



Appeal Decision

Inquiry opened on 7 May 2025

Accompanied site visit made on 15 May 2025

by Matthew Nunn BA BPI LLB LLM BCL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th July 2025

Appeal Ref: APP/P0119/W/24/3357956

Land south of Hencliffe Way and west of Castle Farm Road, Hanham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ashfield Land Ltd and Redrow Homes Ltd against the decision of South Gloucestershire Council.
- The application Ref: P/23/01330/O, dated 12 April 2023, was refused by notice dated 16 August 2024.
- The development proposed is 'outline planning application for the demolition of 1 dwelling and the erection of up to 140 dwellings, provision of public open space, landscaping and planting, drainage and ancillary works, with all matters reserved except for means of site access'.

Decision

1. **The appeal is allowed** and outline planning permission granted for the demolition of 1 dwelling and the erection of up to 140 dwellings, provision of public open space, landscaping and planting, drainage and ancillary works, with all matters reserved except for means of site access on land south of Hencliffe Way and west of Castle Farm Road, Hanham, in accordance with the terms of the application Ref: P23/01330/O, dated 12 April 2023, subject to the conditions in the attached schedule.

Preliminary Matters

2. The planning application is made in outline with all matters apart from access reserved for subsequent determination. The planning application form specifies 'up to 149 dwellings', but this was reduced to 'up to 140' before the application was determined by the Council. The planning application form incorrectly refers to land 'east' rather than 'west' of Castle Farm Road, although it is clear from the submitted plans where the site is located. The correct description is recorded in the header above, and I have dealt with the appeal on this basis.
3. The Inquiry sat from 7-9, 13-15, and 20 May 2025, with closing submissions made virtually. In addition to my accompanied site visit on 15 May 2025, I made other unaccompanied visits. I held a Case Management Conference on 12 March 2025 to discuss the ongoing management of the Inquiry, the likely main issues, including the best method for hearing the evidence, to ensure the efficient and effective running of the Inquiry.
4. The Council's fifth reason for refusal (RfR) relates to the failure to make adequate provision for necessary on-site and off-site infrastructure, including:

affordable housing, travel plan measures, nursery and secondary education, on and off site public open space, drainage management and maintenance, provision of health care facilities, woodland recreational access management, and library and community provision. A planning obligation has now been completed, dated 4 June 2025, between the Council, Ashfield Land Ltd, the landowners, and Redrow Homes Ltd. This resolves the matters identified in the fifth RfR which is no longer being pursued by the Council. I deal with the provisions of the planning obligation in the body of my decision.

5. The Secretary of State has considered the planning application in terms of the Environmental Impact Assessment (EIA) Regulations 2017 and has concluded it does not constitute EIA development.
6. The site falls within the Green Belt. The context for assessing such sites has significantly changed since the planning application was determined by the Council in August 2024. The Council refused the appeal proposal for reasons which included that it would represent inappropriate development and that very special circumstances needed to justify such development had not been demonstrated. However, the concept of 'Grey Belt' was introduced by the Government in the December 2024 National Planning Policy Framework ('the Framework'). An issue between the parties is whether the appeal site can be considered Grey Belt.

Main Issues

7. The main issues are:
 - (i) whether the proposal would be inappropriate development in the Green Belt, having regard to the Framework;
 - (ii) the effect on the character and appearance of the area, including the landscape;
 - (iii) the effect on living conditions at No 62 and No 66 Hencliffe Way, in terms of general disturbance;
 - (iv) the effect on heritage assets; and
 - (v) the overall planning balance.

Reasons

Planning Policy Context

8. The statutory development plan comprises the South Gloucestershire Core Strategy: 2006-2027 ('the Core Strategy'), adopted in 2013; and the Policies, Sites and Places Plan ('PSPP'), adopted in 2017. Various policies from both documents are cited in the RfRs.
9. It is agreed that the Council cannot, at the present time, demonstrate a 5 year supply of housing. The Council states it can demonstrate a 4.38 year supply, whereas the Appellant says it is 3.87 years¹. This is a material change in situation since the Council determined the planning application. At that time, it

¹ CD 7.1, Main Statement of Common Ground, Page 21

concluded that there was a demonstrable 5 year supply². The Framework is clear that where a local authority cannot demonstrate a five year supply of deliverable sites, policies which are 'most important for determining the application' are deemed out of date³. That said, the Framework does not change the statutory basis of the development plan for decision making, and the fact that policies are 'out of date' does not mean they should carry no weight or be ignored.

10. Policy CS5 relating to the location of new development states, amongst other things, that 'most new development will take place within the communities of the North and East Fringes of Bristol urban area'. Although the appeal site is located adjacent to the settlement area of Hanham, it lies outside the settlement boundary. It therefore falls outside the area where development is envisaged and would be contrary to that policy.
11. Policy CS15 establishes a minimum of 28,355 homes to be provided up to 2027, indicating phasing capacity, including for the North and East Fringes of Bristol Urban Area. It is common ground that there is a shortfall in delivery against the minimum requirement of Policy CS15⁴. It is also the case that the housing requirement figure does not take into account any unmet housing need arising in the City of Bristol. Policy PSP40 sets out acceptable forms of residential development in the open countryside, outside settlement boundaries. The appeal scheme does not fall within any of the acceptable categories.
12. Because the Council cannot demonstrate a five year supply of housing, it is agreed that the settlement boundary policies in the Core Strategy and PSPP are out of date, including Policies CS5, CS15, and PSP40⁵. These policies are also out of date because the Core Strategy was based on a strategic housing market assessment that was prepared before the 2012 version of the Framework. Although the Core Strategy was found sound by the Examining Inspector, this was on the basis that an early review of the plan would be undertaken by 2018. This has not been done. In these circumstances, the housing requirement in the Core Strategy and the associated settlement boundaries are not compliant with the Framework. This diminishes the weight that can be attached to any conflict with these policies⁶. Therefore, the fact the proposed development lies outside the settlement boundaries cannot be determinative in this case, particularly as the Council acknowledges it cannot meet current housing needs without breaching them.

Whether inappropriate development within the Green Belt

13. The Framework makes clear that the Government attaches great importance to Green Belts, and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open⁷. Following changes to the Framework in December 2024, and after the application was refused permission, the new concept of 'Grey Belt' was introduced by the Government. This is defined as land in the Green Belt comprising previously developed land

² CD 4.1, Officer Report, Paragraph 5.32

³ Paragraph 11(d), Footnote 8

⁴ CD 7.1, Main Statement of Common Ground, Page 21; CD 7.2 Housing Statement of Common Ground, Para 2.8

⁵ CD 7.1, Main Statement of Common Ground, Page 21

⁶ This approach has been followed in a number of recent appeals: CD 9.17 (Appeal Ref: 3303905); CD 9.16 (Appeal Ref: 3288019); CD 11.2 (Appeal Ref: 3323836)

⁷ Paragraph 142

and / or any other land that, in either case, does not *strongly* contribute to any of the purposes (a), (b), or (d) in Paragraph 143 of the Framework⁸. Paragraph 143 identifies that purpose (a) is to check the unrestricted sprawl of large built-up areas; purpose (b) is to prevent neighbouring towns merging into one another; and purpose (d) is to preserve the setting and special character of historic towns.

