



**TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED)  
PLANNING AND COMPULSORY PURCHASE ACT 2004**

## **PLANNING STATEMENT**

**Revised Full Application Proposal for:**

**Erection of 1no. dwelling with detached garage and associated landscaping and access works.**

**Following outline approval at appeal (Proposal is for alternate siting)**

Highmead, Lower Tockington Road, South Gloucestershire, BS32 4LF

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December 2023

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## **APPENDICES**

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# 1. Introduction

- 1.1. This Planning Statement is submitted on behalf of Mr Ben Rudrum (“The Applicant”) in support of a full application for Erection of 1no. dwelling with detached garage and associated landscaping and access works at Highmead, Lower Tockington Road, Tockington, Bristol, BS32 4LF (“the application site”).
- 1.2. The proposal is submitted as a stand-alone full application, however, it should be considered in the context of the recently allowed appeal, which granted outline permission for a similar proposal for a single dwelling and detached garage (P22/01384/O and APP/P0119/W/22/3310103 Allowed May 2023).
- 1.3. The principal difference between the approved and proposed schemes is the siting, with the proposed seeking to site the dwelling further back into the site, in line with the adjacent Orchard Cottage. The garage would be sited slightly further forward.
- 1.4. The proposal would not alter the height and massing parameters set by the conditions attached to the appeal decision, and changes to the approved indicative elevation drawings relate to materials and fenestration detailing only.
- 1.5. This Planning Statement should be read in conjunction with the following documents:

- A set of existing and proposed plans by Goodchild;

		Site Location Plan	1:1250 @ A4
3162	002	Existing Site Plan	1:200@A1
GI-311	40	Proposed Floor Plans	1:100@A3
GI-311	41	Proposed Elevations	1:100@A3
GI-311	42	Proposed Site Plan & Sections	1:400@A3

- This Planning Design and Access Statement;
- Arboricultural Implications Assessment;
- Preliminary Ecological Appraisal; and
- Heritage Statement.

## 2. Site and Surrounding Area

- 2.1. The application site is situated within the southern portion of Tockington, a small village approximately three miles southwest of Thornbury and nine miles north of Bristol.
- 2.2. The site is located on the eastern side of Lower Tockington Road and comprises of a reasonably large, detached dwelling house (Highmead House) with a long rectangular plot of land to the rear, extending approximately 105m east of the road frontage. The precise location of the site is shown on the Site Location Plan (Appendix 1).
- 2.3. The Lower Tockington Road is broadly north-south oriented, but as it moves away from the village centre at the northern end, it routes slightly to the west, meaning that the application site has a longer plot than properties further north.
- 2.4. The site is surrounded by residential properties to the north, east and south, with open land to the west. Highmead is part of a row of residential properties fronting Lower Tockington Road. To the east, residential gardens of properties fronting Manor Park/Manor Close back onto the site.
- 2.5. To the south of Highmead is a two-storey dwelling known as 'the Knoll'. Approximately 60m to the rear (east) of this property is a two-storey dwelling known as 'Orchard Cottage'. Orchard Cottage has been subject to significant extensions, approved in 2013 under the reference PT13/0420/F). Further details of its planning history are set out later in this Statement.
- 2.6. South Gloucestershire Council's Policies Map confirms that the site is within the settlement boundary of Tockington, within the Tockington Conservation Area, and within the Bristol/ Bath Green Belt, which washes over the village.
- 2.7. The Swan Inn, a Grade II Listed Building, is located approximately 90m to the north of the site on Lower Tockington Road.

## 3. The Proposal

3.1. The application proposes:

*"Erection of 1no. dwelling with detached garage and associated landscaping and access works"*

3.2. At Highmead, Lower Tockington Road, South Gloucestershire, BS32 4LF.

3.3. The proposed site plan (Drawing 42) shows the intended layout of the proposals including the extension of the site's driveway to allow vehicle and pedestrian access and a new dwelling and detached garage within a separate plot to the rear of the site.

3.4. The Drawing shows new boundary fencing to demarcate a rectangular plot around the existing dwelling, including a new garage within the rear part of the plot (approved under application P23/02264/CLP in September 2023). The plot has a depth of approximately 45m and a width of approximately 15m.

3.5. The proposed dwelling is sited approximately 60m from the rear elevation of Highmead (85m from the road frontage). The front elevation of the proposed dwelling is sited approximately 3.5m to the east of the western elevation of the adjacent Orchard Cottage, in line with the two storey flank of the adjacent property.

3.6. As shown on approved drawings 22 and 28 (P22/01384/O and APP/P0119/W/22/3310103 Allowed May 2023) under Appendix 2 of this statement, the previous outline proposal was sited approximately 50m from the rear elevation of Highmead (75m from the road frontage). The rear elevation of the proposed dwelling was in line with the western elevation of the adjacent Orchard Cottage.

3.7. The access arrangements were part of the outline matters to be determined at appeal (i.e. access was not reserved) and involve use of the existing driveway to the north of Highmead. Landscaping and boundary locations within the rear part of the site are revised slightly from the approved scheme, however, revisions are minor.

