



Appeal Decision

Site visit made on 11 December 2025

by **B Phillips BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29th January 2026

Appeal Ref: APP/Z0116/W/25/3373964

10 Rylestone Grove, Westbury On Trym, Bristol BS9 3UT

- 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) for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Paul Williams against the decision of Bristol City Council.
- The application Ref is 25/12956/X.
- The application sought planning permission for *the proposed demolition of existing dwelling and erection of a replacement dwelling and construction of outbuilding. Self build* without complying with conditions attached to planning permission Ref 24/04544/F dated 23/05/25.
- The conditions in dispute are Nos 2 and 12 which state that:
(2) *No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period. The plan/statement shall provide for:*
 - 24 hour emergency contact number;
 - Hours of operation;
 - Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
 - Routes for construction traffic;
 - Locations for loading/unloading and storage of plant, waste and construction materials;
 - Method of preventing mud being carried onto the highway;
 - Measures to protect vulnerable road users (cyclists and pedestrians)
 - Any necessary temporary traffic management measures;
 - Arrangements for turning vehicles;
 - Arrangements to receive abnormal loads or unusually large vehicles;
 - Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.
(12) *The development shall conform in all aspects with the plans and details shown in the application as listed below, unless variations are agreed by the Local Planning Authority in order to discharge other conditions attached to this decision.*
- The reasons given for the conditions are:
(2) *In the interests of safe operation of the adopted highway in the lead into development both during the demolition and construction phase of the development.*
(12) *For the avoidance of doubt.*

Decision

1. The appeal is dismissed and planning permission is refused for the proposed demolition of existing dwelling and erection of a replacement dwelling and construction of outbuilding. Self build.

Preliminary Matters

2. Drawing 2-j4137-03-005 - a street scene comparison drawing was submitted with the appeal. This does not alter the proposal in any way. As such, there is no harm to natural justice in my considering this additional drawing.

Background and Main issue

3. The appeal proposes revisions to the scheme the subject of permission reference 24/04544/F. The revisions would alter the design of the replacement dwelling and therefore the approved plans detailed above. No alteration is proposed to the description of development. In accordance with relevant caselaw, there is no reason why the alterations to the plans condition for a differing design of property cannot be considered under the scope of s.73 application.
4. The appeal also seeks to remove condition 2 through the submission of a Construction and Environment Management Plan¹ (CEMP). The Council have no issue with the submitted Construction and Environment Management Plan details, indeed a previous version of the CEMP is included within the approved plans condition listed above. Moreover, the Council set out they have further discharged condition 2 under application reference 25/13581/COND. From what I have observed and from what has been submitted, I have no reason to disagree that the details submitted are appropriate and I therefore have no reason to consider this matter further.
5. Finally, the proposal is for a self build dwelling. This would exempt the development from Biodiversity Net Gain (BNG) requirements, as set out below. Both main parties have been consulted on how this should be secured, and I have taken into account their responses on this matter.
6. As such, the main issues in this case are whether the proposal makes adequate provision for BNG, and the effect that varying the condition would have on the character and appearance of the surrounding area.

Reasons

Biodiversity Net Gain

7. Should the appeal be allowed, under s73 a new permission is created. The Framework requires development to minimise impacts on and provide net gains for biodiversity. The exemptions to the BNG requirements¹ include self build and custom build development.
8. The Self-build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016) states that an authority must give development permission for the carrying out of self-build and custom housebuilding on enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area in respect of each base period.
9. Whilst referenced in the development description, Section 123 of the Levelling-up and Regeneration Act 2023 (s123) sets out that a development permission counts in meeting the duty if it is actually self-build or custom housebuilding and needs to be secured as such.

¹ By A&H Safety Consultants Limited, dated 30/9/2024, revised 19/6/2025.