14. In this case, it is agreed between the parties that the appeal site makes a limited contribution to purpose (b): preventing neighbouring towns merging; and no contribution to purpose (d): preserving the setting and special character of historic towns⁹. I see no reason to disagree. A key issue remaining in dispute, therefore, is whether the site *strongly* contributes to purpose (a): checking the unrestricted sprawl of large built-up areas. The large built-up area in question is Bristol urban area, the eastern fringe of which includes Hanham¹⁰.
15. The Planning Practice Guidance (PPG) on Green Belts provides guidance on how to assess the strength of contribution to purpose (a), along with the other purposes. The PPG advises that areas that contribute *strongly* 'are likely to be free from existing development, and lack physical features in reasonable proximity that could restrict and contain development'. The PPG continues that 'they are also likely to include all of the following features: be adjacent or near to a large built-up area; if developed, result in an incongruous pattern of development (such as an extended 'finger' of development into the Green Belt)'¹¹.
16. In interpreting the PPG, a degree of judgement is required in assessing the strength of contribution to Green Belt purposes. Any assessment should not be a mechanical exercise, and there may be some overlap between categories, such that it may not always be clear cut. I acknowledge that mention of a site likely being 'free from existing development' is unique to the 'strong' category of contribution. But the PPG makes clear that is not the only relevant consideration. The presence of development is one example of a feature that potentially weakens the land's contribution to purpose (a). Also, and importantly, the definition of Grey Belt in the Framework does not assume that the land in question is necessarily previously developed¹².
17. In this case, although the appeal site is free of existing development, it does possess physical features that could restrict and contain development - in particular ancient woodland to the west and south, and Castle Farm Road to the east. To the north east is the adjacent built-up area of Hanham, which forms part of the east fringe of the urban area of Bristol. The proposal would not result in an extended 'finger' of development, nor would it result in an incongruous, or obtrusive pattern of development. Rather, it would simply shift the edge of residential development further to the southwest.
18. Of particular relevance are Green Belt studies produced as part of the preparation of the emerging Local Plan. A Stage 1 Review was produced in

⁸ Framework, Glossary, Page 73

⁹ CD 7.1, Main Statement of Common Ground, Page 21

¹⁰ CD 1.1, Paragraph 13.1. For administrative purposes Hanham falls within South Gloucestershire Council, rather than Bristol City Council.

¹¹ Paragraph: 005 Reference ID 64-005-20250225

¹² Glossary, Page 73

September 2022¹³ and a Stage 2 Review in January 2025. In those studies, consideration was given to the contribution the appeal site makes to purpose (a). The Stage 1 Green Belt Review considered the appeal site as part of a much wider area designated as 'Parcel P76' which extended east of the A4174 and concluded it made a 'significant' contribution to purpose (a). However, the Stage 2 Review considered the appeal site on its own. Referred to as 'SG032 Land at Castle Farm Road, Hanham', that Review concluded that the surrounding ancient woodland formed part of a defensible boundary and that the site made a 'moderate' contribution to purpose (a)¹⁴, the mid-point of the scale¹⁵.

19. Crucially, that Review noted that the site, although free of existing sprawl, was 'physically connected' to the large built-up area along the north eastern boundary, with the outer boundary defined by the edge of ancient woodland, forming a boundary to the south west and north west, with a section of the boundary consisting of Castle Farm Road, along with residential curtilages to the north and south. It concluded that the outer boundary of the site was 'mixed' but 'on the whole consists of a defensible boundary which would prevent unrestricted sprawl'. This is a comprehensive and robust assessment, and it accords with my own assessment.
20. Notably, that Review informed the decision to promote the appeal site as a housing allocation in the emerging Local Plan¹⁶. I acknowledge that the Stage 2 Review (and Stage 1 Review) pre-dated the concept of 'Grey Belt'. However, the revised Framework did not change Green Belt purposes, and so both the Reviews' conclusions remain valid. Indeed, the Stage 2 Review specifically notes that although prepared in accordance with the earlier 2023 Framework, with the consequence 'Grey Belt' is not identified, the study's 'findings still hold weight' against the new Framework¹⁷.
21. Significantly, the Officer's Report for the planning application also concluded that the appeal site made a 'moderate' contribution to purpose (a)¹⁸. However, at the Inquiry, the Council disputed that the ancient woodland around the site constituted a physical feature capable of restricting development, or that it formed a defensible boundary. This was on the basis that there was no clear or well defined consistent line on the ground. It was also argued that in assessing the boundary, it is unclear whether it would be the tree canopy, root protection zone or trunks that form the edge.
22. From my observations on site, I found that the woodland area to be a clearly discernible physical feature that could restrict and contain development of the site, not least because of the topography of the wooded area. The ground falls away steeply between the site and the River Avon. I accept the Council's point that the ground levels vary, but this does not diminish the enclosure of the site. There are also legal and policy restrictions that constrain the wooded area's development such as to ensure its permanence as a physical boundary¹⁹.

¹³ CD 3.5, Green Belt Assessment Stage 1

¹⁴ CD 3.4, South Gloucestershire Stage 2 Green Belt Review, January 2025, E-14

¹⁵ The other categories were 'significant' and 'limited'

¹⁶ The allocation proposes 125 dwellings rather than the 140 proposed in this appeal

¹⁷ CD 3.4, Page 5

¹⁸ CD 4.1, Officer's Report, Paragraph 5.19 – 5.21

¹⁹ ID 13, Joint Note showing Protections applicable to Ancient Woodland around the site

23. On balance, having regard to the Green Belt studies undertaken, and advice in the PPG, I find that the site fits the 'moderate' contribution category more satisfactorily. This category in the PPG states that areas are likely to be adjacent or near a large built-up area but include *one or more* features that weaken the land's contribution to purpose (a). The site meets the following criteria: it has 'physical features in reasonable proximity that restrict and contain development'; it is 'partially enclosed by existing development such that it would not result in an incongruous pattern of development'; and it is 'subject to other urbanising influences'. Importantly, the PPG does not require all the listed features in that category to be present. So, whilst the site does not 'contain existing development', that is not determinative of itself. The PPG does not assume that a site which makes a 'moderate' contribution to purpose (a) must necessarily contain existing development. It is merely one relevant factor in making an assessment as to whether the contribution is 'strong' or 'moderate'.
24. To sum up, I find that the site makes only a moderate contribution to purpose (a). As above, it is already accepted that with regards to purpose (b) the contribution would be limited, and in relation to purpose (d) there would be no contribution. Therefore, in accordance with the Framework's definition, the appeal site does not make a strong contribution to purposes (a), (b) or (d) and can be regarded as 'Grey Belt'. However, for the proposal to be considered as 'not inappropriate' development, it must satisfy all of the criteria, (a) to (d) listed in Paragraph 155 of the Framework.
25. Criterion (a) of Paragraph 155 requires that the development would utilise grey belt and not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. I take this to mean an assessment of the proposal against all five purposes of the Green Belt. Purposes (a), (b) and (d) have already been considered above. It is common ground that the contribution to purpose (e) - assisting in urban regeneration is limited²⁰. That leaves purpose (c) - assisting in safeguarding the countryside from encroachment.
26. Clearly, the development of the appeal site would run counter to the aim of safeguarding the countryside from encroachment. Currently the site comprises undeveloped agricultural land and has a rural character, and its development would undermine that aim. However, whilst there would be some encroachment of the countryside, the site's location at the edge of the urban area, its enclosure by defensible boundaries, including woodland, the comparatively limited site area (around 8.2 hectares) and the scale of the scheme means that the effect of the proposal would be limited in the wider context. Indeed, its effect would be localised: the site cannot be said to have a strategic role in the functioning of the Green Belt, meaning its development would not undermine any strategic role.
27. It is notable that the Stage 2 Assessment found that although the site made a 'significant contribution' to safeguarding the countryside from encroachment, it nonetheless found that 'the overall level of contribution is considered to be lower', because of the lower contributions in respect of other Green Belt purposes. Consequently, the Assessment judged overall that the site made a 'moderate' contribution to Green Belt purposes. The Assessment also

²⁰ CD 7.1, Main Statement of Common Ground, page 22

considered the cumulative effect of allocating other nearby sites and found that, notwithstanding the slightly larger incursion into undeveloped countryside, the remaining Green Belt would still perform its functions²¹. I see no reason to take a different view on these matters. Overall, I find that the scheme would not fundamentally undermine the purposes (taken together) of the remaining Green Belt across the area of the plan. As such, Criterion (a) of Paragraph 155 of the Framework would be met.

28. Criterion (b) of Paragraph 155 requires that there is a demonstrable need for the type of development proposed. As noted, the Council is unable to demonstrate a 5 year supply of housing, and in the light of the shortfall, whether 4.38 years or 3.87 years, new housing development is needed, both market and affordable. This is common ground between the parties. As such, Criterion (b) of Paragraph 155 of the Framework would be met.
29. Criterion (c) of Paragraph 155 requires that the development be in a sustainable location. Again, it is uncontroversial that the proposal would be in such a location, adjacent to the urban area of Hanham, with opportunities for travel other than the private car. It would be close to a parade of shops in Memorial Road, including a supermarket. Off-site highway improvements to enhance accessibility are also proposed as part of the scheme. These include, amongst other things, improved crossing points with dropped kerbs, tactile paving, upgrading of an existing bus stop to provide a shelter, lighting and 'real time' information, and an improved footway along Castle Farm Road²². The requirement of Criterion (c) of Paragraph 155 of the Framework would be met.
30. Criterion (d) requires that the development would meet the 'Golden Rules' set out in Paragraphs 156-157 of the Framework. In this regard, the scheme would deliver 50% affordable housing. It would deliver improvements to local infrastructure, secured through a planning obligation which I deal with later. It would secure new or improvements to existing green spaces that are accessible to the public. In fact, the proposal would provide ample green space, with around 45% of the site remaining undeveloped. Both the Council and Appellant agree that the proposal would meet the 'Golden Rules'²³.
31. For the above reasons, the proposal would not be inappropriate development in the Green Belt in terms of the Framework. As such, it is unnecessary to consider whether the harm by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations such as to amount to 'very special circumstances' necessary to justify the proposal. Nor is it necessary to consider the test of impacts to openness in the Green Belt²⁴. Paragraph 158 of the Framework states that a development which complies with the 'Golden Rules' should be given significant weight in favour of granting permission. The scheme would also comply with Policy CS5(6)(c) to the extent that the proposal would comply with the provisions of the Framework²⁵.

²¹ CD 3.4, pdf page 59; sites are: land south of Abbots Road (SG760) & land at Castle Farm Road (SG779)

²² CD 6.6, Transport Assessment (Rev B), Figures 5.4 & 5.5

²³ Council's Closing Submissions, Paragraph 48

²⁴ PPG Paragraph: 014 Reference ID: 64-014-20250225

²⁵ Accepted by Mr Burman in XX

Effect on character and appearance, including landscape

32. The site comprises a series of irregularly shaped agricultural fields to the southwest of Hanham. At a national level, the appeal site falls within National Character Area 118 – Bristol, Avon Valley and Ridges, which encompasses an extensive area²⁶. At a more detailed local level, the site is identified as within the 'Avon Valley' Landscape Character Area (LCA) 16. Key characteristics include: 'steep sided, densely wooded slopes' enclosing the River Avon; 'linear broadleaved woodlands' including 'large areas of ancient woodland'; and 'gentle upper slopes' including 'medium sized pasture and arable fields, defined by the urban edge to the north'. The appeal site and its wider surroundings exhibit a number of these characteristics, including woodland areas and gently sloping arable fields.
33. Whatever character label is attached, I consider the appeal site can be regarded as forming part of an attractive landscape that remains largely intact and unspoilt in this locality. It has a pleasing character. The site comprises undulating arable fields, punctuated by hedgerows and intermittent trees, and is enclosed by dense ancient woodland to the south west and north west, and bounded by residential properties to the north east. Further south west is the River Avon, and beyond that is a railway line also located in the valley, screened from the site by the woodland. There are public rights of way across the site and in the locality, including Water Lane that follows the northern boundary of the site (PHA 7), lined by trees and vegetation; and a footpath that diagonally traverses the site through the westernmost field (PHA 6) from Common Road to Hencliffe Wood. This gives open views across the site, and longer distance views to the countryside beyond.
34. Whilst there is some agreement between the Council and Appellant regarding visual and landscape impacts, there are also differences. These are summarised in the Landscape Statement of Common Ground²⁷. In particular, the Council is of the view that in terms of landscape character impacts on the site itself, the development would have a 'high adverse' effect after 15 years, whereas the Appellant claims it would be 'moderate adverse'. On the wider Avon Valley LCA after 15 years, the Appellant contends 'minor adverse' against the Council's 'moderate adverse'. In terms of visual impacts, again after 15 years, the Council says that effects on Footpath PHA 7 would be 'high adverse' whereas the Appellant says 'moderate adverse'. Other differences relate to the impacts on highway users of Castle Farm Road and properties on that road, with the Appellant contending a lesser impact than the Council. However, the parties agree that the impact on Footpath PHA 6 diagonally traversing the site would be 'high adverse'.
35. I consider that, to some extent, the site currently serves as a gateway from the built-up environs of Hanham to the wider countryside: walking away from Hencliffe Road along the narrow footpath between No 64 and No 66, one is aware of entering an attractive rural landscape, of which the appeal site forms part. Similarly, progressing southwards along Castle Farm Road, one is aware of leaving a predominantly suburban setting and entering a more rural area. Development of the site would change its character from a rural to a more suburban one.

²⁶ CD 10.1, National Character Area 118: Bristol, Avon Valley & Ridges

²⁷ CD 7.3, Landscape Statement of Common Ground, Tables L1, L2, L3 & L4

36. The site provides an attractive setting for a number of the public footpaths. I understand these are popular with local walkers, providing a recreational resource. The scheme proposes a realignment of the public footpath (PHA 6) that diagonally crosses the northernmost field within the appeal site. Without doubt, the proposed coverage of a significant part of the existing fields with new housing would mean that views of the rural countryside from this footpath would be seriously compromised. The construction of urban built form would fundamentally alter users' experiences of this section of the footpath. Rather than walking through an open field and rural countryside, it would effectively become a walk past a suburban housing estate. Most users are likely to find their experience and enjoyment of the footpath considerably reduced by such changes to the landscape. There would also be similar adverse impacts on the northern section of footpath PHA 7 which currently has an attractive open aspect across the fields towards the woodland and wider landscape.
37. All that said, the site is not subject of any national landscape designations, and it is agreed it does not comprise a 'valued landscape' in terms of Paragraph 187(a) of the Framework²⁸. That is not to say that it is not valued by local people. Whilst pleasantly and attractively rural, the appeal land is relatively nondescript, exhibiting fairly ordinary characteristics. It contains no rare landscape features. It cannot be regarded as truly 'tranquil' as one can hear the trains that run regularly on the railway line located in the Avon Valley.
38. From within the site, the urban edge of Hanham comprising the houses along Hencliffe Way is clearly visible and so the site does not have a feeling of remoteness. It is perceived in the suburban context of the existing settlement edge. The proposals would extend the urban boundary further to the south west across an area of agricultural land that is already influenced by the existing built-up boundary. The site is also visually enclosed to an extent by the dense surrounding woodland, meaning it is not conspicuous in the wider landscape. There are some longer range views of the site, including from Hanham Hills. However, from this vantage point, the site is seen at a distance within the context of a much larger panorama which includes built development, such that the proposal would not be dominant.
39. The 'Concept Masterplan' shows how the appeal proposals would provide significant additional landscaping, including the planting of native species of trees and additional hedgerows. An area of woodland is also proposed, a community orchard, allotments, as well as areas of public open space across the site. The landscaping would provide a high quality setting to the new development, and around 45% of the site would be undeveloped, and given over to 'green' and 'blue' infrastructure. There would be a 10% net gain in biodiversity. A series of additional footpaths would be created across and around the appeal site. A 15 metre buffer to the ancient woodland is also proposed to accord with Natural England guidance. Development would also be set well back, around 70 metres, from Castle Farm Road, with open space, water attenuation ponds, retained woodland, together with additional planting providing a buffer and softening views into the site.
40. The development would inevitably result in the loss of open agricultural land and some degree of urbanisation of the countryside. It would also result in the loss of a 'green buffer' between the built-up area and ancient woodland. The

²⁸ CD 7.3, Landscape Statement of Common Ground, Paragraph 2.1(iv)

landscape and visual effects would clearly be greater in the early years of the development but would significantly reduce over time as the landscaping matures and the built form becomes more assimilated into the local context. Whilst the proposal would advance built form into this part of the countryside, the effects would ultimately be relatively localised and the impact within the wider landscape would not be that significant.

41. As mentioned above, the site is proposed for residential development in the emerging plan as draft allocation HA1. This was following an internal assessment by the Council's 'specialist officers including landscape, archaeology, and transport'²⁹. Despite various impacts, it was nevertheless concluded that the site should come forward for development, albeit for 125 dwellings - 15 fewer dwellings than the appeal proposal. I appreciate that the emerging local plan is still at a relatively early stage, is still subject to outstanding objections, and has yet to be examined by the Secretary of State. In that context, it can only be given limited weight in this appeal. It is the case though that in terms of its plan-making function, the Council's current position is that, in principle, the allocation would be acceptable. It logically follows, therefore, that were the site to be developed as per the draft allocation, there would be a permanent loss of rural character and openness, and a reduction in the amenity of public footpaths near and across the site.
42. Regarding the effect on the character and appearance of Hencliffe Way itself, in terms of the access, the removal of a single detached house along a row of other detached properties would have no serious visual impact on the street scene. The access would appear little different to other road junctions in the locality, and not untypical. The proposal would create a modern housing estate, adjacent to the existing 1970s /1980s residential development. I see no reason why the scheme should appear incongruous in this context, or conflict with Policy CS1, in terms of achieving high quality design.
43. Overall, in terms of the landscape, there would be conflict with certain policies, including CS1(3), CS2(5), CS9(3) insofar as they seek to safeguard and conserve the landscape. There would also be some conflict with Policy PSP2. That policy states that development proposals will be acceptable where they conserve and enhance the quality, amenity, distinctiveness and special character of the landscape. However, and importantly, Policy PSP2 also states that where development would harm the landscape, it must be clearly demonstrated that the benefits outweigh the harm, and that any harm to the landscape be minimised and mitigated. Thus, this policy does contemplate that the benefits of a proposal can outweigh harms, subject to minimisation and mitigation.

Effect on living conditions

New access between No 62 and No 66

44. The Council is concerned that the proposed new access from Hencliffe Way, achieved by the demolition of No 64, would harm living conditions at No 62 and No 66 Hencliffe Way, citing 'general disturbance' and 'overbearing impact'³⁰. Serious concerns are also raised by the occupiers of those properties. I accept that the penetration of vehicle activity into the appeal site between both

²⁹ CD 3.9, Paragraph 49, Housing & Economic Land Availability Assessment & Site Selection Methodologies

³⁰ RfR 4

houses would undoubtedly create some additional noise and disturbance through the coming and going of vehicles and the presence of headlights. The new access arrangement could have some potential to diminish the quiet enjoyment of those houses and gardens, particularly in the summer months when gardens are used for relaxation and windows left open to improve ventilation. The question, however, is whether the effects on living conditions would be unacceptable.

45. It is estimated that the proposals will generate 57 vehicles per hour (VPH) in the weekday morning peak, and 69 VPH in the afternoon peak³¹. This equates to approximately one vehicle per minute during peak periods, with less at other times³². These figures are based on the originally envisaged 149 dwellings rather than the 140 now proposed, so the vehicle numbers would be marginally less. Furthermore, the proposed Travel Plan aims to minimise journeys made by car, promote sustainable and active travel, as well as reduce single occupancy vehicle travel. This would potentially reduce the number of vehicular trips. With around one vehicle per minute during peak periods, I do not consider the impact to be particularly significant. Moreover, any associated noise would only be of short duration whilst the vehicle passes.
46. The Parameters Plan³³ shows that the developed area of housing within the site would be set well away from the rear boundaries of the properties in Hencliffe Way, such that there would be no vehicle movements directly to the rear of these properties. An annotated drawing indicating the distances between the existing adjacent houses and the proposed access road has been provided by the Appellant³⁴. This shows that the distance between the side wall of No 62 and the footway to be 4.24m, and to the carriageway edge 6.26m; and for No 66, the distance to the footway would be 4.83m and carriageway edge 6.83m respectively. These dimensions were not disputed by the Council. I consider this would provide a reasonable degree of separation between the existing houses and the proposed road. A condition is also proposed requiring a scheme to be approved by the Council to mitigate any noise, including new and enhanced perimeter walls and fencing along the new site access.
47. In terms of vehicle headlights, it must be appreciated that opposite Nos 62-66 Hencliffe Way is a parking area for Knightstone Place, with an access on to the road that faces those properties. The headlights of exiting vehicles face directly towards those properties on Hencliffe Way. By contrast, the angle of vehicle headlights turning into the proposed site access would be different such that they are unlikely to directly shine into the windows of No 62 and No 66. In addition, as mentioned above, the new road would be screened by new boundary fences, with associated planting, thereby protecting the properties from passing headlights. Overall, I do not consider there would be a significant impact from vehicular headlights.
48. It is important to note that the Council's Environmental Health Officers have raised no technical objections to the scheme, including in terms of noise. A Noise Impact Assessment concluded that levels would fall generally within the 'lowest observed adverse effect level' (LOAEL) band. It concluded that whilst

³¹ Technical Note on Vehicle Movements at Principal Access Point, Craig Rawlinson, appended to Dr Rocke's Proof of Evidence; and Appellant's Closing Submissions, Paragraph 163

³² The Council accepts that it over-estimated the number of vehicle movements in its Proof of Evidence and Officer's Report

³³ CD 6.2

³⁴ ID 9

vehicle movements would be audible, they would not be intrusive or result in any significant loss of amenity³⁵. On that basis, the Assessment noted that there were no reasons why permission could not be granted. Based on the Noise Impact Assessment's findings, the Council's Officer's Report noted that there would not be a significant harmful effect in terms of traffic noise, subject to mitigation measures, including boundary fencing³⁶.

49. I visited both No 62 and No 66, including internally. No 62 includes a side extension adjacent to the new access road, with a conservatory opening on to the rear garden. This extension is a main living area, and there is a subsidiary window in the side elevation. There are also flank windows in No 66. I fully appreciate the concerns of the residents at these properties. The introduction of a new access would be a significant and no doubt very unwelcome change. However, carefully assessing the evidence as a whole, I do not consider there would be an unacceptable effect. The enhanced screening and boundary fences, together with the distances from the road carriageway edge would also significantly reduce the perception of passing vehicles.
50. Although clearly resulting in changed circumstances, the presence of a road flanking properties is a common arrangement in residential areas. In this case, a new road running along the side of existing properties is not, of itself, a reason for the appeal to fail. I do not doubt there may be some disruption during the construction phase, and this should not be downplayed. That said, it would be temporary and is inevitable with any new development. A condition controlling the hours of construction, and enforcing other restrictions and requirements, can be imposed to minimise disturbance to local residents.
51. The Yarm decision is relied on by the Council where the Inspector found a new access between properties unacceptable. I do not have full details of that scheme, but it is distinguishable in that the dwellings were single storey, there were differences in ground level between the properties, and there were direct views in from passers-by on foot³⁷.
52. Overall, I find that there would not be an unacceptable effect on No 62 and No 66 Hencliffe Way, nor any conflict with Policy PSP8. This states development proposals will be acceptable provided they do not create unacceptable living conditions, or an unacceptable impact on residential amenity, with respect to, amongst other things, noise and disturbance.

Effect on outlook from properties in Hencliffe Way

53. Clearly the development of the appeal site would fundamentally alter the outlook from a number of properties backing on to the site. As part of my site visit, I viewed the appeal land from the upstairs rooms of No 66. At present, there are pleasing open and expansive rural views of countryside comprising arable fields, delineated by mature hedgerows, with the woodland beyond. The impression one has when looking out of the windows, especially at first floor level, is of being surrounded by an attractive rural landscape, with an absence of built form. Quite understandably, this open aspect is highly valued by property owners overlooking the appeal site.

