
Appeal Decision

Site visit made on 18 November 2025

by Jonathan Edwards BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 December 2025

Appeal Ref: APP/P0119/W/25/3372888

Land At 9 South View Crescent, Coalpit Heath, Gloucestershire BS36 2LW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant planning permission.
 - The appeal is made by Mr M Atkinson against the decision of South Gloucestershire Council.
 - The application Ref is P25/00309/F.
 - The development proposed is creation of 2 No. new dwelling houses on backland site including new access road.
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Decision

1. The appeal is allowed and planning permission is granted for creation of 2 No. new dwelling houses on backland site including new access road at Land at 9 South View Crescent, Coalpit Heath, Gloucestershire BS36 2QH in accordance with the terms of the application, Ref P25/00309/F, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are (i) whether the development would be of an acceptable design, (ii) its effect on the living conditions for occupants of 15A South View Crescent (No 15A) in terms of outlook, (iii) its effect on highway safety, and (iv) the effect on biodiversity.

Reasons

Design.

3. The proposed dwellings would be positioned on open land that currently forms part of a long back garden to the house at the appeal property. The proposed dwellings would be seen from adjoining residences as well as from Watters Close, although they would not be visible from South View Crescent as they would be set back behind existing properties. As such, the development would have a noticeable visual effect.
4. The development would obviously reduce the openness of the appeal site. However, the plot currently stands out as an unusual expanse of open land amongst residential properties. The 2 houses would be detached and with a reasonable gap in between each other and to the boundaries of the appeal site. They would be seen together but in these regards they would be similar to existing properties on adjacent land that lie close to each other. Also, No 15A is a dwelling set behind another house and so the backland position of the development would be in keeping with the surroundings. Within this context, the proposed houses would not appear cramped and they would not be unusual in terms of their layout.

5. The Council also raises concern over the provision for bin storage and waste collection within the proposed development. The houses would be served by a long driveway that would lead from South View Crescent and to the side of the appeal property. Waste would be collected from bins stored at the end of the driveway nearest to the road and a significant distance away from the dwellings. The Council's Waste and Recycling Collection Guidance for New Development Supplementary Planning Document 2019 requires waste storage and collection points to be no more than 10m from the associated properties. The proposal would not accord with this requirement due to the long driveway. Accordingly, bins would either need to be stored away from the dwellings or need to be moved a significant distance on bin collection days. As such, the development would not provide the highest standards of design in terms of refuse storage.
6. In summary, the proposal would have an acceptable effect on the character and appearance of the area. In these regards it would accord with policy PSP1 of the South Gloucestershire Local Plan Policies, Sites and Place Plan 2017 (the PSPP) and the aim to ensure development responds constructively to the distinctiveness of an area. However, I also conclude the design of the development would be unacceptable in terms of waste bin storage and collection. In these regards, it would not accord with policy CS1 of the South Gloucestershire Local Plan Core Strategy 2013 (the CS). Amongst other things this seeks the highest possible standards of site planning where space for the convenient storage and collection of waste is provided.

Living conditions at No 15A.

7. One of the proposed dwellings would be positioned near to the boundary with No 15A and it would project a significant distance forward of windows in the neighbour's front elevation. This dwelling would be clearly seen from the adjoining property but it would be to the side rather than directly in front of its windows. Moreover, the house would have eaves just above ground floor windows and a pitched roof that would partly slope up and away from the boundary with No 15A. Site section drawings also indicate the proposed house would be constructed on a lower ground level compared to the existing land on the appeal site.
8. Therefore, I conclude the development would avoid a significant loss of outlook from No 15A or an unacceptable overbearing effect. In these regards, it would accord with PSPP policies PSP8 and PSP38. Amongst other things, these seek to ensure new development does not create unacceptable living conditions at nearby properties.

Effect on highway safety.

9. The vehicular access to the development would be on the outside of a sharp bend in the road. South View Crescent is a single vehicle width and it has no pavements from the bend to the nearby junction with Badminton Road. The carriageway remains narrow around the bend but it widens to allow vehicles to pass each other as South View Crescent approaches its junction with South View Rise.
10. The narrowness of the road, the restricted forward visibility around the bend and the absence of pavements all pose difficulties and hazards for drivers travelling along South View Crescent. However, the appellant has carried out traffic surveys that show the road is very lightly trafficked and that speeds along South View Crescent tend to be slow. Such results are to be expected as the road serves a

limited number of properties and the tight nature of the carriageway and restricted forward visibility in parts encourages cautious driving. The appellant's submissions also indicate no personal injury accidents being recorded along South View Crescent or near to its junction with Badminton Road over a 5 year period. Overall, the appellant's highway technical note provides convincing evidence to show South View Crescent safely accommodates low levels of traffic, despite the identified shortcomings with its layout and configuration.

