



Appeal Decision

Site visit made on 21 October 2025

by **P Barton BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 November 2025

Appeal Ref: APP/P0119/W/25/3370766

School Garden Nursery, Elberton Road, Olveston, South Gloucestershire BS35 4DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) (the Act) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Martin Lally and Mr John Butler of Stormleaze Limited against the decision of South Gloucestershire Council.
 - The application Ref is P25/00674/RVC.
 - The application sought planning permission for demolition of existing storage buildings. Erection of 2no. self-build dwellings, creation of parking and turning area with landscaping and 1.5m boundary wall without complying with a condition attached to planning permission Ref P23/02366/RVC, dated 5 July 2024.
 - The condition in dispute is No 15 which states that: *The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:*
 - Site Location Plan (Received 29/09/2020)
 - 2873/100 - Existing Site Plan (Received 29/09/2020)
 - 2873/110 - Existing Building Plans and Elevations (Received 29/09/2020)
 - 2873/111 - Existing Container Plans and Elevation (Received 29/09/2020)
 - 2873-101 E - Proposed Site Plan (Received 03/04/2024)
 - 2873-102 E - Plot 1 Plans and Elevations (Received 03/04/2024)
 - 2873-103 D - Plot 2 Plans and Elevations (Received 03/04/2024)
 - 1423-01 C - Proposed Landscaping Plan (Received 09/04/2024).
 - The reason given for the condition is: *To define the terms and extent of the permission.*
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of existing storage buildings. Erection of 2no. self-build dwellings, creation of parking and turning area with landscaping and 1.5m boundary wall at School Garden Nursery, Elberton Road, Olveston, South Gloucestershire BS35 4DB in accordance with the application Ref P25/00674/RVC, without compliance with condition number 15 previously imposed on planning permission Ref P23/02366/RVC dated 5 July 2024 and subject to the conditions set out in the schedule below.

Preliminary Matters

2. I observed on my site visit that the boundary wall had not been completed and was not wholly consistent with the site plan¹ before me. The gap in the wall, to the front of plot 1, is positioned further across from the boundary with the adjoining allotments than shown. Moreover, a gate has been erected across this gap and fencing has been installed along the side boundary between Plots 1 and 2, where a private drive to plot 2 is shown. A gap in the boundary wall to the front of Plot 2

¹ Drawing No. 2873/101E

appeared to accord with the proposed site plan². The development appeared to be nearing completion. The appellants have stated that the boundary wall currently features 2 openings pending the outcome of this appeal. For the avoidance of doubt, I have considered the appeal based on the plans before me.

Background and Main Issue

3. The appellants are seeking to vary the approved plans condition on an earlier permission. This would facilitate the relocation of a single access point within the new boundary wall, serving both Plots 1 and 2, from the southwest edge of the site to a more central position along its frontage with Elberton Road. The new boundary wall would close the access approved under the earlier permission.
4. The main issue is the effect of the amendments on the setting of the Olveston Conservation Area (OCA).

Reasons

5. The appeal site lies just outside the OCA, which also contains nearby locally listed buildings. Setting of a heritage asset is defined in the National Planning Policy Framework (the Framework) as the surroundings in which it is experienced. Paragraph 213 of the Framework establishes the need to consider any negative impact of development within the setting of all designated heritage assets. Moreover, Paragraph 219 of the Framework seeks opportunities for new development within the setting of heritage assets to enhance or better reveal their significance. It adds that proposals that preserve those elements of the setting that make a positive contribution to the asset, or which better reveal its significance, should be treated favourably.
6. The OCA is focused on the historic village core, centred on the Church of St Mary. The significance of the OCA is, in part, derived from its historic interest. From the evidence before me and from my own observations, stone walls are both a common and an important feature of the OCA.
7. The appeal site contains 2 new bungalows that are located adjacent to the northern tip of the OCA. An undisputed claim by the Council references that the provision of a 1.5m high stone wall and landscaping along the site's frontage to Elberton Road, replacing a metal security fence, was a key consideration in the planning balance undertaken when it initially approved the redevelopment of the site. There have been further applications under section 73 of the Act, and, where these have been approved, each of these have retained a single access point within the new boundary wall.
8. The proposal would result in a single access point in the new boundary wall, albeit in a central location rather than to a far end of the site and with a slightly greater splay. Nevertheless, 2 generous unbroken sections of the new boundary wall and of a similar total length to the earlier permission, would be prominent in the street scene. Moreover, I saw modest gaps for access points in other long sections of stone walling opposite the appeal site and elsewhere within the OCA.
9. Due to the central access point being more perpendicular to Elberton Road than the more oblique angle of the southwest corner access, any opening up of views into the site and increased presence of built form resulting from the proposal would

² Drawing No. 2873/101F

be negligible. Moreover, it would not lessen the benefits achieved with the earlier permission.

10. Consequently, the proposal would have a neutral effect on the setting and significance of the OCA when compared to the extant consent and would preserve its character and appearance.
11. Thus, I find no conflict with Policy PSP17 of the South Gloucestershire Local Plan Policies, Sites and Places Plan and Policy CS9 of the South Gloucestershire Local Plan Core Strategy. These include where development affecting the setting of a Conservation Area are expected to preserve or enhance those elements which contribute to their special character or appearance and to pay attention to enhancing negative parts by drawing on local character and distinctiveness.

Other Matters

12. The appeal site has been identified as being within the Green Belt. There is nothing before me from the Council that indicates that the proposal would have any adverse impact upon it. As a result, I have not considered this matter further in this appeal.
13. Section 85 of the Countryside and Rights of Way Act 2000 (as amended) requires all relevant authorities to seek to further the purpose of conserving and enhancing the natural beauty of National Landscapes when performing their functions. As the proposal would leave the natural beauty of the Cotswolds National Landscape unharmed that statutory duty would be complied with.
14. An interested party has raised a concern over the impact of too many entrances within the new boundary wall reducing the provision of on-street parking. This matter was not raised by the Council as the relocation of the single access point would have a neutral impact on this provision. There is little substantive evidence to show that there would be unacceptable harm in this respect arising from the proposal.