³⁵ CD 6.3, Noise Impact Assessment, Paragraph 5.2.6

³⁶ CD 4.1, Paragraph 5.52

³⁷ CD 11.5, APP/H0738/W/22/3296940

54. The proposed scheme would create a more suburban outlook. This again would be a significant and no doubt unwelcome change for occupiers of the properties with views on to the appeal site. Importantly, however, the Council has not raised any 'in principle' objections on this basis³⁸. The various plans submitted³⁹ indicate separation distances between existing and proposed dwellings appear to be acceptable, and any detailed assessment regarding potential impacts on neighbouring properties in terms of privacy and outlook, daylight and sunlight would need to be considered at reserved matters stage. Therefore, no conflict would arise with Policy PSP8.

Effect on Heritage Assets

55. Although not a refusal ground, I nonetheless have a statutory duty to consider the effect on heritage assets. There are no designated heritage assets within the site itself, although there are two Grade II listed buildings nearby. These include West Hanham House, and the adjacent Castle Inn Farmhouse, both buildings located on the east side of Castle Farm Road. The former is an early 19th century rendered three storey building with a pantile roof, with sash windows set in stone architraves, with central arched windows above a central door. Castle Inn Farmhouse is an 18th century two storey building with rendered rubble walling, with sash windows, and a central panelled door with a stone doorcase with a pedimented entablature on columns.
56. The special interest and significance of these statutorily listed buildings derives primarily from their architectural and historic interest, including the survival of historic built fabric and period architectural features. Their significance also derives from their prominent role in the street scene and their semi-rural setting, notwithstanding the encroachment of modern residential development close by.
57. In addition, there is Stone Cottage, not statutorily but locally listed, located further south along Castle Farm Road. This is a late 18th century / early 19th century building set back from Castle Farm Road behind a stone wall and hedge. It is constructed of stone and has a pantile roof, with modern windows on the front elevation. Its significance is both architectural and historic.
58. The development will not directly affect the fabric of any of these heritage assets. The appeal site makes a contribution to their setting, forming part of their semi-rural backdrop. This will be altered by the development, and the buildings will be perceived in a more suburban setting. However, the change would be relatively limited. The Concept Masterplan and Parameters Plan indicate a 'green buffer' along Castle Farm Road, comprising public open space, retained woodland, 'SUDS' features and a community orchard. The new residential development would therefore be at some distance and separated from these heritage assets.
59. The relevant legislation requires that when considering whether to grant permission for development that affects a listed building or its setting, special regard shall be had to the desirability of preserving the building or its setting⁴⁰. Having regard to the legislation, the proposal would not preserve the setting of the listed buildings. The Framework advises that when considering the impact

³⁸ CD 4.1 Officer's Report, Paragraphs 5.45-5.48

³⁹ Development Parameters, Concept Masterplan, and Placemaking Plan

⁴⁰ S66(1) Planning (Listed Building and Conservation Areas) Act 1990

of development on the significance of designated heritage assets, great weight should be given to the asset's conservation⁴¹. Both the Council and Appellant agree that the scheme would result in 'less than substantial harm' at the lowest end of the spectrum⁴². I see no reason to take a different view. In my judgement, the proposal would not fundamentally harm the setting of the listed buildings, nor undermine the ability to appreciate and understand the significance of these heritage assets. In accordance with the Framework, the 'less than substantial harm' needs to be weighed against the public benefits of the proposal⁴³.

Other matters

60. Local residents have raised safety concerns about the site access arrangements, and the ability of Hencliffe Way to accommodate additional traffic, including the number of bends and width of the carriageway, and potential traffic congestion caused by the scheme. Evidence has been presented by the Appellant to address those concerns, which has not been challenged by the Council. This includes that the bends were originally designed to slow down traffic, and the road is of sufficient width and capacity to accommodate the proposal. The access arrangement from Hencliffe Way was the preferred option agreed by the Council, with an emergency access from Castle Farm Road. The likely number of vehicle movements has been discussed above in relation to living conditions.
61. Overall, there is no objective evidence to suggest that there would be an unacceptable impact on highway safety, or that the residual cumulative traffic impacts would be 'severe' in terms of the Framework⁴⁴. No objections have been raised by the Highway Authority, subject to the imposition of planning conditions and a planning obligation. I see no reason to take a different view on highway matters.
62. Concerns have been raised by residents in relation to wildlife and ecology, including badger setts. The plans incorporate the recommended 15 metre buffer zone to the ancient woodland, which is proposed to be planted with native species, with boundary fencing erected. Ecological mitigation measures to protect badgers, bats, birds and reptiles are addressed through the planning conditions and the planning obligation. Whilst the Avon Valley (Water Lane Field) SNCI and Local Nature Reserve includes the northwestern part of the site, it was designated primarily for its grassland and scrub which were lost over a decade ago. The Council has not objected on ecological grounds to the scheme⁴⁵, and I see no reason to take a different view.
63. Concerns have been raised by some objectors regarding flooding and potential run-off from the development. The issue of drainage has been comprehensively considered, and no objections have been raised from the lead local flood authority or Wessex Water subject to suitable conditions being imposed.
64. Concerns have also been raised by residents regarding pressures on local infrastructure, including education and health facilities. The planning obligation

⁴¹ Paragraph 212

⁴² CD 7.1, Main Statement of Common Ground, Page 24

⁴³ Paragraph 215

⁴⁴ Paragraph 116

⁴⁵ CD 4.1, Paragraph 5.109

provides for, amongst other things, contributions towards education and NHS services. As noted, the various matters identified in the fifth RfR relating to infrastructure is no longer being pursued by the Council, because appropriate provisions have now been secured through the planning obligation. I deal with these below.

65. The proposal would result in the loss of the 'best and most versatile' agricultural land, which would be contrary to Policy CS9(9) which expects new development to avoid such land. This matter was not raised as a reason for refusal by the Council, although some limited harm would arise because of the policy conflict.

Planning Obligation

66. A planning obligation has been completed by Ashfield Land Ltd, Redrow Homes Ltd, the owners, and the Council, dated 4 June 2025⁴⁶. This will secure 50% affordable housing on site, 72% of which would be social rented housing, and 22% would be shared ownership. The sizes of the units are specified in the obligation, and 8% of the affordable dwellings will be wheelchair units for social rent. The affordable dwellings will be transferred to a registered provider. The planning obligation also provides for not less than 7 custom build houses.
67. The planning obligation includes provision for: various forms of local open space, including relevant inspection fees, open space specification and measures for its future maintenance; for a travel plan contribution at a rate of £405 per dwelling, inclusive of the £150 sustainable travel voucher to be used to purchase items that encourage sustainable travel choices, including but not limited to bus and rail tickets, waterpumps and bicycles. The travel plan contribution is for the Council to act as travel plan coordinator, including producing, implementing and monitoring a site travel plan (based on the Framework Travel Plan).
68. The planning obligation includes a woodland access management contribution of £250 per dwelling. This is towards the cost of improvements to public rights of way signage, maintenance, rectification of deterioration or damage to Hencliffe Wood, in accordance with the Woodland Access Management Plan. The obligation includes an education contribution of £896,965 towards nursery education (£181,046) and secondary school education (£715,919). The obligation also includes an outdoor sports contribution, to be paid in accordance with an agreed formula, for off-site sports provision and / or the enhancement of outdoor sports facilities at various local locations.
69. The planning obligation includes a local library contribution (£2,849.28) and a library stock contribution (£2,805). It also includes a community centre contribution (£248,145.88) towards the cost of enhancing community centre provision at Hanham Community Centre. The planning obligation includes a contribution to NHS services (£1,326.17 per dwelling) towards the cost of primary care provision comprising a new GP surgery.
70. I have no reason to believe that the formulas and charges used by the Council to calculate the provisions of the planning obligation are other than soundly based. The Council has provided a Community Infrastructure Levy (CIL) Compliance Statement⁴⁷ which sets out the methodology for calculating the

⁴⁶ ID 17

⁴⁷ ID 6

contributions, why they are necessary, and how they would be spent. I am satisfied that the provisions of the obligation are necessary to make the development acceptable in planning terms, that they directly relate to the development, and fairly and reasonably relate in scale and kind to the development, thereby meeting the relevant tests in the Framework⁴⁸ and CIL Regulations⁴⁹. I have taken the planning obligation into account in my deliberations.

