



Appeal Decision

Site visit made on 26 June 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 14 August 2025

Appeal Ref: APP/P0119/W/25/3363032

Highcroft, Bury Hill, Winterbourne Down, South Gloucestershire BS36 1AD

- 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 Mark Calver against the decision of South Gloucestershire Council.
 - The application Ref is P24/02471/F.
 - The development proposed is the demolition of existing buildings and erection of 1no. self-build dwelling with parking and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing buildings and erection of 1no. self-build dwelling with parking and associated works at Highcroft, Bury Hill, Winterbourne Down, South Gloucestershire BS36 1AD in accordance with the terms of the application, Ref P24/02471/F, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are: (i) whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies; (ii) whether the proposed development would be in a suitable location, taking account of access to services and facilities; and (iii) whether the proposed development needs to provide a 10% Biodiversity Net Gain.

Reasons

Green Belt

3. Policies CS5 and CS34 of the South Gloucestershire Local Plan Core Strategy 2006 – 2027 (the CS) set out the approach to development in the Green Belt. I am satisfied that these policies are in broad conformity with the Framework. The Framework establishes that the construction of new buildings in the Green Belt should be regarded as inappropriate, subject to a number of exceptions.
4. One such exception, set out within paragraph 154(e) is limited infilling in villages. The Framework does not define what constitutes infilling or a village and so inevitably such matters must be decided upon based on the individual circumstances of a site's location, as well as the planning judgement of the decision maker.
5. The appeal site is situated on Bury Hill and is effectively on the edge of the village of Winterbourne. The settlement has a boundary as defined within CS Policy CS5.

The boundary ends at the line of the River Frome which separates the development on Bury Hill from the rest of the village. However, as noted in previous appeal decisions¹, the settlement boundaries are deemed to be 'out of date' given that they were identified a long time ago and have not been reviewed to take account of current housing needs in accordance with Policy CS5. I note that this is not a matter of dispute between the main parties. Based on the evidence before me, I have no reason to disagree with this position. Therefore, while the settlement boundary is still a helpful guide, it does not provide a definitive answer as to whether or not the appeal site forms part of the village.

6. In practical terms, there appears to be no meaningful gap between the dwellings at the northern end of Bury Hill, at the junction with Down Road, and the homes that lie within the settlement boundary. The linear development along Bury Hill then extends as far as the appeal site which forms part of the garden space of the dwelling known as Highcroft. Indeed, during my site visit, as I walked towards Bury Hill, and onwards to the appeal site, I did not get the impression of leaving the settlement of Winterbourne behind and entering the wider countryside beyond. It was not until I walked past the appeal site and Highcroft, and continued west along Bury Hill, that the feeling of entering the countryside was realised. It is therefore logical to conclude that, from a geographical and functional perspective, the appeal site forms part of the village.
7. The site itself is situated between the dwellings of Highcroft and Pleasant View. The glossary to the CS defines infilling as the development of a relatively small gap between existing buildings, normally within a built-up area. The space between the two houses is entirely comprised of private garden space, and I am satisfied that it constitutes a relatively small gap, both in terms of the actual distance and also how it is perceived. Furthermore, given that I have concluded that the site forms part of a village, it therefore follows that it must also be within a built-up area. As such, even taking into account the definition of infilling within the CS, I am satisfied that the location of the site accords with the requirements of paragraph 154(e) of the Framework.
8. On that basis, the proposal cannot be considered to be inappropriate development within the Green Belt, and as a result, it would conform with the requirements of CS Policies CS5 and CS34, as well as the relevant aspects of the Framework.

Location

9. CS Policy CS5 seeks to direct new development towards the urban fringes of Bristol and to locations within settlement boundaries as identified on the Policies Map. Policy PSP 40 of the Policies, Sites and Places Plan, November 2017 (the PSP) provides a list of developments that are considered to be acceptable outside of the designated boundaries. The construction of a single self-build dwelling, as is proposed as part of this appeal, would not accord with any of the stated development types. As such, it must be concluded that the proposal would conflict with the Council's spatial strategy.
10. PSP Policy 11 sets out that residential development should be located on safe, usable walking or cycling routes that are an appropriate distance to key services and facilities. Furthermore, the policy also states that, where some services and facilities are not accessible by walking or cycling, then the development should be

within an appropriate distance of a bus stop which would enable sustainable access to the wider area. The supporting text to the policy provides a list of acceptable walking and cycling distances to different services and facilities, though it is noted that these figures do not take account of route quality.

11. In this instance, several facilities, such as schools and public houses are within the distances outlined within the supporting text to the policy. In addition, there is a bus stop on Badminton Road which is a reasonable walk from the appeal site. Once the route re-opens following work to a bridge, this would provide relatively frequent services to Yate. Bus stops at Willy Wicket can also be accessed by walking or cycling in order to reach Bristol city centre.
12. It is the case that Bury Hill is a single lane road, which is only sporadically lit and has no pavement. However, while only a snapshot in time, I did observe on my visit that the road was very quiet and had good visibility for the most part. Furthermore, it is a very short walk from the appeal site to reach Down Road where there is a pavement. It is of course inevitable that future occupiers would be more likely to use a private car to make journeys in poor weather or during the hours of darkness. However, this would be the case for many locations on the edges of settlements.
13. It therefore seems to me that the route towards the centre of Winterbourne is both safe and usable for walking and cycling, and that bus services to areas further afield can be accessed with relative ease. On that basis, the site is in a sustainable location and I do not find that the development would lead to harm in this regard.
14. Nevertheless, while I do not find conflict with Policy PSP 11, it is apparent that the proposal would not conform with CS Policy CS5 and PSP Policy PSP 40. The relevant aspects of these policies seek to direct new development to the urban fringes of Bristol and to locations within settlement boundaries.

