, featuring two pairs of parallel dwellings, does not reflect the general layout. It would not be seen to successfully assimilate with that of the adjacent development and would appear at odds with the prevailing street layout.
10. Moreover, I am told that hedgerow that forms part of the landscaping for the adjoining site is being re-instated. However, the proposal would result in this hedgerow being located between two fence lines, and even if the hedgerow would be viable, maintainable and contribute to biodiversity, the contribution of the hedgerow to the character of the area would inevitably be reduced.
11. The combination of the layout, proximity to highway, boundary walling and narrow landscaped verge, would result in a development that would reduce the open appearance of the entrance to the adjoining estate, harming the character of the area. Notwithstanding proposed tree planting, given the small area of land that would be available for landscaping, a planning condition requiring further landscaping details would be insufficient to overcome the identified harm.
12. Nevertheless, the proposed design and overall appearance of the dwellings reflect those of nearby residential development and would reduce the jarring visual effect of the juxtaposition of the proposal to the adjacent development. However, it would

¹ P22/0581/RVC, P22/00558/RM, P22/00593/F

not be sufficient to fully mitigate the harm identified due to the proposed layout and loss of verge.

13. To conclude, the proposal would result in harm to the character and appearance of the area. The proposal would conflict with policies CS1, CS2 and CS9 of the South Gloucestershire Core Strategy (2013) (CS) and policies PSP1, and PSP2 of the South Gloucestershire Policies Sites and Places Plan (2017) (PSPP). These policies, amongst other things, seek to ensure high quality design that contribute positively to the distinctiveness of a place, overall layouts are well integrated with existing adjacent development, and that landscape character is conserved and enhanced.

Biodiversity Net Gain

14. Schedule 7A of the Town and Country Planning Act 1990 (as amended) (the Act) introduced a statutory framework for 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.
15. Even if the application documentation did not provide the required or sufficient BNG information, an updated BNG metric and BNG Statement and Assessment accompanied the appeal. The updated evidence provides a baseline prior to degradation of the site due to its temporary use as a site compound and indicates that the proposal would result in a 36.83% net gain in hedgerow units and a 79.58% loss in habitat units. Nothing in the evidence before me leads me to conclude that the suggested 1.07 off-site credits required to achieve the necessary BNG is inaccurate.
16. The Planning Practice Guidance (PPG) states that it would generally be inappropriate for decision makers, when determining a planning application for a development subject to BNG, to refuse an application on the grounds that the BNG objective will not be met. However, the PPG continues that decision makers may need to consider more broadly whether the BNG condition is capable of being successfully discharged, with matters for consideration including the appropriate balance expected between on-site gains, off-site gains and the use of statutory biodiversity credits for the development, taking account of the Biodiversity Gain Hierarchy.
17. The appeal site does not contain irreplaceable or rare priority habitats, and given the size and context of the appeal site, the development proposed, evidence before me and requirement for a biodiversity gain plan (BGP), I am satisfied that the balance between on-site gains and off-site gains is appropriate. Although it is put to me that it cannot be confidently confirmed that the BGC can be discharged without knowing what off-site land has been secured, the appellant suggests that offsite BNG could be provided via a third-party habitat provider and there is no substantive evidence before me to indicate that such a solution would not be achievable.
18. Furthermore, due to the scope of the BGP as defined under paragraph 14(2), Schedule 7A of the Act, the appellant is required, in any case, to specify any registered off-site biodiversity gain allocated to the development and the

biodiversity value of that gain in relation to the development; and any biodiversity credits purchased for the development as part of a future BGP. The Council would have the opportunity to assess the suitability of the BGP as part of the discharge of the BGC.

19. To conclude, sufficient information has been provided at this stage that the proposal would provide adequate BNG through both on-site and off-site provision. In this respect, the proposal would accord with CS policies CS2 and CS9 and PSPP Policy PSP19. These policies seek, amongst other things, to protect and enhance species and habitats, avoid or minimise impacts on biodiversity and secure BNG.

Affordable housing

20. Although the proposal relates to 4 dwellings, the main parties are in agreement that the site forms part of a larger landholding and is considered part of the larger residential development adjacent the appeal site, and I see no reason to disagree. As such, the Council have stated that given the affordable housing thresholds of the development plan, and the affordable housing units secured on the adjacent site, a single dwelling is required to be secured as an affordable unit, and this has not been refuted by the appellant.
21. However, the description of the proposal and the appellants evidence indicates that the scheme is intended to be for solely affordable housing. Nevertheless, the UU puts forward two options to secure affordable housing, being the provision of a minimum of 35% affordable housing, (Option A), or 100% Affordable Housing (Option B). However, even if I were to accept that the UU would robustly secure the required level of AH, the UU before me remains incomplete and unexecuted.
22. As such, even if it is the appellant's intention to deliver a housing scheme comprising an appropriate level of affordable housing, in the absence of an appropriately robust mechanism, the proposal would fail to ensure adequate provision of affordable housing. Consequently, the proposal is contrary to CS Policy CS6, which seeks, amongst other things to ensure that where necessary infrastructure and developer contributions are provided.

Other Matters

23. Despite the proximity to windows in neighbouring properties, given the spatial relationship to the proposal, and that bedrooms with windows facing the proposal have secondary windows, the proposal would not significantly harm the outlook and living conditions of neighbouring occupiers.

Planning Balance

24. The Council have stated that they are only able to demonstrate a 4.41 year housing land supply. In this circumstance the Framework states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole, having particular regard to certain key policies, including those relating to securing well-designed places and providing affordable homes, individually or in combination.
25. The proposal would achieve an increase in housing supply in a location close to services and facilities in an area with an acknowledged lack of housing. Given the

scale of the proposal for four dwellings, this is a modest benefit. Furthermore, there would be limited short term economic benefits from the construction of the proposal and from the future occupation of the dwelling and associated spending in the locality. The proposal would also achieve a BNG. given the scale of the proposal these are both further modest benefits. Whilst the proposal would not result in harm to neighbouring occupiers living conditions, this is a neutral factor in the planning balance.

26. Notwithstanding the above, the proposal would result in harm to the character and appearance of the area, contrary to CS policies CS1, CS2 and PSPP policies PSP1, and PSP2. Moreover, given the scheme forms part of the larger adjacent development, the proposal would not robustly secure affordable housing, contrary to CA Policy CS6, and conflicts with the development plan as a whole.
27. Key policies in the Framework are clear that new development should add to the overall quality of an area and to provide affordable homes. It highlights that development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and use the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live. The policies that the proposal conflicts with are broadly consistent with the Framework. As such, and due to the degree of harm I have identified, I give the conflict with these policies substantial weight.
28. While the proposal would align with the objectives of the Framework which seek to significantly boost housing supply and promote the effective use of land, I have found the contribution to housing supply to be a modest benefit alongside other modest benefits. I find in this case the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the proposal would not represent sustainable development.

Conclusion

29. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations, individually or cumulatively, indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR