



Appeal Decision

Site visit made on 17 October 2025

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 November 2025

Appeal Ref: APP/Z0116/W/25/3369573

Land to the North of St Anne's Road, St Anne's, Brislington BS4 4WW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant permission in principle.
 - The appeal is made by Mr John Davis of St Anne's Wharf Limited against the decision of Bristol City Council.
 - The application Ref is 24/04141/PIP.
 - The development proposed is application for permission in principle for dwelling units numbering between 8-9 units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development given on the application form contained superfluous information. Therefore, in the interests of conciseness and clarity, I have utilised the description as provided on the decision notice.
3. The appeal has been accompanied by a Flood Risk Assessment and a Coal Mining Report. These documents were not submitted to the Council at the application stage. These documents have been provided at appeal in response to the reasons given for refusal. Therefore, they were not before the Council, its consultees or any interested parties at the application stage. This is tantamount to the submission of new information.
4. The Planning Inspectorate Appeals' Procedure Guide makes it clear in chapter 16 that the appeal process should not be used to evolve a scheme, and it is important that what is considered by the Inspector is essentially what was considered by the Council. I have not therefore considered this new information in this appeal as it would prejudice the Council, its decision and any interested parties.
5. In response, the appellant has contended that it is unfair to invite an appeal, if this documentation is not accepted, as the appeal would not have any chance of success. The decision to appeal the outcome of the planning application is one which is made by the appellant. The appeal must be made based on the documentation submitted at the application stage, unless it is considered that the new information would not prejudice the other parties involved. After an assessment of this new information, I find that this new information would prejudice the Council, its decision and any interested parties.
6. Following the above, the appellant has questioned whether the application should have been validated by the Council in the absence of such information. The application has been determined by the Council, and I have therefore determined it in

accordance with the reasons for refusal given. It is also contended that the appellant was not provided with an opportunity to address the issue of missing information during the application. This is a matter between the two parties, and it is not within my remit to form a view on the handling of the application by the Council in this appeal decision.

7. The proposal is for permission in principle. Planning Practice Guidance (PPG) advises that this is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (or permission in principle stage) establishes whether a site is suitable in-principle and the second ('technical details consent') stage is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.
8. The scope of the considerations for permission in principle is limited to location, land use and the amount of development. These considerations, whilst appearing as limited, can encompass various issues which relate to these matters. The Council's decision notice provides a number of reasons for which permission in principle was refused. In summary, these matters relate to:
 - the incompatibility of the use proposed in a designated Principal Industrial and Warehouse area, an area designated as a local centre and an area designated as a wildlife corridor;
 - the effect upon the living conditions of the future occupants of the proposal due to the location of the appeal site within the Principal Industrial and Warehouse area;
 - the risk to flooding;
 - the risk from previous coal mining activity; and,
 - the impact to a Public Right of Way.
9. In my analysis of the evidence before me, I note the argument made that matters relating to flood risk, the impact to a Public Right of Way and the risks associated with previous coal mining activity should be dealt with at the Technical Details Consent stage (stage 2).
10. However, the scope of the considerations for permission in principle is limited to location, land use and the amount of development. These matters are fundamental considerations with regard to location and land use. I have therefore determined the appeal accordingly.

Main Issue

11. This main issue is whether the site is suitable for residential development, having regard to its location, the proposed land use and the amount of development, following the matters listed above.

