



Appeal Decision

Hearing held on 12 May 2026

Site visit made on 12 May 2026

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 June 2026

Appeal Ref: APP/P0119/W/25/3374850

Springfield Lake Nursery, Brewery Hill, Upton Cheyney, Bristol BS30 6LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mr S Litt of Upton Cheyney Land against the decision of South Gloucestershire Council.
 - The application Ref is P23/02551/O.
 - The development proposed is the demolition of existing buildings, removal of surface parking, and erection of buildings to accommodate 8,790 sqm of commercial buildings (flexible Use Class E/B2/B8) with associated bins and bike stores. Associated hard and soft landscaping. Vehicular access from the Brewery Hill.
-

Decision

1. The appeal is allowed and outline planning permission is granted for the demolition of existing buildings, removal of surface parking, and erection of buildings to accommodate 8,790 sqm of commercial buildings (flexible Use Class E/B2/B8) with associated bins and bike stores, associated hard and soft landscaping, vehicular access from the Brewery Hill at Springfield Lake Nursery, Upton Cheyney, Bristol BS30 6LY in accordance with the terms of the application, Ref P23/02551/O, subject to the conditions in the attached schedule.

Preliminary Matters

2. Outline planning permission is sought with only access to be considered. The appellant confirmed that with regard to access, at this stage permission is sought for the entrance and works at the edge of the site. Other than details relating to these matters, including the internal layout, I have regarded all other elements as illustrative.
3. I have removed words that are not acts of development from the description above and taken the address from the application form as these are sufficiently precise.
4. Planning permission was granted for the erection of replacement glasshouses and service and distribution building along with other works in 2012. A subsequent certificate of lawful development confirmed that that permission had been implemented and has been put forward as a fallback position by the appellant.
5. Prior to and during the Hearing the Council confirmed that they no longer wished to pursue the refusal reasons relating to highway safety, a monitoring contribution for Travel Plans, flooding and biodiversity.

6. Several planning obligations were submitted during the appeal, with a final version being provided after the close of the Hearing, signed on 12 May 2026. This is considered below. The content of the final obligation largely followed that of the earlier ones, including the draft obligation discussed at the Hearing but with corrections to the plans and references in it.
7. A CBRE marketing document was also provided at the Hearing by the appellant. Parties were given time to consider the document. Given this related to some additional evidence of soft marketing, it was not substantial and parties had opportunity to comment on it, there would be no prejudice from me taking it into account.
8. The South Gloucestershire Local Plan 2025 Regulation 19 (the emerging plan) has been submitted for examination, but this has not yet commenced, and I have not been made aware of whether there are unresolved objections to the policies and allocations referred to by the parties. Therefore, I give these potential sites and policies little weight.

Main Issues

9. The main issues of the appeal are:
 - The effect of the proposal on highway safety,
 - The effect of the proposal on designated heritage assets, with specific regard to the setting of the Bitton Conservation Area and the Upton Cheyney Conservation Area,
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (Framework) and any relevant development plan policies; and
 - Whether the appeal site would be an appropriate location for the proposal with regard to the local development strategy.

Reasons

Highway Safety

10. The Council clarified at the Hearing that the initial refusal of the scheme on highway safety grounds was due to certain documents, including the Traffic Management Plan (TMP) and Framework Travel Plan (FTP) not being considered in error.
11. My observations on site, while only a snapshot in time, and may be different at other times of day, week or year, were that there is already a steady flow of traffic along the A road passing the site and far less traffic on Brewery Hill. I witnessed some equestrian and pedestrian use of Brewery Hill as well as agricultural and large vehicles. The A road was busy during my visit and there were vehicles turning into and emerging from Brewery Hill where visibility was somewhat limited at the junction particularly turning left on to the A road.
12. The scheme would result in a significant increase in vehicle movements of different sizes at the site and along the surrounding roads from the current situation where the previously horticulture use has ceased and as set out in the

Transport Statement. The existing access would also present difficulties for larger vehicles accessing the site and nearby settlements in places due to road restrictions and the alignment of the junctions. Nevertheless, the scheme proposes junction improvements, including widening and improved visibility splays. Other measures are also suggested in the TMP to control the size of HGVs using the site and the direction of approach and exit along with barriers at the entrance. The final details of some of these controls, their provision and retention could be secured by condition.