Biodiversity Net Gain

15. The provision of Biodiversity Net Gain (BNG) is mandatory under Paragraph 13 of Schedule 7a of the Town and Country Planning Act 1990 as amended (the TCPA). In accordance with the Act, the proposal is required to deliver a BNG of 10%.
16. There are various exceptions to this, including self-build housing. In order to secure the proposed dwelling as self-build, the appellant has provided a signed unilateral undertaking (UU). The UU requires that the owner occupies the dwelling for a minimum of three years. I am satisfied that the UU is necessary and that it is adequate. As such, the proposal does not need to deliver 10% BNG and it would not conflict with the relevant legislation, or PSP Policy 19 which seeks to enhance biodiversity.

Planning Balance

17. As I have already noted, it is not in dispute between the main parties that CS Policy CS5 and PSP Policy 40, and the settlement boundaries identified within, should be deemed to be out of date.
18. Furthermore, the Council cannot currently demonstrate a 5-year supply of deliverable sites for housing. Indeed, the current figure is 4.38 years, and I have no evidence before me to suggest that this position is likely to improve in the short-term. In such circumstances, Paragraph 11d and footnote 8 of the National

Planning Policy Framework (the Framework) require 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.

19. In this instance, the benefits of the proposal include the provision of a single new self-build home that would assist in meeting need in the area and provide support for local facilities. Despite the shortfall in housing land supply, I still only afford limited weight to these benefits given that they are relatively minor in nature.
20. However, while I have found conflict with the Council's spatial strategy, I have not identified any harm that would arise as a result of this conflict. As such, when assessed against the policies in the Framework taken as a whole, there are no adverse impacts which would significantly and demonstrably outweigh the benefits. The development therefore represents sustainable development in accordance with the presumption in favour of sustainable development.
21. The proposed development conflicts with the Council's spatial strategy and therefore also conflicts with the development plan when considered as a whole. However, there are material considerations, notably the provisions of the Framework, that indicate that the decision should be taken other than in accordance with the development plan.

Other Matters

22. The appeal site is located relatively close to Bury Hill Camp, a designated Scheduled Monument (SM). Its significance is associated with its historic use as an Iron Age fortification. However, due to the topography of the land and the significant number of mature trees in the immediate area, there is no intervisibility between the SM and the appeal site. As such, I am satisfied that the proposal would not result in any harm to the setting or significance of this heritage asset. I note that the Council does not disagree with this conclusion.

Conditions

23. I have imposed conditions to identify the relevant plans and timescales in the interests of certainty. Conditions relating to materials, landscaping and trees are necessary in order to preserve character and appearance. Two conditions have also been imposed in order to ensure that any archaeology is investigated and recorded as appropriate. Further conditions are necessary to protect and enhance ecology and biodiversity, and also to ensure adequate parking provision in the interests of highway safety.

Conclusion

24. For the reasons given, the appeal is allowed.

C Butcher

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development shall be carried out in accordance with the following approved plans and documents: PL-01 P2 - location plan; PL-02 R2 - proposed block plan; PL-03 R2 - information layout; PL-04 - existing plans and elevations; PL-05 R2 - proposed floor plans and elevations; and PL-06 - cycle store.
- 3) Prior to the commencement of the relevant part of the development, details and samples of the roofing and external facing materials proposed to be used shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
- 4) Prior to the commencement of development, a programme of archaeological investigation and recording for the site shall be submitted to and approved by the Local Planning Authority. Thereafter, the approved programme shall be implemented in all respects, unless the Local Planning Authority agrees in writing to any variation.
- 5) The development shall not be occupied/brought into its intended use until (i) the post investigation assessment has been completed in accordance with the approved Written Scheme of Investigation and (ii) that the provision made for analysis, publication and dissemination of results, and archive deposition, has been confirmed in writing to, and approved by, the Local Planning Authority.
- 6) Prior to completion, details of all hard landscaping finishes to include hard surfacing and boundary treatments shall be submitted to the Local Planning Authority for approval in writing. The same shall be implemented as approved prior to first occupation of the development.
- 7) Prior to completion of works, details of all soft landscaping/planting are to be submitted to the local planning authority for approval in writing. Such details shall include replacement tree planting as set out within the arboricultural report and shall include species, location, quantity, stock size and planting method for all tree and other planting. The approved soft landscaping shall be implemented in the first planting season following completion of works.
- 8) Development shall be carried out in accordance with the submitted arboricultural report and tree protection plan (Wotton Tree Consultancy, received 20th October 2024).
- 9) The development shall proceed in strict accordance with the mitigation measures provided in the Preliminary Ecological Appraisal (Smart Ecology, March 2024).
- 10) Prior to occupation of the development hereby approved, one bird box and one bat box, as per the specifications detailed within section 6.3.3 of the Preliminary Ecological Appraisal (Smart Ecology, March 2024), shall be installed, and retained as such thereafter.
- 11) The dwelling hereby approved shall not be occupied until the parking (car and cycle) and access arrangements for the new dwelling and the existing dwelling as shown on the submitted plans (PL-02 R2 – proposed block plan;

PL-03 R2 – information layout; and PL06 – proposed cycle store) have been provided in full. The same shall be retained thereafter.