Reasons

Location of the Development

Principal Industrial and Warehouse area

12. The evidence indicates that the appeal site is partially situated within the St Anne's Road Principal Industrial and Warehousing Area (PIWA). To the west lies St Anne's Road, which features several buildings with industrial and warehouse purposes. These buildings represent a small, peripheral cluster of industrial and warehousing uses adjacent to a more extensive complex of industrial premises located further to the west. To the east of the PIWA and the appeal site is a local centre comprising an established precinct and a substantial residential area that extends to the east and south of the site. Accordingly, the appeal site occupies a transitional position between the PIWA and the local centre, which itself forms part of a broader residential context.
13. Policy BCS8 of the Bristol Development Framework Core Strategy 2011 (BCS) notes that principal industrial and warehousing areas will be identified and retained for such uses, to ensure that a sufficient and flexible supply of employment land is provided.
14. Policy DM13 of the Bristol Local Plan: Site Allocations and Development Management Policies 2014 (SADMP) addresses development within PIWAs. It aims to resist proposals that would result in the loss of industrial or warehousing floorspace. The first part of Policy DM13 outlines the types of uses considered acceptable on PIWA-designated land. As the proposed use is not among those listed, the development would conflict with this element of this policy.
15. The second part of Policy DM13 requires evidence demonstrating either a lack of demand for continued industrial or warehousing use of the site, or that the redevelopment would deliver new industrial or warehousing premises. The proposed development provides no such evidence and instead seeks a residential use. Consequently, the proposal conflicts with both key provisions of Policy DM13 of the SADMP.
16. It is necessary to consider the material circumstances of both the appeal site and the proposed development. The site occupies a small parcel of land situated at the edge of the PIWA and is currently characterised by dense vegetation, comprising trees and shrubs which cannot easily be accessed on foot or by vehicle. The proposed development would not result in the loss of any existing industrial or warehousing building floorspace. Accordingly, with respect to this main issue, it is reasonable to conclude that the portion of the appeal site within the PIWA does not contribute to, nor support, the operational function or viability of industrial and warehousing activities in the area. The proposed development would therefore not undermine the function or viability of the PIWA.
17. The Council suggests that there is a shortage of industrial space and refers to a property market update from June 2023. It is argued that this update points to a shortage of industrial space, particularly within the city. It suggests that the whole site could be developed to make further industrial space. Critically, this property market update has not been provided. Therefore, I cannot assess the findings of this report within the context of this main issue of this appeal.
18. To conclude, the proposed development would conflict with Policy DM13 of the SADMP and Policy BCS8 of the BCS. This is due to the proposed use of the

development and that it has not been demonstrated that there is a lack of demand for continued industrial or warehouse usage. However, the existing use, condition and location of the appeal site to the periphery of the PIWA lead me to conclude that its loss would not prejudice the function or viability of the PIWA in this regard. Therefore, these material considerations suggest that a decision should be made other than in accordance with the development plan.

Local Centre

19. An area of the appeal site is also located within an area designated as a local centre. The St Anne's Village local centre is immediately adjacent to the PIWA. This local centre designation makes up an area which is host to a local shopping and services precinct with an associated car park. The proposed development would occupy an area of the car park which serves this precinct.
20. Policy DM9 of the SADMP is concerned with local centres. It notes that within these centres, development shall be expected to meet a set criterion. It further suggests that local centres allow for a diversity of uses, but its emphasis remains on maintaining their community focus and in meeting day to day shopping needs.
21. The Council has identified the relevant criteria for assessing this appeal. The proposal seeks to deliver 8 to 9 residential units, which would result in a notable number of bed spaces and, consequently, a reasonable level of footfall. By introducing residential uses, the development would generate additional activity and custom within the local centre, thereby supporting its ongoing function. The proposed development would be located away from the existing shopping precinct and would not lead to the loss of any retail or service units within the local centre. Accordingly, by introducing residential accommodation in an area currently absent of such uses, without displacing existing shops or services, the proposal would contribute to achieving an appropriate balance of uses within the local centre.
22. An indicative set of plans have been submitted, illustrating a connection to the existing precinct car park and the provision of vehicle manoeuvring space. However, the plans do not clearly demonstrate how the development would be directly accessible to pedestrians from the street. Furthermore, the proposal does not incorporate a shopfront with a display function and, as such, would not contribute to public interest or provide a service to the general public. For these reasons, the development would be in conflict with criteria (i) and (v) of Policy DM9 of the SADMP.
23. The appellant refers to a Masterplan for the area, dating from 1991, which included commentary from the Bristol Civic Society expressing disappointment that housing was not incorporated as part of the village centre. However, the evidence before me confirms that the appeal site is not allocated for residential development under the current Local Plan. It is acknowledged that land to the north of the River Avon has been designated for housing, and that the broader surrounding area includes established residential uses. While these factors may suggest an evolving residential context, it is important to note that both the allocated site and the wider residential areas lie outside the defined boundary of the local centre where local plan policy does apply.
24. To conclude, the proposed development would conflict with points (i) and (v) of Policy DM9 of the SADMP, the requirements of which have been explored above.