13. There are pinch points within the nearby villages where vehicles need to wait to allow others to pass due to on street parking and the alignment and width of the road. The permitted routes through Upton Cheyney may change in the future as raised by local residents at the Hearing. Furthermore, at certain times of day, such as school drop off and pick up times, there will be more on street parking occurring in the area.
14. Nonetheless, there is no compelling evidence of existing road safety issues caused by these pinch points. The Council confirmed there is no existing highway safety record at the junction, and have not indicated that the traffic generation and flow evidence and advice in the Road Safety Audit and other supporting documents was incorrect. The likelihood of large HGVs using the site would be reduced due to the measures proposed in the TMP. Suggested measures mean the likelihood of HGVs meeting on Brewery Hill because of the scheme would be low as would any need for them to reverse out or manoeuvre along Brewery Hill and the A road. Vehicle speeds were slower along Brewery Hill than the A road, and I see no reason why they would increase because of the scheme.
15. Consequently, due to the controls that would be in place through the TMP and the final one subject to condition, whatever the final make-up of uses, there would be sufficient capacity at the junction to prevent the scheme causing harmful disruption to the free flow of traffic and surrounding roads would have sufficient capacity to handle the additional movements. The right turn island previously suggested by the Council would not be necessary to accommodate the number and type of movements.
16. Amended visibility splays showing an increased distance along the junction between Brewery Hill and the A road are now proposed on land either within the appellant's control or highway land. The junction and initial part of Brewery Hill would be widened. Improved splays at the access to the site off Brewery Hill are also proposed. These changes, while necessary for the scheme, would be an improvement to the existing situation where visibility is restricted in places due to the vegetation, banks and growth along the roadside and narrowness of the footways. The proposed splays would meet the relevant standards and ensure road users can see vehicles emerging and adjust their speeds or stop where necessary sooner than they can at present.
17. The proposed footways along Brewery Hill, widened one along the A road boundary of the site and crossing facilities would provide improved pedestrian facilities. The widened Brewery Hill would also provide more space for users of that part of the road, including the stables opposite the site entrance. Even without a specific survey of equestrian and cycle use, this would allow pedestrians to take refuge along these sections and reduce the chances of conflict between them. These changes represent a wider benefit to all users in terms of highway safety.

18. Consequently, the proposal would lead to an overall benefit in highway safety. It would accord with Policy CS8 of the Core Strategy¹ and Policy PSP11 of the Places Plan² where they seek to prevent proposals that generate traffic that would create or contribute to severe congestion and have an unacceptable effect on highway and road safety.

Heritage Assets

Conservation Areas – Significance and setting

19. The Bitton Conservation Area (BCA) takes in a primarily linear rural village with many traditional buildings along and leading off the A road. The Parish Church of St Mary is a landmark building set off the main road. The BCA includes green open areas around much of the edge of the existing built form. This and the further undeveloped fields beyond contribute positively to the rural setting of the village. Within the village there are often only glimpses of the countryside beyond, however, on the approaches and exits to the village the surrounding landscape setting is more obvious.
20. The significance of the BCA, insofar as it relates to this appeal comes from its historic buildings and traditional materials along and leading off the main linear route and areas of green and open space around the edge of the built form.
21. The Upton Cheyney Conservation Area (UCCA) relates to a picturesque rural village along the steep slopes of Lansdown Hill. There are small groups of traditional stone buildings. The UCCA boundary again includes some undeveloped fields that surround the loose knit clusters of buildings with further open land beyond providing a rural setting that is glimpsed in views in and out of the UCCA and along verdant winding lanes.
22. The significance of the UCCA, insofar as it relates to this appeal comes from the intimate village feel from the clusters of historic buildings, their traditional materials and enclosed rural lanes set within the surrounding rural landscape.
23. The appeal site is located close to the edge of the BCA along the A road and at the bottom of Brewery Hill on the way up to the UCCA. Due to the presence of mature vegetation along the site boundaries and elsewhere, there are mostly only passing or glimpsed views of the site from the A road with the existing built form set back from it. As such, the site is relatively discreet along the A Road, and the junctions nearby have an informal rural character with little development near any of the corners.
24. The site is also largely screened by mature vegetation when travelling along Brewery Hill to and from the UCCA where there are fleeting views of, and through, the remaining frames of the buildings. From the public rights of way between the site and the UCCA more of the existing buildings are seen, often as the lower element of the sometimes-long range views across the wider countryside.
25. The site is currently unkempt, and the remaining built form is somewhat dilapidated. Nonetheless, as only the frames of the building remain, areas of the hardstanding have become overgrown and there is greenery around the entrance, the appeal site is not an incongruous or dominant feature in the landscape. The

¹ South Gloucestershire Local Plan Core Strategy 2006 - 2027

² South Gloucestershire Local Plan – Policies, Sites and Places Plan 2017

presence of the existing glasshouses would not be untypical or unexpected in a rural context.

26. As a result, the appeal site currently makes a neutral contribution to the rural landscape setting and significance of the BCA and UCCA.