10. Both main parties have suggested a condition in order to secure the development as self build. In order to meet the requirements of Framework paragraph 57, conditions must be enforceable. There are numerous enforceability issues with the condition securing self build as proposed. Firstly, in relation to knowing for sure that the person building the house will live in it, meaning enforcement action is unlikely to be possible until the house is completely built and occupied.
11. Secondly, if the LPA did not consider that the occupier was a person who had primary input into the design, and took enforcement action, in order to comply, the third party would have to get the person who built the house (and presumably sold it to them) to return to live in the property. It would be impractical and unreasonable to require this. In such circumstances, it is likely that enforcement action would also be unreasonable.
12. I therefore do not consider that a condition in this instance would meet the tests of the Framework. There is therefore no appropriate mechanism before me to secure the development as a self-build/custom housebuilding. I note the examples where such a condition has been suggested², however, whilst this is a material consideration, for the reasons set out above, I have come to a different conclusion.
13. Any exemption to pay CIL is applied for under separate legislation and does not control the development or ensure the dwelling is constructed as a self-build property.
14. As such, there is no exemption from the requirement to provide BNG. The objective of Schedule 7A of the Town and Country Planning Act 1990 is for development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. This increase can be achieved through onsite biodiversity gains, registered offsite biodiversity gains or statutory biodiversity credits.
15. Whilst some habitat enhancements are to be secured through conditions, there is no Biodiversity Net Gain Matrix submitted, nor any assessment of the pre-development biodiversity value of the onsite habitat. As such, it is not clear whether 10% increase in biodiversity value is possible on the appeal site, particularly given its limited and constrained scale, or whether off site mitigation would be required. No mechanism is before me to secure a net gain.
16. It is therefore not demonstrated that the proposal would make adequate provision for BNG. In the absence of the provision of a biodiversity metric document which has been completed in accordance with the requirements at Schedule 7A, I cannot conclude that the development could achieve at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat.
17. Consequently, and in respect of biodiversity, the development would not comply with Schedule 7A of the Town and Country Planning Act 1990.

Character and appearance

18. The Parry's Lane Estate comprises of large predominantly detached houses on substantial plots, built during the same period. Whilst there is differing designs

² Right to Build Task Force Custom and Self-Build Planning Guidance, PG3.8: Securing custom and self build using obligations and conditions, January 2024

and scale of property, there is a strong sense of unity and quality through the use of materials and Arts and Crafts references such as bay windows, chimneys and hipped and dual-pitched roofs.

19. The appeal property is located on a prominent corner plot and has a large garden particularly to the rear and side and is set back from the front boundary creating a sense of spaciousness. This is unlike the prevailing pattern of development within the street, with the surrounding dwellings mostly built up to or close to the side boundaries. As such, there is no set pattern of visual gaps between dwellings, nor, given the variety in widths of dwellings, a consistent scale of dwelling within the street scene.
20. With its traditional bay windows, chimneys and pitched/hipped roof, which also references the Arts and Crafts style, the design of the existing property contributes to the cohesive character of the surroundings.
21. The proposed replacement dwelling would be substantially larger in terms of its two storey width than the existing dwelling. The dwelling would incorporate gables and a pitched roof with sprocketed eaves that would invoke an Arts and Crafts style, and be finished in suitable materials, such as a tiled roof, render and brick details. Whilst there are no other examples visible nearby of stone mullioned windows as proposed, there are visible stone porch elements and such details, in addition to adding to the Arts and Crafts design, add to the quality of the appearance of the dwelling. It would appear as a contemporary version of a traditional 1930's style property and would not appear incongruous in the wider setting in terms of its design. The consistent appearance and character of the street scene in terms of design would be maintained.
22. The width of the property over two floors (with additional dormer in the roof space) would, despite the set back of a side projection, result in a wide frontage at two storey level, however, the set back and hipped sides would reduce the massing of the frontage, and would result in a scale and design comparable to the existing property nearby at No 6. Unlike that property, given the scale of the plot, there would remain a large side garden and distance to the side elevation on that side.
23. A large proportion of the additional footprint would also be single storey elements, limited in their visual impact. Given the scale of the plot, a sense of spaciousness to the appeal site would therefore be maintained, as would the quality and unity of the surrounding context.
24. Compared to the details provided of the previously dismissed appeal decision on this site³, the height appears reduced and a more traditional design is proposed, particularly with regards to the windows. For example the front dormer is greatly reduced in scale to be in keeping with nearby examples, in addition to that of the approved scheme.
25. I conclude therefore that the amended design would not harm the character and appearance of the surrounding area. There would be no conflict with Policy BCS21 of the Bristol Development Framework Core Strategy (2011) and Policies DM26, DM27 and DM29 of the Bristol Local Plan Site Allocations and Development Management Policies (2014). Amongst other things these policies seek to deliver

³ Application reference 21/05977/F

high quality urban design that contributes positively to an area's character and reinforce local distinctiveness.

Conclusion

26. For the reasons given above, the proposed amendments to condition 2 and 12 of planning permission Ref 24/04544/F would not lead to any harm to the character and appearance of the surroundings nor the safe operation of the adopted highway.
27. However, should the appeal be allowed, a new planning permission for a dwelling would be permitted which would not meet the biodiversity requirements of Schedule 7A of the Town and Country Planning Act 1990.
28. As such, the appeal is dismissed.

B Phillips

INSPECTOR