Planning Balance and Overall Conclusion

71. The relevant legislation requires that the appeal be determined in accordance with the statutory development plan unless material considerations indicate otherwise⁵⁰. Where Councils are unable to demonstrate a five year supply of housing, Paragraph 11 of the Framework states that the most important policies for determining the application are out of date, and permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Alternatively, specific policies in the Framework that protect areas or assets of importance may provide a strong reason for refusing the development, and the so called 'tilted balance' in favour of granting permission does not apply. Policies relating to the Green Belt and designated heritage assets fall within that category.
72. The appeal proposal would conflict with the development plan's spatial strategy because it would involve development on a greenfield site within the countryside outside the defined limits of development. However, the Council has less than 5 years of deliverable sites to meet its housing needs, and the housing requirement in the Core Strategy and associated settlement boundaries are not compliant with the Framework. It is accepted that a strictly policy-led solution to housing needs cannot be achieved, and that the new housing required cannot all be accommodated within the confines of the settlement boundaries. It is also accepted that the settlement boundary policies are out of date. The conflict with Policies CS5, CS15 and PSP40 is therefore a matter of diminished weight.
73. On the harm side, the development would encroach on to attractive rural countryside, although the harmful effects would diminish over time as the landscaping becomes more established. Nonetheless, this harm attracts substantial weight. There would also be some harm to living conditions, specifically at No 62 and No 66 Hencliffe Way because of the new access, although I have found that this harm would not be at an unacceptable level. This harm attracts limited weight. There would be a loss of the best and most versatile agricultural land which again attracts limited weight. There would be some heritage harm, albeit at a low level. The Framework directs that great weight should be given to heritage assets' conservation.
74. In terms of public benefits, the scheme would secure a high quality housing development for which there is a clear and urgent need, in a sustainable location. The proposal would provide much needed private and affordable housing for local people. Up to 140 dwellings are proposed, 50% of which

⁴⁸ Paragraph 58

⁴⁹ Regulation 122

⁵⁰ Section 38(6) of the Planning and Compulsory Purchase Act 2004 & Section 70(2) of the Town and Country Planning Act 1990

would be affordable. Such provision would be a very weighty benefit for the area where increasing the supply of market and affordable homes is an urgent issue. The provision of market and affordable housing both attract substantial weight in the planning balance. The scheme would also provide for 5% custom build housing for which there is a need in South Gloucestershire. This attracts moderate weight.

75. The scheme would generate economic benefits, both short term during the construction phase, and during the lifetime of the development. It would create investment in the locality and increase spending in local shops and services. The Framework advises that significant weight should be placed on the need to support economic growth and productivity⁵¹. Such benefits should not be downplayed, and they attract significant weight in favour of the proposals.
76. The scheme would deliver environmental benefits, including public open space, amounting to 45% of the site. This is a substantial area of open space that would be available to new and existing residents. Although the site is currently undeveloped, it is privately owned farmland and the only legal rights of access across the land are public footpaths. The proposal would include recreation and children's play areas, allotments, a community orchard, ecological areas, walking and cycling routes. In this way, the proposal would enhance opportunities for recreation, enabling and supporting healthy lifestyles in accordance with the Framework⁵². The proposals would also achieve a 10% biodiversity net gain. All these benefits attract moderate weight. A series of highway improvements are proposed as part of the scheme, including the provision of a bus shelter, dropped kerbs and tactile paving. These improvements would benefit everyone locally, not just new residents of the scheme, and attract limited weight in favour of the proposal.
77. I have found that the appeal site meets the definition of 'grey belt' and complies with the requirements of Paragraph 155 of the Framework, as well as the 'Golden Rules'. Consequently, it would not be inappropriate development in the Green Belt. This means that Green Belt policies in the Framework cannot provide a strong reason for refusing the development, and the so-called 'tilted balance' would not be displaced on this basis. In accordance with Paragraph 158 of the Framework, the scheme's compliance with the 'Golden Rules' attracts significant weight in favour of the grant of permission⁵³.
78. There would be a low level of 'less than substantial harm' to heritage assets which must be weighed against the public benefits of the scheme. However, the harm to heritage assets, even giving great weight to their conservation⁵⁴, would be outweighed by the scheme's considerable public benefits. Therefore, the adverse impacts do not provide a strong reason for refusing the development. Accordingly, the so called 'tilted balance' of Paragraph 11 would not be displaced on heritage grounds.
79. Overall, applying the so-called 'tilted balance', I find the substantial benefits of the scheme, comprising the provision of market and affordable housing, the various economic, environmental and social benefits, and the accessibility to

⁵¹ Paragraph 85

⁵² Paragraph 96

⁵³ Accepted by Mr Burman in XX

⁵⁴ Paragraph 212

shops and services, all taken together, clearly outweigh any harms arising. Therefore, I find the adverse effects of the development would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In terms of the development plan, the scheme would comply with certain policies but breach others. However, the Framework points strongly in favour of granting planning permission, and that is a sufficiently powerful material consideration for the purposes of the relevant legislation⁵⁵ to justify allowing the appeal despite any non-accordance with the development plan.

80. Accordingly, I conclude the appeal should be allowed subject to conditions. I deal with these below.

81. In reaching my decision, I have carefully considered the concerns raised by large numbers of local residents and others, including Hanham Abbots Parish Council. The strength of public feeling against the proposals was very clear. In this case, I have judged that the balance falls in favour of granting permission, because weighty material considerations outweigh any conflict with the development plan. That judgement is specific to these proposals and would not necessarily be the same if applied to other cases.

Conditions

82. I have reviewed the suggested conditions in the light of the discussion at the Inquiry and the advice in the PPG. An agreed amended schedule was provided following the discussion⁵⁶. The Framework is clear that conditions should only be imposed where they are necessary, relevant to planning, and the development to be permitted, enforceable, precise and reasonable in all other respects⁵⁷. Where necessary I have reworded the conditions for simplicity and consistency. The numbers in brackets relate to the conditions in the schedule.

83. Commencement conditions, including for reserved matters, are required to comply with the relevant legislation (1, 2, 3). A condition requiring reserved matters to be in accordance with the approved plans (Location Plan and Site Access Plan) is necessary for certainty (4). A condition requiring reserved matters in relation to scale, appearance, layout and landscaping to be broadly in accordance with the Parameters Plan, Concept Masterplan, and Placemaking Plan is necessary for certainty, and to ensure a high quality development (5).

84. A condition requiring compliance with the Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan is necessary to protect the health of the trees and hedgerows on the site (6). A condition is required to ensure the affordable units meet the necessary accessibility standards (7). A condition requiring further clarification in respect of the Design Principles Framework is necessary to ensure a high quality development, and to protect the adjacent ancient woodland and badger setts (8). A condition requiring details including in relation to highway design, footpaths, cycle ways, parking, traffic calming measures, emergency access, vehicle charging, street lighting, and custom build housing is necessary to ensure these matters are properly dealt with (9).