Conservation Areas – Effect

27. Details of the layout of the site and the appearance of the buildings as well as landscaping are not before me. Nevertheless, the introduction of buildings and internal routes of the scale set out in the description of development would undoubtedly change the appearance of the site.
28. The appellant has suggested various design measures such as a green roof or agricultural style or bespoke design buildings. Compensatory and additional planting could also be provided across different parts of the site. Appropriate landscaping, layout and appearance details would assist in reducing the harm from new structures and hardstanding within the site and soften their appearance. Moreover, a condition could be imposed to limit the height of the proposed buildings so that they would be several metres lower than the existing ones.
29. Nonetheless, from the evidence before me, the lightweight former glass houses, which are currently only frames, would be replaced by solid features and new areas of hardstanding introduced. This would detract from the rural feel and appearance and the setting of both the BCA and UCCA as you experience them travelling along the nearby roads and public rights of way and in sometimes elevated views including viewpoints in the Landscape and Visual Appraisal Report (LVA).
30. There would be an increase in activity, movements and noise at the site and along nearby roads. However, this would be transient. Moreover, the A road is currently a busy route and some of the movements along Brewery Hill would only be at the lower end. Design measures could also reduce any such effects and there is some separation between the site and both Conservation Areas such that these effects would be minimal.
31. The road widening, provision of the pavement along Brewery Hill and alterations to the access to the site require the removal of several mature trees and part of hedgerows. These works would be noticeable and create an urban, formalised and appearance to this part of Brewery Hill and the junction. The junction and highway works would be obvious when passing the site and the removal of mature landscape features would increase the likelihood of views into the site including from the LVA viewpoints. Planting would take some time to mature and sufficiently screen such views.
32. As a result of the scheme, while there would still be a gap between the sharp edge of the built form of the BCA and the site, the existing transition into the rural setting surrounding it would be partly eroded. For the UCCA, Brewery Hill is one of several narrow country lane routes leading to and from it. The UCCA advice note refers to the tunnel effect and sense of enclosure that come from these lanes. Although only for the initial part of it, the widening, removal of mature features and formalising of what is currently a narrow country lane would diminish the intimate and enclosed feel of the existing setting of the UCCA.

33. Consequently, the proposal would fail to preserve the setting of the BCA and UCCA as it relates to their significance. That said, there is some distance between the site and the CAs, sympathetic design and landscaping could soften the appearance of the site, and the site forms a small part of the overall setting of the CAs. Therefore, for the BCA the harm would be at the very lower end of less than substantial harm. Due to the sense of arrival and enclosure along the country lanes to the UCCA, the harm is greater but still at the lower end of less than substantial harm.

Other Heritage Assets

34. The Medieval enclosure 480m north west of Springwater Farm is a Scheduled Ancient Monument (SAM). It includes a medieval enclosure, situated on a slight rise in the valley bottom of the River Boyd. The enclosure survives as a rectangular area defined by banks with a largely buried outer ditch and slight counterscarp bank. A previous geophysical survey suggested that the enclosure was part of a larger earthwork.
35. The significance of it derives, so far as relevant to this appeal, from the survival of earthworks and buried features that can still reveal how people lived, farmed, and organised their landscape historically. Its setting includes the surrounding landscape and features such as the river and also the relationship with Bitton. The appeal site is further afield and while has some link to the farming history of the area, given the distance and intervening features it makes a neutral contribution to its special interest and setting.
36. The Parish Church of St Mary is a grade I listed building. It has Anglo-Saxon origins on an earlier British site. Norman modelling elements were inserted and the West tower added in the 14th century and chancel in the late 15th century. It was restored in 19th century and is built of rubble with ashlar dressing and modillions to the parapet roof.
37. The special interest of it derives, so far as relevant to this appeal, from its historic and architectural interest in how it represents the development and change in design of several phases of English church architecture and long history of worship in the area.
38. The Church is a landmark building in the village set back from the busy main road. The setting of the church is primarily associated with its churchyard where the memorialisation of past lives and opportunities for quiet contemplation contribute directly to its special interest. In addition, along Church Lane where there are some impressive views framed with the surrounding mature vegetation beyond the lych-gate.
39. The wider rural context of the building also speaks to its role as a country church. However, due to surrounding land levels, built form and vegetation, the church is experienced in the wider setting in more limited views over open fields and glimpses from other parts of Bitton, mainly of its tower. Given the distance between the church and the appeal site, the intervening built and natural features, the appeal site makes a neutral contribution to the setting and significance of the Church.
40. Directional Sign at Corner of Brewery Road (Directional Sign) is a Grade II listed building. It is a triangular headed stone painted white at the junction with the A

road and Brewery Hill. The special interest of it derives, so far as relevant to this appeal, from its interest as an example of historic signage of this nature and wayfinding. Its setting includes the road network which contributes positively to the special interest. It is also experienced with more modern signage both sides of this junction. The appeal site forms part of the wider setting which includes buildings of varying ages and styles and the wider rural landscape. As a result, the appeal site makes a neutral contribution to its special interest.

41. The proposal would change the built form and type of development at the appeal site. However, given the distance to the Church and SAM, the intervening fields and built form, these assets would still be experienced in much the same way as they are now. The appeal proposal would not harm their setting or special interest. The Directional Sign is far closer and there would be alterations to the road at this junction. Nevertheless, the purpose of it and its relationship to the nearby settlements would remain. Therefore, the setting and special interest would not be harmed. The proposal would not be contrary to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and the heritage protection aims of the Framework.