Wildlife Corridor

25. The appeal site is located within a wildlife corridor. Policy BCS9 of the BCS notes that the integrity and connectivity of strategic green infrastructure will be maintained, protected, enhanced and integrated into new development. Policy DM19 of the SADMP notes that development which would have a harmful impact to the connectivity and function of wildlife corridors will only be permitted where its loss would be mitigated. This mitigation can be provided through the creation of a new wildlife corridor, or the enhancement of a new corridor off-site to maintain connectivity to the Bristol Wildlife Network.
26. The proposed plans indicate that the central areas of the appeal site would be cleared to provide three buildings. This would involve the removal of a large area of this wildlife corridor. Therefore, it is reasonable to conclude that the proposal would not integrate the existing corridor into the development. There is no convincing evidence before me that demonstrates that suitable mitigation off-site would be provided.
27. The appellant has drawn to my attention that the Council appeared to grant consent for the complete removal of the vegetation from the appeal site. Critically, at the time of my site visit it was evident that these works had not been undertaken, there is no mention of this in the site history of the officer report, nor is there any detail of this application, such as a decision notice provided for my consideration. A suggestion is made that the appeal site makes a limited contribution with regard to the ecological conditions of the site, but, that a net gain to biodiversity could be delivered. However, there is no convincing evidence before me to confirm this view. It is contended that the site was previously designated for the provision of a public house. However, the evidence before me indicates that this designation no longer applies, and other designations, including that as a wildlife corridor, now apply.
28. To conclude, the proposed development would not integrate with the existing wildlife corridor and would therefore have a harmful impact to its connectivity and function. There is no convincing evidence before me to demonstrate that suitable off-site mitigation would be provided. Therefore, the proposed development would conflict with Policy BCS9 of the BCS and Policy DM19 of the SADMP.

Living conditions

29. The Council contend that the proposed residential development fails to consider the impact of neighbouring uses within the PIWA on the future occupants of the proposed scheme. This matter is not explored in detail. However, the Council do note that industrial and warehousing businesses often favour sites away from residential uses as this is less likely to generate issues in relation to noise and disturbance. I have therefore considered this matter on this basis.
30. As previously examined, the appeal site is located to the periphery of the PIWA. Owing to the industrial and warehouse buildings located within the PIWA, and specifically, along St Anne's Road, noise would be generated that would typically not be experienced in primarily residential areas. Noise within the PIWA would be generated from the movement of large delivery vehicles, the closing of delivery bay and vehicle doors, the movement of goods, raised voices and the sound of safety alarms, for example, those used when a vehicle is reversing.
31. During my site visit, it was noted that the immediate building to the west of the appeal site is currently in use as a padel court centre. However, the evidence before me

suggests that this is a temporary use. Therefore, the original industrial use of the building could be resumed and the noise associated with such a use generated.

32. Nevertheless, the area of this building which would be used for the handling of goods is located to the far western side of this building. As such, when the position of this delivery area is taken into account, this would be at such a distance away that the delivery of goods and the handling of them would not be immediately noticeable, or harmful, to the future occupants of the proposed development when inside the proposed buildings. This neighbouring property is host to a large car park. The proposed development would be located immediately adjacent to this space. As such, some noise would be generated through the revving of engines and the use of car audio systems. However, this alone would not be unusual or harmful in a busy city fringe location.
33. To the opposite side of St Anne's Road are several other industrial units. The location of the delivery areas to these premises are to the rear of the building. Owing to their position and overall distance to the appeal site, the noise generated from the delivery areas to these premises would not be immediately noticeable or harmful to the occupants of the proposed development. A car park to serve these premises is located along St Anne's Road and would be closer to the proposed development. However, this would be at a notable distance away from the appeal site.
34. To conclude, the proposed development would not cause harm to the living conditions of the future occupants of the proposed development, with regard to noise and disturbance. The proposal would not conflict with Paragraph 135 (f) of the Framework, which seeks to create places with a high standard of amenity for future users, amongst other things.
35. The Council did refer to Policy BCS8 of the BCS in relation to this main issue. However, in my analysis of this policy, this policy does not specifically refer to the requirements of development in relation to living conditions, nor does it state that the impact of PIWAs close to residential uses should be considered. Therefore, Policy BCS8 of the BCS is not immediately relevant to this main issue.

Flood Risk

36. The appeal site is located next to the River Avon and closely located to the Brislington Brook. It follows that much of the appeal site is located within Flood Zone 2, with its fringes closely located to areas which are within Flood Zone 3. Therefore, there is a medium to high probability of a risk of flooding. The application was absent of appropriate flood risk information.
37. Paragraph 172 of the Framework requires all plans to apply a sequential, risk-based approach to the location of development, followed by an exception test as appropriate. It should take into account all sources of flood risk and the current and future impacts of climate change to ensure that it would be safe for the lifetime of the development. Critically, footnote 63 of the Framework states that a site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. It does not make exemptions for applications made for permission in principle. There is no evidence before me which satisfies the approach as set out in the Framework in respect of flood risk.
38. The appellant has noted that a development to the other side of the River Avon has been permitted. Whilst an application reference has been given, no further information

has been provided. Therefore, I am unable to draw meaningful conclusions or similarities about this neighbouring development to the development under consideration in this appeal.