11. The proposed development would generate extra vehicular trips to and from the site, although the increase is likely to be modest as only 2 new dwellings are proposed. The extra traffic would marginally increase the likelihood of vehicles meeting on South View Crescent and the need for drivers to perhaps reverse or wait to allow passing. However, this would translate to no meaningful increase in risk to highway safety given the low level of traffic use of South View Crescent.
12. The development would also increase the likelihood of pedestrians walking along the road on stretches where there are no pavements. However, the increase would be fairly minor and so it would be highly unlikely that walkers' safety would be compromised by traffic on South View Crescent. In arriving at this view, I have had regard to the low traffic speeds and flows along the road as well as the short distance from the access on the bend to the junction with Badminton Road.
13. Visibility from the access drive onto South View Crescent is restricted to a degree by boundary features to either side and due to the bend in the road. However, the low speeds means it is unlikely that drivers leaving the appeal development would pull out unknowingly in front of on-coming traffic so as to cause sharp braking or accidents.
14. I would envisage the narrowness of the carriageway on South View Crescent would mean the tight manoeuvring of larger vehicles along the road. However, I see no reason why the development would meaningfully increase the need for large vehicles to travel along South View Crescent. Emergency vehicles would not need to gain access on a regular basis and so there would be no unacceptable effects due to an absence of parking or turning space for larger vehicles.
15. For the above reasons, I conclude the development would have an acceptable effect on highway safety. In these regards it would accord with PSPP policy PSP11. Amongst other things, this seeks to ensure development is served by an appropriate and safe access that would have an acceptable effect on highway safety.

Effect on biodiversity.

16. The appellant accepts the development would be subject of the general biodiversity gain condition as set out in paragraph 13 of Schedule 7A of the Act in the event that planning permission is granted. The planning application leading to this appeal included the minimum biodiversity information as required to be submitted, including a completed statutory biodiversity metric.
17. The Council's concern is that the submissions fail to show biodiversity net gain is achievable, particularly as the development would lead to a loss in the biodiversity value of the site. However, the appellant explains the intention to secure the required 10% increase in biodiversity through off-site measures. Advice within the Planning Practice Guidance (the PPG) explains that the increase in biodiversity

can be achieved through registered offsite biodiversity gains or statutory biodiversity credits¹.

18. The Council contends that in such circumstances a legal agreement is required to secure the off-site contributions towards biodiversity. However, the PPG explains the statutory framework has been design so that biodiversity gain is a post-permission matter². If planning permission is granted a biodiversity gain plan is required to be submitted and approved and it is this mechanism that would ensure the biodiversity gain objective is met either through on-site enhancements, offsite biodiversity gains or biodiversity credits. As such, there is no requirement for a legal agreement to be entered into on the matter of biodiversity net gain prior to any planning permission being granted.
19. Therefore, I am satisfied sufficient information has been provided to show that the required biodiversity net gain would be secured through the general biodiversity gain condition. In these regards, the proposal would accord with PSPP policy PSP19 and the aim to ensure appropriate developments result in biodiversity enhancements.

Other concerns.

20. A number of other concerns and points have been raised about the proposal. The Council's refusal reasons refer to harm to the residential amenity of future occupants of the proposed development, although this is not fully explained within its submissions. I consider the houses would provide satisfactory internal living spaces and garden areas to serve the needs of their residents.
21. The proposed dwellings would be positioned a sufficient distance away from the boundaries of the site to avoid significant overshadowing to adjoining properties. The development would be located to the north of No 15A and so it would avoid an unacceptable loss of light to windows or solar panels. Moreover, first floor windows would tend to be set away from adjoining residences or where near to the site boundaries they would be fitted with obscure glazing. As such, the proposal would not lead to an intrusive loss of privacy.
22. The plans indicate sufficient parking and turning areas to serve the dwellings. Concern is raised over the proposed use of septic tanks as public mains sewers are preferred and they are available in the vicinity of the site. However, the Council is satisfied the incorporation of an appropriate foul water drainage system can be secured through the imposition of a planning condition. The site is within the potential zone of influence of a recorded coal seam and the appellant suggests various investigative measures to ensure the development is not unduly affected by ground instability. The Coal Authority raises no objections to the proposal in these regards. There is no substantive evidence that shows the development would have an unacceptable effect on water pressure to local properties. None of the above points constitute reasons to refuse planning permission and so they do not affect my overall conclusion.