Heritage Balance

42. While less than substantial harm has been identified for each of the CAs, each incidence of harm is given considerable importance and weight. Policy CS9 of the Core Strategy requires development to ensure that heritage assets are conserved. In line with Policy PSP17 of the Places Plan and the Framework, any harm should be weighed against the public benefits of the proposal.
43. The proposed junction and highway works would improve visibility splays, footways and ease of movement for vehicles. This attracts moderate weight. Economic benefits during construction would be temporary, although given the scale of the scheme I give this moderate weight.
44. The proposal is in a rural area and not directly off any strategic road networks. Much of the industrial and commercial development in the wider area is currently focused in more urban areas and larger sites, several to the west of Bristol.
45. The CBRE document provided at the Hearing indicates there was some interest in the type of development proposed but provides very little detail of the marketing and market testing carried out. The Carter Jonas Economic Sustainability Assessment provides a list of units that were available at that time suggesting some existing premises are available.
46. Moreover, many of the other rural sites said to be comparable related to ones where sites are smaller than that proposed, historically commercial and/or conversion which would reduce costs for developers, occupiers and investors. The general economic climate was also raised as a factor that made it uncertain whether the scheme could be developed at the scale proposed.
47. Notwithstanding this, the proposal would create a significant amount of new commercial floor space. The Council do not dispute there is an unmet need at present. As such, I see no reason why there would be negative effects on existing businesses.

48. Furthermore, the site is located off a relatively busy A road and not a considerable distance from Bath, Bristol or Keynsham so could serve any or all these settlements. While the public transport service is limited, there are other villages nearby which could provide demand and a workforce. There are some services and facilities nearby and subject to a condition that would restrict uses at the site, some provision on site may be possible to make it more attractive to prospective tenants.
49. The Council's Lambert Smith Hampton Market Assessment Report (Lambert report) recognises that there continues to be good demand for multi-let industrial units of a smaller size for B2 and B8 uses. Office demand may be more focused on urban areas, but the appeal scheme covers several different uses and therefore provides options for different markets and potentially complimentary ones. The proposal is to be built in phases as the demand for them comes forward and it is expected that the full scale of the development may not be provided for several years.
50. Furthermore, the Lambert report also states that their search shows a lack of new build or newer existing stock and that the indicative scheme comprises business starter units to cater for SMEs³, which there is a general lack of within Bristol and for which there has been a consistent take up. In addition, the existing available units are mostly second hand, with a lack of any new-build units or high-quality stock unlike the proposed scheme. The appeal scheme would also provide small units and be less reliant on individual occupiers for the overall viability of the scheme.
51. The peripheral location would present some challenges and there may be more suitable locations. However, it has not been shown these are coming forward or serving the same market between the east of Bristol and Bath. At the Hearing the Council commented that there is a lack of provision in the region that this scheme would go towards. While there is always some degree of uncertainty, it has not been demonstrated that this development would be unlikely to succeed, especially given it is proposed to develop the site as demand presents itself. Therefore, I give the economic benefits associated with the occupation of the site substantial weight.
52. While local residents drew my attention to works that were carried out previously at the site which removed biodiversity features, I do not have any detailed evidence of this. From the evidence that is before me, sufficient biodiversity survey work has been provided, and a condition could be imposed to require updated surveys and assessments where necessary. A licence has been obtained for Great Crested Newts and a condition could require ecological enhancement measures. As it is not clear to what extent there would be enhancement, I give this small weight.
53. The individual circumstance of this case means that the public benefits of the proposal would outweigh the less than substantial harm to the designated heritage assets individually and cumulatively and provides clear and convincing justification for the harm. The policies of the Framework relating to heritage assets therefore do not give a strong reason for the refusal of the development. It would accord with Policy PSP17 of the Places Plan and the Framework.

³ Small to medium sized enterprises

54. As the site is not within a Conservation Area, section 72(1) of the Act is not relevant.

Whether Inappropriate Development

55. Policy PSP7 of the Places Plan states that inappropriate development will not be acceptable unless very special circumstances can be demonstrated that clearly outweigh the harm to the Green Belt and any other harm. Policy CS5 of the Core Strategy sets out the development strategy, including in Green Belt areas. Neither policy makes specific reference to the exception under which the appeal proposal is sought (paragraph 155) as they pre-date the current version of the Framework. However, CS5 states that other than the specific elements referred to, other proposals for development in the Green Belt will need to comply with the provisions in the Framework and therefore is not inconsistent with it.