⁵⁵ Section 38(6) of the Planning and Compulsory Purchase Act 2004

⁵⁶ Dated 21 May 2025

⁵⁷ Paragraph 57

85. A condition requiring an updated Energy Statement, including sustainable forms of energy, is necessary to ensure energy efficiency and address climate change (10). A condition requiring a scheme for public art is necessary as part of an achievement of a high quality scheme (11). A condition requiring a Construction Management Plan is necessary to ensure highway safety and efficient traffic flow, to protect the environment and ecology of the site, and to minimise noise and disturbance to local residents during construction (12). A condition relating to the provision of the vehicular access from Hencliffe Way into the site is required in the interests of highway safety (13).
86. Conditions relating to surface and foul water drainage are necessary to prevent flooding and pollution of the water environment (14, 15, 16). A condition in respect of reptiles is necessary to achieve biodiversity and to safeguard protected species (17). A condition requiring a Landscape and Ecological Management Plan is necessary for biodiversity and habitat provision, including ongoing management (18). A condition requiring a scheme to mitigate noise, including new and/or enhanced perimeter fencing along the site access adjacent to No 62 and No 66 Hencliffe Way is necessary to avoid adverse noise effects and to ensure adequate living conditions for the occupiers of those residential dwellings (19).
87. Conditions relating to potential site contamination are necessary to protect the health of future occupiers, and ensure no pollution is caused to the environment (20, 21, 22). A condition is required to ensure highways and footways with appropriate street lighting are provided before the dwellings are occupied is necessary on highway safety grounds (23). A condition relating to the provision of car and cycle parking is necessary in the interests of highway safety and sustainability (24). A condition requiring off site highway improvement works, improved footways, as well as the provision of a bus shelter with real time information and lighting is necessary to enhance accessibility and encourage sustainable transport (25).
88. A condition relating to the provision of signage, showing distances and destinations, and specifying permitted users, is necessary to manage and mitigate the impacts on the adjacent woodland potentially arising from additional population (26). A condition relating to archaeology is necessary to evaluate and protect any archaeological remains within the site (27).
89. A number of these conditions relate to pre-commencement activities. In each case, the requirement is fundamental to make the scheme acceptable in planning terms. Subject to the imposition of these conditions, I conclude that the appeal should be allowed.

Matthew Nunn

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Neil Cameron KC instructed by Grass Roots Planning

Rebecca Sage

They called

Craig Rawlinson Executive Director, Pegasus Group

Jonathan Berry Managing Director, Tyler Grange Group Ltd

Thomas Rocke Director, Rocke Associates

FOR THE COUNCIL

Hashi Mohamed instructed by Eileen Patterson

He called

Rachel Fry Senior Landscape Officer

Lee Burman Principal Planning Officer

INTERESTED PARTIES

Martin Webster Local resident

Carole Yoxall Local resident

Caroline White Hanham Abbots Parish Council & Hanham District Green Belt Conservation Society

Geoff Maggs Local resident

Sarah Freeman Local resident

INQUIRY DOCUMENTS

1. Opening submissions for the Appellant
2. Opening submissions for the Council
3. Submissions of Geoff Maggs
4. Submissions of Caroline White
5. Draft s106 legal agreement
6. Community Infrastructure Compliance Statement
7. Map showing suggested site visit route and viewpoints
8. A3 Paper copies of plans – Development Parameters; Concept Masterplan; Placemaking Plan
9. Plan showing distances between houses and access road
10. Submission of Sarah Freeman

11. Consent Order: Hawridge Strategic Land Ltd v SSHCLG and Buckinghamshire Council, approved on 6 May 2025
12. Landscape Character Assessment: Supplementary Planning Document (adopted January 2025)
13. Joint Note showing protections applicable to Ancient Woodland around the site
14. Documents comprising: Advertisement in Western Daily Press; Ownership Certificate C
15. Council's Closing Submissions
16. Appellant's Closing Submissions
17. Updated list of conditions, dated 21 May 2025
18. Certified copy of s106 legal agreement, dated 4 June 2025

Richborough

Schedule of Conditions

- 1) Details of the appearance and scale of the development, and the layout and landscaping of the site, (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 the approval of the reserved matters shall be made to the local planning authority before the expiration of two years from the date of this decision.
- 3) The development hereby permitted shall begin either no later than three years from the date of this decision, or before the expiration of one year from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 4) The development hereby permitted shall be carried out in accordance with the following plans: Location Plan ASH103-1001, dated March 2023; Site Access Plan - Figure 5.1, dated 10 March 2023, Transport Assessment Revision B.
- 5) Plans and particulars of the reserved matters relating to the scale and appearance of the development, and the layout and landscaping of the site, shall be submitted in writing to the local planning authority and shall be broadly in accordance with: Development Parameters Plan Ref: ASH103_3501 Rev A, dated January 2024; Revised Concept Masterplan Ref: ASH103_3212 Rev N, dated January 2024; Revised Placemaking Plan Ref: ASH103_4003 Rev A, dated January 2024. Development shall be carried out as approved.
- 6) The development shall proceed in accordance with the mitigation measures set out in the Arboricultural Impact Statement, Arboricultural Method Statement, and Tree Protection Plan prepared by Bosky Trees, dated 28 March 2023.
- 7) All Affordable Dwellings shall be constructed to meet Part M of the Building Regulations accessibility standard M4(2) with the exception of: (1) any self-contained affordable accommodation built above ground floor level where level access is not achievable; (2) 8% of the proposed affordable homes which are required to meet: Part M of the Building Regulations accessibility standard M4(3)(2)(a); and Part M of the Building Regulations accessibility standard M4(3)(2)(b) and M4(3) paragraphs 3.37 and 3.39 to provide a ground floor level wheelchair accessible wet room which shall contain a WC, a basin and a level access shower.
- 8) Prior to the submission of reserved matters, an addendum to the Design Principles Framework Rev A, dated January 2024, shall be submitted to and approved in writing by the local planning authority that clarifies principles in respect of: (i) the use of natural pennant stone, slate or reconstituted slate tiles and locally distinct detailing in key landmark buildings, frontages and boundary walls; (ii) boundary strategy; (iii) the street hierarchy and shared space (highway) principles; and (iv) an

appropriate buffer zone between the development and all badger sett entrances including an appropriate exclusion zone for heavy machinery from sett entrances; (v) the Woodland Buffer zone of at least 15m between built development (including gardens) and the ancient woodland. The approved details shall be reflected in the reserved matters application.

- 9) The Reserved Matters to be submitted shall include: (i) the internal highway hierarchy: all carriageway, footway, cycleway and shared surface widths and surface material finishes for the highways, footpaths, cycle ways, private drives, and all other hard surfaces; (ii) traffic calming features including gateways and transitions to shared surfaces to restrict vehicle speeds to 20mph on segregated roads and 10–15mph on shared surfaces; (iii) car and cycle parking facilities; (iv) full details of the pedestrian, cycle and emergency access on to Castle Farm Road; (v) an electric vehicle charging strategy; (vi) a street lighting design and layout; (vii) details of the means of mitigation for the severance of PHA/7 where it crosses the principal access across the rear of No 64 Hencliffe Way; (viii) custom build phasing plan and Design Code for the Custom Build Plots. The details shall be implemented as approved.
- 10) An updated and final Energy Statement shall be submitted with the Reserved Matters setting out the final specification and showing how the scheme will comply with national and local planning policies related to energy efficiency and climate change, adopted at the time of the planning application. This should include: (i) any necessary proposed photovoltaic system for individual plots, including location, dimensions, design/technical specification together with calculation of annual energy generations (kWh per annum) and associated reduction in residual CO2 emissions; and (ii) further details of the air source heat pumps for individual plots, including a plan showing location and the type of refrigerant to be used. The details shall be implemented as approved.
- 11) As part of and informing the Reserved Matters, a public art programme devised and managed by a public art professional shall be submitted to and approved in writing by the local planning authority and delivered according to the timescale detailed therein.
- 12) A site-specific Construction Environmental Management Plan (CEMP) shall be agreed in writing with the local planning authority prior to commencement of work. The CEMP as approved by the Council shall be complied with at all times. The CEMP shall include but not necessarily be limited to: (i) hours of working during the period of construction, which should be limited to: Monday to Friday 0800 hrs to 1800 hrs; Saturday 0800 hrs to 1300 hrs; no working shall take place on Sundays or Public Holidays; for the avoidance of doubt, this includes the use of any plant or machinery (mechanical or other), the carrying out of any maintenance / cleaning work on any plant or machinery, deliveries to the site and the movement of vehicles within the curtilage of the site; (ii) measures to control the tracking of mud off-site from vehicles including wheel washing facilities and mechanical sweeper provision; (iii) measures to control dust from the demolition and construction works approved, to include consideration of measures to control dust in periods of long, dry weather and details of dust monitoring protocols and agreed procedure of

