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## Appeal Decisions

Site visit made on 18 November 2025

**by Jonathan Edwards BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 26 November 2025**

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### **Appeal A Ref: APP/P0119/W/25/3369721**

#### **Land To The Rear Of South Face, Cowship Lane, Cromhall, South Gloucestershire GL12 8AY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
  - The appeal is made by Mr & Mrs Kershaw against the decision of South Gloucestershire Council.
  - The application Ref P24/02551/RM sought approval of details pursuant to conditions Nos 2, 5, 6 and 7 of a planning permission Ref P21/05331/O, granted on 3 May 2022.
  - The application was refused by notice dated 27 January 2025.
  - The development proposed is demolition of existing barns and erection of 1 no. dwelling (outline) with access to be determined, all other matters reserved.
  - The details for which approval is sought are: layout, scale and appearance of the buildings, landscaping (inc aboriculture) and drainage of the site.
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### **Appeal B Ref: APP/P0119/W/25/3369723**

#### **Land To The Rear Of South Face, Cowship Lane, Cromhall, South Gloucestershire GL12 8AY**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
  - The appeal is made by Mr & Mrs Kershaw against the decision of South Gloucestershire Council.
  - The application Ref P25/00782/RM sought approval of details pursuant to conditions Nos 2, 5, 6 and 7 of a planning permission Ref P21/05331/O, granted on 3 May 2022.
  - The application was refused by notice dated 4 June 2025.
  - The development proposed is demolition of existing barns and erection of 1 no. dwelling (outline) with access to be determined, all other matters reserved.
  - The details for which approval is sought are: layout, scale and appearance of the buildings, landscaping (inc aboriculture) and drainage of the site.
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## **Decisions**

1. Both appeal A and appeal B are dismissed.

## **Preliminary Matters and Main Issues**

2. The 2 appeals relate to the same site. However, each scheme proposes different developments in terms of the scale, layout and appearance of buildings as well as slight differences in terms of landscaping and drainage. I have considered each on its individual merits but I have combined the cases into a single decision letter as they are intrinsically linked and raise similar issues.
3. The appellants' submissions include further information on existing trees within the site and on the proposed drainage systems that was not with the Council at the time of its decisions. This information does not fundamentally alter the

developments. The Council and interested parties have had an opportunity to comment on the submissions through the appeal process. I am satisfied that considering the additional details would cause no injustice to any party.

4. Outline planning permission has been granted for the demolition of existing barns on the appeal site and the erection of a dwelling (the parent permission). As such, my considerations with regard to these appeals are limited to the acceptability of the matters for which approval is sought. With this in mind, the main issues for both appeals are (i) the effects of the developments on trees, (ii) their effects on the character and appearance of the area, and (iii) whether the proposed drainage works would be acceptable.
5. The Council's reasons for refusing approval for the appeal A scheme includes a concern on overlooking from the development onto the existing dwelling at South Face. In its statement of case, the Council advises that this refusal reason falls away. As such, I have not treated it as a main issue.

## Reasons

### *The effect on trees.*

6. Policy PSP3 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan 2017 (the PSPP) states that development should minimise the loss of existing vegetation that is of value. Replacement trees are acceptable but only where tree loss is essential. The retention and integration of healthy trees is also encouraged. PSPP policy PSP3 is consistent with paragraph 136 of the National Planning Policy Framework (the Framework). This looks for planning decisions to retain trees wherever possible as they make an important contribution to the character and quality of environments and help mitigate and adapt to climate change.
7. The appeal site includes a dwelling called South Face with a barn structure behind. Each of the houses proposed under appeal A and appeal B would be set further back onto the plot compared to the barn. Currently, this part of the site includes a group of trees that stretches across a grassed area that sits behind the back gardens of neighbouring properties that face onto Cowship Lane. The Council's concerns relate specifically to the effects of the developments on an oak and a hornbeam.
8. The appellant has provided an arboricultural report dated October 2024 (the 2024 report) and a follow-on arboricultural assessment dated 9 July 2025 (the 2025 assessment). Information provided indicates that the oak is subject of a tree preservation order dated 1 May 2025. The 2024 report describes the oak as an early mature specimen and of a retention category A with no significant defects at the time of inspection. Prior to the preservation order being served crown reduction works were carried out to reduce the height of the oak. On my visit I saw the tree was of a reasonable size, although I am satisfied from the evidence that it could potentially grow significantly larger.
9. The 2024 report describes the hornbeam as an early mature category B tree so of moderate quality with an estimated life expectancy of at least 20 years. However, it is seemingly not protected by a tree preservation order. Moreover, the 2025 assessment downgrades both the oak and the hornbeam to retention category C. Even so, the appellant's own evidence states that both trees have a significant life expectancy and there is no indication that either tree is diseased or otherwise