Grey Belt

56. The site does not meet the Framework definition of previously developed land as it excludes land that is or was last occupied by agricultural or forestry buildings. However, grey belt can also include any other land that, in either case, does not strongly contribute to any of purposes (a), (b), or (d) in paragraph 143 of the Framework.
57. The proposal would be within the confines of the wider site which already contains the remains of several large buildings and areas of hardstanding. The nearest settlements are not towns and there is considerable distance between the site and any towns in the wider area. Villages should not be considered large built-up areas. Consequently, the site does not strongly contribute to the purposes of checking the unrestricted sprawl of large built-up areas, preventing neighbouring towns merging into one another and to preserving the setting and special character of historic towns.
58. As above, while there would be less than substantial harm to the setting of the CAs, the public benefits of the scheme outweigh this. Therefore, the application of the policies of the Framework relating to this or other protected areas or assets in footnote 7 do not provide a strong reason for refusing or restricting development. Therefore, the site is grey belt land.
59. Additionally, the site is not part of or near a town, historic or otherwise or large built-up area and although agricultural, there are already buildings and areas of hard standing located on it. Given the size of the site, it would not lead to any significant encroachment on the countryside. It would also not be contrary to the aim of assisting in urban regeneration. Therefore, the development would utilise grey belt and would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan, meeting part a) of paragraph 155 of the Framework.

Demonstrable Unmet Need

60. The main parties agreed that when considering need for the type of development proposed that the relevant functional market area was South Gloucestershire, East Bristol, Keynsham and Bath. There are allocations for commercial and industrial uses in the existing development plan and in the emerging plan. However, the

Council stated that not all allocated sites have come forward, partly due to market changes and I have very little detail of future allocations including any nearby.

61. In any event, the Council did not dispute that there is an unmet need in this area for the type of development proposed. While they have concerns over whether the characteristics of the site and surrounding area make it the most suitable location for the scheme, the Framework does not suggest this is relevant to criterion b) of paragraph 155. Consequently, based on the case put forward by the appellant and the various economic studies before me, there is a demonstrable unmet need for the type of development proposed.

Sustainable Location

62. The Council confirmed at the Hearing that the scheme was not contrary to part c) of paragraph 155 of the Framework.
63. The site is in a rural location and would add to the number of vehicle movements, most of which would likely be private vehicle, and there is limited access to dedicated cycle facilities in the area. There is a bus service passing the site, albeit limited in terms of level of service. Nonetheless, the pedestrian improvements would provide greater potential for users of the site to reach it by bus. There is also a narrow pavement leading back towards Bitton which would give users of the site the option to walk to it.
64. The submission includes an FTP setting out various options and proposals to manage the pattern and type of movements to and from the site. A condition could be imposed requiring final details of a site wide travel plan, and this would make the site more accessible by a range of transport options, reducing private vehicle usage. Additionally, cycle storage, including changing facilities could also be required by condition, which would promote active travel.
65. Therefore, while the rural location would limit the sustainable transport solutions that can be achieved, the measures proposed at the site and future management of it seeks to maximise these options and offer a genuine choice. As a result, the development would be in a sustainable location, with particular reference to paragraphs 110 and 115 of the Framework and accord with criterion c) of paragraph 155 of it.
66. Consequently, the proposal would not be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies. Therefore, there is no need for me to go on to consider openness or whether very special circumstances exist.

Local Development Strategy

67. Though not a reason for refusal, the Council had indicated conflict with certain policies during the appeal process relating to the suitability of the site based on it being an alleged outlier of a location, the distance to strategic road networks and whether there is sufficient market interest to make the scale of the scheme achievable in this location.
68. Policy CS5 of the Core Strategy sets the framework for the location and scale of development. Within the Green Belt it refers to proposals needing to comply with the provisions of the Framework and relevant Core Strategy policies. Policy CS34 of the Core Strategy sets out a vision for rural areas which includes protecting rural

employment sites, services and facilities to provide local employment, sustain rural and village life and reduce the need to travel.

69. Policy PSP28 of the Places Plan seeks to promote the rural economy and requires proposals to be of a scale which is consistent with its function, use and rural location.
70. Policy LP19 of the emerging plan supports the development or redevelopment of economic development uses provided they are compatible with neighbouring uses and do not have unacceptable wider impacts.
71. The above policies are broadly consistent with the Framework where it seeks a prosperous rural economy and that decisions should recognise that for sites to meet local business and community needs in rural areas, they may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.
72. It has not been shown that any relevant elements of local policy require a justification or marketing exercise to demonstrate a need for the type or scale of use at a particular site.
73. The appeal site is in the countryside and not on land allocated for any specific use. The proposal would contribute to the economy in terms of the local and wider area both during the construction and operation phases. In terms of the scale of the scheme in a rural area, the appeal site coverage, which would be agreed as part of the reserved matters, would likely be comparable to the former use. Although currently vacant and formerly used for agriculture/horticulture, the Council's Economic Development Team stated that the proposal would protect an employment site and reduce the need of those living in the local area to travel to find employment.
74. As such, while the proposal would be an intensification of the use of the site, and different uses are proposed, there was a form of employment use and function at the site. The scheme would be an efficient use of the land where existing buildings and hardstanding areas are present and in poor condition and the site is not a significant distance to nearby villages.
75. The Council has no concerns over highway safety and traffic generation or in relation to the living conditions of nearby residents. Much of the alleged harm raised by the Council at the Hearing in relation to this issue related to the effect on the Green Belt and the setting of heritage assets. These have been covered separately.
76. Therefore, the appeal site would be an appropriate location for the proposal with regard to the local development strategy. It would comply with Policies CS5 and CS34 of the Core Strategy and PSP28 of the Places Plan as well as LP19 of the emerging plan where they aim to direct and manage the type of development in rural areas.