notification to the Council; the CEMP should have regard to BRE Control of Dust from Construction and Demolition Activities 2003 and should provide detail of the measures to control dust on the site; (iv) adequate provision for the delivery and storage of materials; (v) adequate provision for contractor parking; (vi) a lorry routing schedule; measures to coordinate the arrival and departure of construction and delivery vehicles to avoid conflict; (vii) highway condition surveys of the agreed HGV route(s) from Abbots Road to and from the site including photographs carried prior to commencement of the development and after completion; the condition surveys are to be carried out jointly with a representative from the local highway authority Streetcare Team; (viii) temporary access arrangements for construction traffic; (ix) details of main contractor; (x) site manager contact details; (xi) processes for keeping local residents and businesses informed of works being carried out and dealing with complaints; (xii) Ecological mitigation measures to be implemented during construction pursuant to the Ecological Impact Assessment prepared by Grass Roots Ecology (including to protect bats, birds, badgers and reptiles & to eradicate non-native species: Himalayan Balsam and Japanese Knotweed), dated January 2024; (xiii) a scheme for the survey, management and protection of soils in line with best practice; (xiv) if piling is to take place the CEMP should provide detail of the measures to control noise specifically from piling having regard to BS 5228 and noise monitoring to confirm compliance with the approved CEMP; the CEMP should include a vibration monitoring plan and compliance monitoring and implementation plan; (xv) commitment to maintenance of a site logbook that will be used to record details and action taken in response to exceptional incidents or dust-causing episodes; it should also be used to record the results of routine site inspections; provision of copies to the local planning authority upon request; (xvi) details of site lighting for safety and security purposes and to avoid light pollution / nuisance, including a sensitive lighting strategy around the woodland border for bats.

- 13) The site access at Hencliffe Way shall be provided in accordance with the approved plans (Figure 5.1 Rev B in the Transport Assessment Rev B) to binder course level prior to the commencement of the rest of the on-site works. For the avoidance of any doubt, the site access works shall include the demolition of No 64 Hencliffe Way. The approved details including final road surfacing shall be completed in full prior to occupation of the final dwelling.
- 14) No development shall commence until full surface water drainage details, including a detailed development layout, infiltrating calculations, SUDS for flood prevention, pollution control and environmental protection, and a management and maintenance scheme, have been submitted to and approved in writing by the local planning authority. For the avoidance of doubt, submissions should include the details identified in the Lead Local Flood Authority consultation advice letter dated 6 March 2024 published on the Council's website and available upon request. The development shall be implemented in accordance with the approved details.
- 15) Prior to the commencement of development, groundwater monitoring for a minimum of 6 months should be undertaken in the location of the proposed infiltration basins, with the results submitted to and approved in

writing by the local planning authority, to confirm that the proposed drainage strategy is feasible. If not feasible, an alternative drainage strategy should be submitted to and approved in writing by the local planning authority.

- 16) Prior to the approval of reserved matters, a capacity appraisal and detailed process review of Foul Drainage Infrastructure in the locality shall be undertaken to confirm the feasibility of the proposed foul drainage strategy, or the need for capacity enhancement. A report of findings and recommendations for necessary mitigation and enhancement to the network to facilitate the development shall be submitted to and approved in writing by the local planning authority. Development shall be undertaken in accordance with the approved details.
- 17) Prior to the commencement of development, a Reptile Method Statement shall be submitted to and approved by the local planning authority. This shall include details of the following: (i) information on the donor site (including reptile survey to assess the existing population of the proposed receptor site) to confirm that it is suitable to support the translocated population; (ii) management prescriptions for the donor site prior to translocation and post translocation (for 30 years), plus a monitoring plan to ensure a successful reptile population; (iii) confirmation that management of the donor site accords with the biodiversity net gain assumptions for the overall development site.
- 18) A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The LEMP shall be implemented in full in accordance with the approved details. The content of the LEMP shall include, but not necessarily be limited to, the following information: (i) description and evaluation of features to be managed including detailed ecological mitigation and enhancement measures pursuant to the Ecological Impact Assessment and Biodiversity Metric Calculator Spreadsheet A-1 & A-3, received 16 February 2024; (ii) landscape and ecological trends and constraints on site that might influence management; (iii) aims and objectives of management; (iv) appropriate management options for achieving aims and objectives; (v) prescriptions for management actions; (vi) preparation of a work schedule (including an annual work plan capable of being rolled forward over a 30 year period); (vii) details of the body or organisation responsible for implementation of the plan; (viii) ongoing monitoring and remedial measures; (ix) details of how the aims and objectives of the LEMP will be communicated to future occupiers of the development; (x) a timetable for implementing the Biodiversity Net Gain Plan proposals. The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured and the management bodies responsible for its delivery and maintenance. The LEMP will ensure that there is a minimum 10% net gain in biodiversity on site for a 30-year period as a result of the development. The Biodiversity Net Gain Plan proposals incorporated into the LEMP shall be implemented in accordance with the timetable set out in the approved LEMP. The LEMP shall also set out, where the results from monitoring show that the conservation aims

and objectives of the LEMP are not being met, how contingencies and/or remedial action will be identified, agreed and implemented.

- 19) Prior to the commencement of the development, a scheme to mitigate noise, including details of the provision of new and/or enhanced perimeter boundary walls and fencing along the site access, shall be submitted to and approved in writing by the local planning authority, to ensure that adequate noise levels are achieved (50dB LAeq) within the neighbouring gardens of No 62 and No 66 Hencliffe Way and measured within those locations in accordance with the BS 8233 as amended. The scheme shall be implemented in accordance with the approved details prior to first use of the access and permanently retained thereafter.
- 20) No development shall take place until detailed site investigations have been carried out. The investigation shall include surveys / sampling and/or monitoring, to identify the extent, scale and nature of contamination. A report shall be submitted for the written approval of the local planning authority and include a conceptual model of the potential risks to human health; property / buildings and service pipes; adjoining land; ground waters and surface waters; and ecological systems. 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. Where unacceptable risks are identified, 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, as well as 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.
- 21) Prior to first occupation, where works have been required to mitigate contaminants, a report providing details of the verification undertaken, demonstrating that all necessary remediation works have been completed satisfactorily shall be submitted to and agreed in writing by the local planning authority.
- 22) 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.

- 23) No dwelling shall be occupied until the highway linking that dwelling to the public highway has been provided with street lighting, completed to base course level for the carriageway and surface course level for the footway or shared surface, in accordance with details to be submitted to and approved by the local planning authority.
- 24) No dwelling shall be occupied until car and cycle parking has been provided for that dwelling in accordance with details submitted and approved by the local planning authority. The car and cycle parking should be retained permanently thereafter.
- 25) No dwelling shall be occupied until the following off-site highway improvement works have been completed in accordance with the details shown on Figures 5.4 and 5.5 included in the Transport Assessment Revision B, including (i): pedestrian crossing point with dropped kerbs and tactile paving at the footpath crossing to the side of No 19 Hencliffe Way; (ii) pedestrian crossing with dropped kerbs and tactile paving at the junction of Hencliffe Way and Riverside Way; (iii) tactile paving at the crossing on Common Road at the junction with Riverside Way; (iv) tactile paving at the junction of Riverside Way and Abbots Road; (v) replacement of the bellmouth at the junction of Common Road and Abbots Road including dropped kerbs and tactile paving; (vi) provision of a bus shelter with Real Time Information and lighting at Whittucks Road near the junction with Memorial Road (Hanham Common); (vii) an improved suitable walking route between the site connection on to Castle Farm Road and the existing 2m wide footways on Castle Farm Road further to the north of the site.
- 26) Pursuant to the s106 legal agreement Woodland Access Management Contribution, a scheme of signage shall be submitted to and approved in writing by the Council prior to the occupation of the first dwelling, showing destinations and distance in miles related to routes in and out of the site and the users permitted to use them. The scheme shall include a timeframe for installation and the signage shall be permanently retained thereafter.
- 27) The development shall not be occupied until: (i) the results of the programme of archaeological investigation and post investigation assessment have been completed in accordance with the approved Written Scheme of Investigation and; (ii) the provision for analysis, publication and dissemination of results (where necessary and based upon the significance of the archaeology found), and archive deposition, has been confirmed in writing to, and approved by, the local planning authority.

End of schedule