39. I am therefore unable to conclude that the appeal site would represent an appropriate location for residential development in respect of flood risk. The proposal would conflict with the Framework, which indicates that development should be directed away from areas at highest risk of flooding. The proposal would also conflict with Policy BCS16 of the BCS. This policy seeks for development to follow a sequential approach to flood risk management.

Coal Mining Activity

40. The appeal site lies within a Coal Authority High Risk area. Policy DM37 of the SADMP is concerned with unstable land. It states that where there is reason to suspect unstable land and the risk of instability has the potential to materially affect either the proposed development, development will only be permitted where it meets a set criterion through the submission of appropriate information.
41. The appellant has submitted a historical image of the site, indicating that the appeal site previously accommodated industrial buildings and associated structures. They contend that the area was subsequently cleared and underwent appropriate land remediation. However, in the absence of convincing supporting evidence, I am unable to verify this claim, and therefore cannot accept it as assurance that appropriate remediation has occurred.
42. The application is absent of detailed technical information in this regard. As such, significant doubt must remain as to the potential for geo-technical factors to occur that may directly influence the proposal. Therefore, the proposed development would conflict with Policy DM37 of the SADMP.

Public Right of Way

43. The appeal site is crossed by a Public Right of Way (PROW). During my site visit, it was noted that the PROW traverses the appeal site, allowing its users to cross a footbridge over the River Avon, or to navigate around the adjacent car park along a footway along the river.
44. Policy DM23 of the SADMP notes that development will be expected to protect and enhance the function and amenity of public rights of way. Where diversions are required, they will only be appropriate where an alternative route of equal and improved character, amenity, safety, directness and convenience is provided. It is suggested that such measures could be provided and detailed at the Technical Details Consent stage. It is further contended that an alteration to the PROW would seek to deter its use by motorised scooters, improve lighting and possibly incorporate CCTV to provide oversight. The details of how this would be achieved are not before me.
45. The details at the Technical Details Consent stage would be the submission of its finer matters which relate to character, amenity, safety, directness and convenience of the diverted PROW. The proposed development at this stage however fails to stipulate where a diversion would be provided at the very least. Therefore, it is unclear as to whether the PROW would be capable of being successfully diverted

with regard to the requirements of Policy DM23 of the SADMP. It would for this reason it would conflict with Policy DM23 of the SADMP.

Other Matters

46. The appeal site is located within the Avon Valley Conservation Area. I have therefore had special regard to Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Council do not specifically assess, nor come to a view on the effect of the scheme upon the Avon Valley Conservation Area. Nevertheless, in taking into account the location of the appeal site and the surrounding built environment, I am satisfied that the proposed development would maintain the character and appearance of the Avon Valley Conservation Area.
47. Comments were received from several interested parties, which I have considered in my assessment of the appeal. As I have found harm with a number of the main issues raised by the Council, I have not provided a view on these comments.

Planning Balance and Conclusion

48. The evidence indicates that the Council cannot demonstrate a five-year housing land supply. Paragraph 11d) of the Framework advises that where the development plan policies which are most important for determining the application are out of date, planning permission for new housing should be granted unless: 11d)i. the application of policies in the Framework that protect areas or assets of importance provides a strong reason for the development proposed or 11d)ii. the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
49. I have found that the risks arising from flooding provide a strong reason for refusing this development proposal. The presumption in favour of development as set out in paragraph 11d) of the Framework is, therefore, not engaged and the scheme should be determined under a normal planning balance.
50. In an era of national, and in this instance local housing shortages, the provision of 8 to 9 units would assist in increasing the housing supply across Bristol. These units would also be provided in an accessible location, close to shops and services. The development would also partly utilise an area of land which is currently used as a car park. These matters attract moderate weight in favour of the proposal.
51. It is acknowledged that the appeal scheme presents certain benefits to the wider locality. These must be weighed against the identified conflict with the development plan. The harm arising from the proposed development with regard to its location within a local centre and wildlife corridor, flood risk, the risk from previous coal mining activity and the effect of the development upon the PROW would be unacceptable. This attracts significant weight in my assessment of this scheme. The harms identified would conflict with the Framework and the development plan when read as a whole.
52. The appeal scheme conflicts with the development plan when considered as a whole and material considerations do not indicate that a decision should be taken otherwise. For the reasons set out above, I conclude that the appeal should be dismissed.

J Smith

INSPECTOR