Other Matters

77. The appeal site is outside, but close to the Cotswold National Landscape (NL) and within its setting which includes agricultural land/buildings and settlements. In addition to the statutory duty at section 85 of the Countryside and Rights of Way Act 2000, the Framework provides that great weight should be given to conserving

and enhancing landscape and scenic beauty in NLs. As set out in the Management Plan⁴, the special qualities of the Cotswold NL include the distinctive settlements and the quality architectural Cotswold vernacular. Reference is made to the tranquillity of the area, away from major sources of inappropriate noise, development, visual clutter and pollution, dark skies and a large open, elevated predominately farmed landscape with commons.

78. Currently, there are large areas of landscaping with some links to a farmed landscape. However, what remains of the existing glasshouses does little to contribute to the architectural qualities of the area and the site itself was somewhat unkempt at the time of my visit. I have not been informed of any controls on matters such as lighting at the site. The site currently makes a neutral contribution to the setting of the NL.
79. The proposal would likely be largely on the site of the existing structures and there would remain fields around the site between it and the nearby settlements. Suitable landscaping and design at reserved matters stage could soften the appearance of the development and prevent it being intrusive in relation to the setting of the NL. There would be an increase in activities at the site and in the surrounding areas because of the scheme. Nonetheless, there would be controls of lighting and other activities while traffic would be transient and fluctuate. There would also be limited views to and from the NL and the site. In light of these factors and the condition of the site at present, the natural beauty and landscape and scenic beauty of the Cotswold NL would be conserved.
80. Some information relating to drainage is provided and a condition could be imposed requiring further details. The Council withdrew their concerns over this due to clarification of ownership and control of existing features and land. While there may be flooding instances in the area already, it is not for this scheme to alleviate any existing issues. There is no detailed evidence to indicate that a suitable system, that would not increase risks of flooding, is unfeasible.
81. There would be some increase in the movements and activities taking place at the site and in the area. Nevertheless, there are few close properties and conditions could be imposed in relation to traffic movements, timings of operations at the site and lighting which would prevent any significant adverse effects on living conditions of nearby occupiers and users of the area.
82. The proposal already has buildings and hardstanding on the site. There is no clear information to indicate that the proposal would result in the loss of any good quality agricultural land or that there would be a shortage of such land. This is also the case for services in the area including foul drainage, water supply and electricity as well as the condition of the roads and energy usage which some conditions also relate to.
83. There has been no clear evidence presented to contradict the ownership details provided. While an outline application has been made and full details of the scheme are not provided at this stage, this is permitted and the agreement of the remaining reserved matters and compliance with any conditions is required.
84. The site is part of the Golden Valley Landscape Character Area which is relatively rural in character, enclosed and secluded in parts. The site already has some built

⁴ Cotswolds National Landscape Management Plan 2025 – 2030

form and matters such as the layout and design of the buildings would be addressed at the reserved matters. Based on the details before me, the proposal would be appropriate to the character and appearance of the area and the gap between settlements would not be eroded. Landscaping would also ensure appropriate compensation for lost features and strengthening of landscaping to soften and partly screen the proposal.

85. The scheme has been assessed on its own merits and found to be acceptable. Therefore, I see no reason why it would lead to or set a precedent for harmful development elsewhere. Any future applications at or near the site would be assessed against the relevant policies and considerations at that time. Moreover, as the scheme is acceptable there is no need for me to consider the fallback position further.

Conditions

86. In addition to the standard time limit conditions, I have imposed one requiring submission of the remaining reserved matters as this is an outline permission. Conditions requiring that the development is carried out in accordance with the approved plans, so far as they relate to the elements of access where agreement is sought and showing the extent of the site are necessary for clarity and in the interest of highway safety.
87. Conditions relating to a construction management plan, TMP, delivery and servicing management plan, travel plan, vehicle charging points, pedestrian and junction improvements, cycle facilities as well as visibility splays and parking are imposed. These are necessary in the interest of highway safety, to encourage different modes of transport and prevent harm to living conditions. Elements of the highway works may require separate agreement and therefore the final details may alter from those on the plans. Similarly, traffic management and travel plans currently refer to options and require further information on implementation and retention. Therefore, further and final details of these works are required.
88. Refuse details and restrictions on external storage and building heights are required to protect the character and appearance of the area. Agreement of operating hours are necessary to protect the living conditions of nearby residents and manage traffic movements.
89. To prevent increased risks from flooding a condition is necessary for details of surface and foul water drainage to be submitted, agreed and implemented. Conditions restricting the potential uses at the site, the size of the individual units and additional mezzanine floorspace (unless approved at reserved matters) are imposed to control the level and type of traffic and effect on nearby living conditions as well as addressing the uses for which there is said to be a need.
90. A condition is imposed for an updated preliminary ecological assessment and associated details given the time that has passed since the original and that some mitigation and enhancement details will be subject to the design at reserved matters. This and the details of lighting are necessary to prevent harm to biodiversity and living conditions. To reduce risks of pollution and public health conditions relating to contamination are imposed. An updated and final energy statement, based on details within the reserved matters is imposed to ensure sufficient measures are provided.