unhealthy. Moreover, they both contribute towards the natural qualities of the site and they are seen as part of the landscape in the local area. Irrespective of the different categorisations of the oak and the hornbeam as presented by the appellant, I consider both trees are of value and so they are afforded protection under PSPP policy PSP3. The hornbeam is not subject of a tree preservation order and so it could be removed regardless of how I determine these appeals. However, the oak is protected and so it is fair to assume it would be retained if the appeal developments were not carried out.

10. Under the appeal A scheme, both the hornbeam and the oak would need to be removed as they would be located within the footprint of the proposed house. I am unconvinced that these removals are essential as there would appear to be reasonable scope to erect a dwelling in a position similar to the existing barn without the need to fell any trees. As such, the development proposed under appeal A would lead to the non-essential loss of valued and seemingly healthy trees contrary to PSPP policy PSP3.
11. Under the appeal B scheme, both the hornbeam and the oak are shown to be retained with the footprint of the proposed dwelling outside the associated root protection areas. I am satisfied the proposed house would be positioned so the hornbeam and most other trees at the appeal property could be retained without unacceptable effects on living conditions for future residents.
12. However, the oak would be directly outside and near to a line of ground floor windows that would serve the main living, dining and kitchen area of the proposed house. As a consequence, it would have a significant overshadowing and overbearing effect on these windows so as to notably undermine future living conditions. It is likely the appeal B development would lead to irresistible pressure to remove the oak or to regularly carry out crown reduction works so the tree would not reach its full potential in terms of size and amenity value. While the appeal B scheme would not lead to the direct loss of the oak, it would threaten its well-being and it would reduce its contribution to the natural qualities of the site and area.
13. I take support for my views on this matter from sub-paragraph 6.2.2.1(b)(ii)(a) of the 2025 assessment, where the appellant's tree advisor recommends the repositioning of the dwelling proposed under appeal B. This is ruled out as moving the proposed house closer to the existing dwelling is deemed as an unviable solution. However, I see no reason why it is essential for a new dwelling on the site to be positioned so near to the protected oak tree.
14. As part of both appeal schemes it is proposed to provide new trees elsewhere on the site. However, the loss of existing trees is resisted under PSPP policy PSP3 and the aforementioned provisions of the Framework. Therefore, new planting would not fully address the removal of the oak and hornbeam under the appeal A scheme and the threat to the oak posed by the appeal B development.
15. In summary, I find the appeal A development would lead to the direct loss of valued and healthy trees. The hornbeam could be removed regardless of my decision but the oak is protected and it seems likely it would remain if the appeal were dismissed. The appeal B development would not lead to the direct loss of the oak but it would increase pressure for its removal or for works that would undermine its size and contribution to the visual qualities of the area. As such, I

conclude that the layout of both the appeal A and appeal B developments would have an unacceptable effect on trees. In these regards, they would not accord with PSPP policies PSP2 and PSP3 and policy CS1 of the South Gloucestershire Local Plan: Core Strategy 2013 (the CS). As well as seeking the retention of existing trees, these policies look to ensure that existing features of landscape or amenity value are safeguarded.

*Effect on the character and appearance of the area.*

16. South Face is a dwelling in a residential area. From the road it appears as a single storey house but there is a large dormer window to the rear that shows there is habitable rooms in the loft space. There are other bungalows along Cowship Lane but also 2 storey dwellings. The buildings tend to be of traditional form and style with simple pitched roofs.
17. The barn to be demolished lies behind South Face and so whilst it is seen from the road through the access gap it is not prominent within the street scene. It is of little architectural merit and its removal would cause no harm to the visual qualities of the area.
18. The dwellings proposed under both appeals would be partially screened from the road by the existing house and they would not be prominent within the street scene as they would be set back in the plot. However, they would be seen from the lane through the access drive to the side of South Face and from the rear of adjoining properties facing onto Cowship Lane and the B4058 Bristol Road. As such, both of the developments would have a noticeable albeit localised effect on the character and appearance of the area.
19. The house proposed under appeal A would be mainly 2 storeys high with single storey elements. It would have an irregular form with a mix of flat and pitched roofs, a pair of offset gable projections to the front and dormer windows on a side elevation. Moreover, the plans and submitted information indicate a mix of external materials that would further complicate the appearance of the building. The house would stand out as being unsympathetic to the simple form and appearance of South Face and other nearby dwellings with little to indicate how its design has been influenced by local distinctiveness. The dwelling would accord with a height restriction imposed through a condition on the parent permission and whilst it would be fairly large its size would not be overtly dominant due to its position back from the road. However, it would not assimilate appropriately to the local area given the inconsistent and incongruous elements of its design.
20. From the front, the house proposed under appeal B would appear as a bungalow although it would have accommodation in the roof space. The front element would have a simple dual pitched roof with a dormer window to the rear, similar to the existing house at South Face. From the street the proposed development would appear in keeping with the general size, style and appearance of local properties. The dwelling would include a large single storey element to the rear, part of which would have a flat roof. However, most of this would be fairly low and hidden from the street by the principal part of the dwelling. Also, the single storey rear parts of the house would not be readily apparent from adjoining properties.
21. The appeal B scheme would also include a separate garage building to the front of the house. This would be of similar height to the dwelling but it would be set slightly to the side so as to not appear overly dominant from the street.