Planning balance.

23. I have found the development would be acceptable when considered against the second, third and fourth main issues. However, it would not represent the highest

¹ Planning Practice Guidance, Biodiversity net gain, Paragraph: 001 Reference ID: 74-001-20240214

² Planning Practice Guidance, Biodiversity net gain, Paragraph: 002 Reference ID: 74-002-20240214

standard of design due to the inconvenient storage and collection point for waste bins. As such, it would not accord with the policies of the development plan when read as a whole. It follows to consider whether other factors justify granting planning permission contrary to the development plan.

24. The Council is unable to demonstrate a 5 years' supply of housing land as required under the terms of the National Planning Policy Framework (the Framework). Instead, the Council indicates that it is only able to show 4.41 years' 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 planning 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.
25. The proposal would add 2 houses to the local stock. This attracts moderate weight in support of allowing the appeal given the shortfall in housing land supply. Moreover, the proposal would represent the delivery of a small housing scheme within a settlement. Paragraph 73(d) of the Framework dictates that the benefits of the scheme in these respects should attract great weight. As a residential garden in a built up area the site does not constitute previously developed land as defined in the glossary to the Framework. In any event, the benefits of the proposal attract significant weight in my overall assessment.
26. The Framework seeks to ensure developments function well. However, the identified problems with the storage and collection of waste would be a minor flaw that occupiers of the residences would be able to overcome through their own actions in managing waste. The adverse effects of the development attract limited weight.
27. It follows that the disadvantages of the proposal do not significantly nor demonstrably outweigh its benefits. The presumption in favour of sustainable development as set out under paragraph 11(d) of the Framework applies. Accordingly, I find there are factors that clearly indicate planning permission should be granted, despite the identified conflict with development plan policy.

Conditions

28. The Council has not provided a list of suggested conditions in the event that I am minded to allow the appeal. However, other parties have referred to possible conditions to be imposed. I have sought the main parties' comments on conditions I consider would meet the tests of conditions as set out in the Framework and I have taken the appellant's response into account.
29. In the interests of clarity, I impose a condition that requires the development to be carried out in accordance with the approved plans. The condition only refers to those drawings that show the proposed development and not solely the existing site and surrounding properties.
30. I have imposed condition 3 to ensure the development properly takes account of coal seams and any effects on ground conditions of previous coal mining on or near the site. Condition 4 is needed to ensure the effective disposal of foul water from the development. Condition 5 is imposed to avoid an unacceptable loss of privacy to neighbouring properties.

Conclusion

31. The proposal would conflict with the development plan but material considerations indicate that a decision should be made other than in accordance with it. Therefore, I conclude the appeal should be allowed.

Jonathan Edwards

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos 1592-23/1000, 1592-23/3000B, 1592-23/3001A, 1592-23/3002A, 1592-23/3003A, 1592-23/3100, 1592-23/3200, 1592-23/3300 and 1592-23/3101.
- 3) Apart from the construction of the proposed access road, no development hereby permitted shall commence until details of site investigations to identify potential coal seams and mining of coal on the site and findings of such investigations have been submitted to and approved in writing by the local planning authority. Where necessary the details shall include remedial and/or mitigation measures and the development shall only be carried out fully in accordance with the approved measures.
- 4) Notwithstanding the information provided on the planning application form, no development hereby permitted shall commence (apart from the construction of the proposed access road) until details of a foul water drainage system to serve the development have been submitted to and approved in writing by the local planning authority. The details shall include a timetable for the implementation of the drainage system and any required management measures. A drainage system shall be provided and managed in accordance with the approved details.
- 5) The dwellinghouses hereby permitted shall not be first occupied until all the windows shown as being obscured glazed on the approved plans have been fitted with obscured glazing on parts that are less than 1.7m above the floor level and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.