91. Conditions relating to tree protection, boundary treatments, external and hard surface materials are not necessary as they relate to and would be addressed in the reserved matters. A phasing plan is not necessary as conditions relating to infrastructure provision include an implementation timetable. It has also not been shown that a condition relating to public art is necessary, something the Council confirmed they no longer sought at the Hearing.

Planning obligation

92. The Council provided a breakdown of the time and nature of the work involved for monitoring a travel plan. It is a measure that they have requested to ensure the site is more accessible by a range of transport options and to reduce private vehicle usage. This would be necessary to make the development acceptable, directly related to the development and is reasonably related in scale and kind to the development. The obligation complies with the tests in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 (CIL Regs) and in the Framework.
93. The Council confirmed at the Hearing that they had not requested the monetary contribution towards a Traffic Regulation Order as this was unnecessary to make the development acceptable in planning terms. In addition, no clear details of how this figure was reached, other than it being a relatively standard figure, have been provided to show that the contribution is fairly and reasonably related in scale and kind to the development. Therefore, I cannot be certain that what it seeks to be carried out would be done and if so, when. It would not pass the tests set out in CIL Regs and therefore I cannot take it into account.
94. Similarly, bus stop improvements are proposed as part of the planning obligation but have also not been requested by the Council. Therefore, I have little certainty that they would be provided and if they were, when. The appellant was also unable to demonstrate how the proposed figure was reached and I cannot be certain it would be the correct amount. It would not pass the tests set out in CIL Regs and therefore I cannot take it into account.

Conclusion

95. The proposal accords with the development plan, and the material considerations do not indicate that a decision should be made other than in accordance with it.
96. For the reasons given above the appeal should be allowed.

Stuart Willis

INSPECTOR

Schedule of Conditions

- 1) Details of the appearance, landscaping, layout, and scale, hereinafter called "the reserved matters" shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans insofar as they relate to the access details to be agreed: Proposed Site Access Junction: 2239 01 rev B, Site location plan: 23.037 001, Modified Access Junction Visibility splays (Achievable): 223907 Sheet 1 of 2 and 2 of 2, Highway land dedication plan: 223905 and Proposed Visibility Splays: 2239 02.
- 5) An updated Preliminary Ecological Appraisal (PEA) shall be provided with any reserved matters submissions, along with any surveys recommended within the PEA, details of any mitigation and enhancement measures and an implementation timetable. The development shall be implemented and managed thereafter in accordance with the approved details.
- 6) No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the local planning authority. The approved plan shall be adhered to throughout the construction period for the development.
- 7) No development shall commence until a detailed surface water and foul water drainage scheme for the site, including a timetable for implementation, and a management and maintenance plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out and thereafter managed and maintained in accordance with the approved scheme.
- 8) Prior to the occupation of any unit hereby approved the vehicular access, junction geometry and carriageway widening shall be provided in accordance with plan ref Proposed Site Access Junction: 2239 01 rev B.
- 9) Prior to the occupation of any unit hereby approved, visibility splays of 2.4m x 120m shall be provided in both directions at the junction of Brewery Hill and the A431. The splays shall thereafter be retained free of obstruction between 0.6m and 2.0m above carriageway level.
- 10) Prior to the occupation of any unit hereby approved, visibility splays of 2.4m x 90m shall be provided in both directions at the appeal site access on to Brewery Hill. The splays shall thereafter be retained free of obstruction between 0.6m and 2.0m above carriageway level.
- 11) Prior to the occupation of any unit hereby approved, a site-wide Travel Plan Statement including an implementation timetable shall be submitted to and approved in writing by the local planning authority. The Statement shall be based on the submitted Framework Travel Plan and shall set out measures,