22. In summary, I conclude the appearance of the development proposed under appeal A would have a harmful effect on the character and appearance of the area. In these regards, it would not accord with CS policy CS1 and PSPP policy PSP1. Amongst other things, these seek to ensure development responds to buildings and characteristics that contribute positively to an area. At the same time, I conclude the scale, layout and appearance of development proposed under appeal B would have an acceptable effect on the character and appearance of the area. As such, it would accord with CS policy CS1 and PSPP policy PSP1 in these respects.

*Drainage.*

23. Both of the developments proposed under appeal A and appeal B would be served by similar surface water drainage schemes. These would collect water into an underground rainwater harvesting tank with any excessive flows being disposed to a infiltration basin on land away from the proposed houses.
24. The Council's concerns relate to the lack of information to show the proposed infiltration system would effectively dispose of water and the lack of a network model of the proposed pipework. However, through the planning application leading to appeal B and the appeal submissions the appellant has provided information on ground infiltration testing trial holes, the rainwater harvesting tank and modelling on the proposed drainage systems. The Council has not sought through its appeal submissions to dispute the appellant's claim that this further information shows the drainage systems would effectively deal with surface water run-off from the developments.
25. In the absence of any Council objection to the additional information, I conclude the developments proposed under appeal A and appeal B would be served by acceptable drainage systems. In these regards, they would accord with CS policy CS1 and PSPP policy PSP20, which together seek to ensure development includes sustainable drainage systems to minimise and manage flood risk. Acceptability in these regards is a neutral factor in my overall assessments.

*Planning balance.*

26. I have found the developments proposed under both appeals would be acceptable when considered against the third main issue. However, the appeal A development would not accord with development plan policies in respect of the first and second main issues whereas the appeal B development would be contrary to policies on trees. Both developments would not accord with the development plan when read as a whole and so it follows to consider whether any other factors justify allowing the appeals.
27. The Council is unable to demonstrate a 5 years' supply of housing land as required under the terms of the Framework. Instead, the Council indicates that it is only able to show 4.41 years' worth of supply. As such, a situation as referred to under footnote 8 of the Framework exists and so sub-paragraph 11(d) of the Framework is relevant. This states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
28. Both of the proposals would in a modest way help address the shortfall in housing land. However, a single dwelling would make a limited contribution in these

regards. The removal of the barn would represent a minor benefit to the character and appearance of the area.

29. For the appeal A scheme, the removal of existing trees goes against the provisions of paragraph 136 of the Framework, whilst the unsympathetic design would be contrary to sub-paragraph 135(c). The adverse effects of the appeal A scheme would significantly and demonstrably outweigh the limited benefits of the proposal. As such, the presumption in favour of sustainable development as set out in paragraph 11(d) of the Framework does not apply.
30. For the appeal B development, the sole adverse effect is the impact of the proposed development on the well-being and future potential growth of the protected oak. The oak would not be directly lost as a result of the development but the close proximity of habitable room windows to the tree fails to constitute good design. Paragraph 139 of the Framework states that development that is not well designed should be refused. Therefore, for appeal B, I find the ill-effects of the development on the oak would be the overriding factor that significantly outweighs the benefits of the scheme. The presumption in favour of sustainable development as laid out in the Framework does not apply to the appeal B proposal.

### **Conclusions**

31. Both of the proposals would conflict with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, I conclude that appeal A and appeal B should be dismissed.

*Jonathan Edwards*

INSPECTOR