Conditions

15. By allowing this appeal a new planning permission is created. The Planning Practice Guidance (PPG) makes clear that decision notices for the grant of planning permission under section 73 of the Act should also reinstate the conditions imposed on the earlier permission that continue to have effect. I have re-imposed all those conditions that I consider relevant and in accordance with the Framework and the PPG.
16. I do not have copies before me of all the approved plans referred to in the earlier permission or information about their status. In the event that some have in fact been discharged or are no longer relevant, that is a matter which can be addressed by the parties.
17. No details of the sliding gate to the proposed access are before me. The OCA Supplementary Planning Document discusses boundary treatments in detail and highlights that inappropriate modern materials or detailing are seen in a minority of cases and that they erode the traditional character of the OCA. On this basis I attach a new condition requiring details of the gate to the proposed access to be submitted prior to its installation to safeguard the character and appearance of the area, including the setting of the OCA. This new condition does not materially alter

the development of the earlier permission and is a condition that could have been imposed on it.

18. I have attached an approved plans condition referencing the revised site plan drawing for the avoidance of doubt and in the interests of certainty.
19. No time limit condition has been attached as the development has begun.
20. Compliance conditions relating to the approved Construction Management Plan as well as the Tree Protection Plan and Arboricultural Method Statement are reinstated and necessary as the development is still under construction.
21. I have imposed conditions requiring that the development is carried out in accordance with the approved surface water drainage, contamination remediation, landscaping, sustainability measures, external materials and ecological mitigation measures. These are in the interests of preventing an increased risk of flooding, protecting the health of occupiers, the character and appearance of the area, minimising residents' energy requirements and nature conservation.
22. I have also attached conditions requiring the construction of the stone wall and the parking/turning space in the interests of the character and appearance of the area and highway safety. Where appropriate, these are required to be retained.

Conclusion

23. For the reasons given above, the appeal should be allowed, subject to the conditions set out below.

P Barton

INSPECTOR

Schedule of Conditions

1. The development shall proceed in strict accordance with the 'Construction Management Plan' submitted to and approved in writing by the Local Planning Authority under DOC23/00258.
2. The development shall proceed in strict accordance with the surface water drainage details submitted to and approved in writing by the Local Planning Authority under DOC23/00258.
3. The development shall proceed in strict accordance with the 'Tree Protection Plan' and 'Arboricultural Method Statement' submitted to and approved in writing by the Local Planning Authority under DOC23/00258.
4. A) and B) The development shall proceed in strict accordance with the 'Interpretive Ground Investigation Report', 'Gas Membrane Edge Details' and 'Gas Membrane Technical Details' submitted to and approved in writing by the Local Planning Authority under DOC23/00258.

C) Verification Strategy - Prior to first occupation, where works have been required to mitigate contaminants (under condition B) a report providing details of the verification demonstrating that all necessary remediation works have been completed satisfactorily shall be submitted to and agreed in writing by the Local Planning Authority.

D) Any contamination found during the course of construction of the development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found additional remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development (or relevant phase of development) is resumed or continued.

5. The development shall proceed in strict accordance with the 'Proposed Landscaping Plan' and 'Landscape Maintenance and Management Plan' submitted to and approved in writing by the Local Planning Authority under DOC23/00258.
6. The development shall proceed in strict accordance with the details of sustainability measures submitted to and approved in writing by the Local Planning Authority under DOC23/00258.
7. The development shall proceed in strict accordance with the 'Proposed Materials' document submitted to and approved in writing by the Local Planning Authority under DOC23/00258.
8. The development shall proceed in strict accordance with the sample panel of stonework included within the 'Proposed Materials' document submitted to and approved in writing by the Local Planning Authority under DOC23/00258.

9. Prior to the first occupation of the development hereby approved, the natural stone boundary wall along the frontage of the site shall be fully constructed in accordance with the plan hereby approved: Proposed Site Plan, Drwg No 2873/101 Rev A, received by the Council on 14 October 2020.
10. The development shall proceed in strict accordance with the Mitigation Measures provided in Ecological Assessment (Ethos, June 2018) and an updated site visit (Ethos, June 2020).
11. The dwellings hereby approved shall not be occupied until the associated vehicle parking areas and manoeuvring areas have been drained and surfaced in accordance with the proposed site plan, Drawing No. Drwg No 2873/101 Rev A, received by the Council on 14 October 2020. The facilities so provided shall not be used, thereafter, for any purpose other than the parking and manoeuvring of vehicles.
12. Prior to the installation of any gate to the new access hereby approved, detail of its height, design and materials shall be submitted to and approved by the local planning authority. The gate shall be completed in accordance with the approved levels.
13. The development/works hereby permitted shall only be implemented in accordance with the plans as set out in the plans list below:
 - Site Location Plan (Received 29/09/2020)
 - 2873/100 - Existing Site Plan (Received 29/09/2020)
 - 2873/110 - Existing Building Plans and Elevations (Received 29/09/2020)
 - 2873/111 - Existing Container Plans and Elevation (Received 29/09/2020)
 - 2873/101 F - Proposed Site Plan
 - 2873-102 E - Plot 1 Plans and Elevations (Received 03/04/2024)
 - 2873-103 D - Plot 2 Plans and Elevations (Received 03/04/2024)
 - 1423-01 C - Proposed Landscaping Plan (Received 09/04/2024)

****END OF SCHEDULE****