- targets, monitoring and review. The development shall be implemented and managed thereafter in accordance with the approved plan.
- 12) Prior to the occupation of any unit hereby approved, a Traffic Management Plan, including an implementation timetable shall be submitted to and approved in writing by the local planning authority. The development shall be implemented and managed thereafter in accordance with the approved plan.
 - 13) Prior to the occupation of any unit hereby approved, a Delivery and Servicing Management Plan including an implementation timetable shall be submitted to and approved in writing by the local planning authority. The development shall be implemented and managed thereafter in accordance with the approved plan.
 - 14) Prior to the occupation of any unit hereby approved, a Sustainable Energy Statement including an implementation timetable and details of maintenance and management of measures shall be submitted to and approved in writing by the local planning authority. The development shall be implemented and managed thereafter in accordance with the approved Statement.
 - 15) Prior to the occupation of any unit hereby approved, a 2.0m wide pedestrian footpath link between the site and the bus stops on the A431 Bath Road and a pedestrian crossing facility on the A431 Bath Road shall be provided in accordance with details that have first been submitted to and approved in writing by the local planning authority.
 - 16) Prior to the occupation of any unit hereby approved, a site-wide scheme of operating hours for the development shall be submitted to and approved in writing by the local planning authority. The scheme shall set out the permitted hours of operation for the site, including (where different) the permitted hours for any servicing / loading / unloading activities. The development shall thereafter be operated in accordance with the approved scheme.
 - 17) Prior to the occupation of a unit hereby approved, electric vehicle charging facilities for that unit shall be provided and thereafter maintained in accordance with details that have first been submitted to and approved in writing by the local planning authority. The facilities shall thereafter be made permanently available for the occupants of the unit for that purpose.
 - 18) Prior to the occupation of a unit hereby approved, facilities for the storage and recycling of refuse for that unit shall be provided in accordance with details that have first been submitted to and approved in writing by the local planning authority. The facilities shall thereafter be made permanently available for the occupants of the unit for that purpose.
 - 19) Prior to the occupation of a unit hereby approved, facilities for cycle storage, charging and associated changing facilities for that unit shall be provided in accordance with details that have first been submitted to and approved in writing by the local planning authority. The facilities shall thereafter be made permanently available for the occupants of the unit for that purpose.
 - 20) Prior to the occupation of a unit hereby approved, vehicle parking, turning, servicing and loading facilities for that unit shall be provided in accordance with details that have first been submitted to and approved in writing by the local planning authority. The facilities shall thereafter be made permanently available for the occupants of the unit for that purpose.

- 21) No internal floorspace for any individual unit hereby approved shall exceed 180m² gross internal area.
- 22) The premises shall be used for Uses Classes E(d), E(e), E(g)(ii), E(g)(iii), B2 and B8 and for no other purpose (including any other purpose in the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 23) No mezzanine or other additional internal floorspace shall be installed within any unit other than that agreed as part of any reserved matters submission.
- 24) No external lighting shall be installed unless in accordance with details that have first been submitted to and approved in writing by the local planning authority. Lighting shall be installed and thereafter operated/maintained in accordance with the approved details.
- 25) There shall be no external display or storage of goods, materials, plant, machinery or equipment at the site.
- 26) No element of any building on any part of the development hereby permitted shall exceed 6 metres in height as measured from above existing ground level at any point.
- 27) No development shall commence until an assessment of the risks posed by any contamination has been carried out and submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a competent person, in accordance with British Standard BS 10175 Investigation of potentially contaminated sites and the Environment Agency's guidance - Land Contamination Risk Management (LCRM), and shall assess any contamination on the site, whether or not it originates on the site.
- 28) No development shall commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks, has been submitted to and approved in writing by the Local Planning Authority (unless the findings of the approved risk assessment concludes that a remediation strategy is not required).

The report submitted shall include an appraisal of available remediation options; the proposed remediation objectives or criteria and identification of the preferred remediation option(s). The programme of the works to be undertaken should be described in detail and the methodology that will be applied to verify the works have been satisfactorily completed.

The remediation scheme shall be designed to ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation. The approved remediation scheme shall be carried out prior to the commencement of development (other than those works required to carry out remediation) or in accordance with the approved timetable of works.

- 29) Prior to the occupation of any unit hereby approved, a verification report shall be submitted to and approved in writing by the local planning authority, (unless the findings of the approved risk assessment have confirmed that a remediation strategy is not required). The verification report shall confirm that the approved remediation has been completed and demonstrate the effectiveness of the remediation carried out.

- 30) Any contamination found whilst carrying out the approved development that was not previously identified, shall be reported immediately to the Local Planning Authority. Further development works 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. The requirements of this condition shall also apply if other circumstances arise during the development, which require a reconsideration of the approved remediation scheme.

APPEARANCES

FOR THE APPELLANTS:

Mr S Litt	Appellant
Mr Kit Stokes	Stokes-Morgan Planning Ltd
John Rooney	Stokes Morgan Planning Ltd
Mrs Alison Williams	Carter Jonas

FOR THE LOCAL PLANNING AUTHORITY:

Matthew Harding	Senior Planning Officer
Robert Nicholson	Conservation Officer
Tom Harker	Lambert Smith Hampton

INTERESTED PARTIES:

Tad Korbusz	Local Resident
Jon Booth	Bitton Village Residents Association
Sarah Freeman	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

CBRE document
Draft Planning Obligation (Unilateral Undertaking)