- 3.8. The proposed new house (see Elevation Drawing 41) is a two-storey dwelling, with a footprint of approximately 128sqm based on the building measuring 13.5m along the east and west elevations and 9.5m along the north and south elevations.
- 3.9. The dwelling has a low eaves height of 3.3m, a ridge height of 7.0m. Dormer windows at first floor level terminate 5.4m above ground level.
- 3.10. Materials shown on the drawing include stone cladding to the main elevations with render to the gable ends, double pantile clay roof tiles, and slimline smart aluminium windows and doors in mid grey.
- 3.11. The proposed detached garage is sited slightly further forward relative to the approved position, however it is sited adjacent to the separately approved rear garage to the existing dwelling. It is identical in design and proportions to that shown on the indicative elevations drawings as part of the approved outline proposal.

## 4. Planning History

4.1. The planning history of the site is listed below:

Reference	Proposal	Decision	Date
PT15/683/F	Demolition of existing outbuilding and conservatory. Erection of a single storey side and rear extension, and two-storey rear extension.	Approve	June 2015
PRE18/0929	A Pre-Application enquiry was submitted in September 2018 regarding a proposal to provide additional dwellings at the site, however a response was not provided by the LPA	N/A	N/A
P19/11300/F	Erection of 1no. detached 2-storey outbuilding to form a garage and gym ancillary to Highmead, together with 2no. detached dwellings, with access, parking, and associated works.	Refuse	November 2019
P22/01384/O	Erection of 1no. dwelling with detached garage, and erection of garage ancillary to 'Highmead' (Outline) with access, layout and scale to be determined, all other matters reserved.	Refuse	July 2022
APP/P0119/W/22/3310103	Description as above. Note: the proposed garage ancillary to Highmead was removed from the appeal proposal at the request of the appellant.	Allowed	May 2023
P23/02264/CLP	Erection of single storey outbuilding to the rear of the existing dwellinghouse	Approve	September 2023

**Table 1:** Relevant Planning History

4.2. The most relevant record to the application proposal is the appeal (APP/P0119/W/22/3310103), which granted outline permission for the proposed dwelling and detached garage originally submitted under application P22/01384/O.

4.3. The LPA issued the decision notice refusing the proposal on 28 July 2022, listing three reasons for refusal (notice enclosed under Appendix 2). These were:

1. *The site is located within the Bristol and Bath Green Belt and the proposed detached dwelling; due to the location of the site, the scale of the proposed development, and the established development pattern of the site and locality, does not constitute limited infill development in the village and therefore does not fall within the limited categories of development normally considered appropriate within the Green Belt. No very special circumstances have been submitted sufficient to justify why the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of Policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP7 of the Policies Sites and Places Plan (Adopted) November 2017; Development in the Green Belt Supplementary Planning Document SPD June 2007; and the provisions of the National Planning Policy Framework.*
2. *The site is located within the Bristol and Bath Green Belt and the proposed garage ancillary to 'Highmead'; due to its location and scale, does not constitute the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building and therefore does not fall within the limited categories of development normally considered appropriate within the Green Belt. No very special circumstances have been submitted sufficient to justify why the normal presumption against development in the Green Belt should be overridden. The proposal is therefore contrary to the provisions of Policy CS5 and CS34 of the South Gloucestershire Local Plan: Core Strategy (Adopted) December 2013; Policy PSP7 of the Policies Sites and Places Plan (Adopted) November 2017; Development in the Green Belt Supplementary Planning Document SPD June 2007; and the provisions of the National Planning Policy Framework.*
3. *The site is within the Tockington Conservation Area, the character and appearance of which it is desirable to preserve or enhance. It is considered that the proposal, by virtue of its siting and scale, would fail to have proper regard to the distinctive character and*



*appearance of the site and the Tockington Conservation Area, Furthermore, it is considered that the proposal fails to respect the form and pattern of the historic settlement, and results in a loss of green open space. Less than substantial harm has been identified to a designated heritage asset and there is not considered to be any public benefit to the proposal that outweighs this. It is considered that this would cause harm to the character and appearance of the Conservation Area contrary to section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990; as well as Policy CS1 and CS9 of the South Gloucestershire Local Plan: Core Strategy (Adopted December 2013); Policy PSP17 of the South Gloucestershire Local Plan: Policies, Sites and Places Plan (Adopted November 2017); and the provisions of the National Planning Policy Framework.*

- 4.4. In lodging the appeal, the appellant argued to the contrary, that the proposal fit within the definition of limited infilling due to being enclosed by buildings on three sides, consistent with comparable appeal decisions; and that the proposal would not be at odds with the historic characteristics of the surrounding area, while also offering public benefits. As noted earlier, the appellant requested the removal of the ancillary garage to Highmead from the proposal (since it could be developed under provisions within the GPDO), which eliminated the need to consider the second reason for refusal.
- 4.5. In the appeal decision, the Inspector concluded that *“The appeal scheme would accord with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision otherwise.”*
- 4.6. The decision included 13 conditions, including a mechanism for submission of reserved matters, standard conditions relating to time limits, approved plans, and working hours, together with conditions relating to ecology and the ecological enhancement plan. The following conditions set physical parameters for the proposal:
5. *The footprint of the proposed house should not exceed 130 square metres; and the ridge height of the proposed building should not exceed 7 metres above ground level. The footprint of the proposed garage should not exceed 36 square metres; and the ridge height of the proposed garage should not exceed 3 metres above ground level.*

6. *The details of the appearance of the building to be submitted at reserved matters shall not include any first floor windows in either the north or south elevations of the building; and no first floor windows shall be inserted at any time in the north or south elevation of the building*

4.7. These factors will be discussed under subsequent sections of the statement.

## 5. Planning Policy and Assessment

5.1. This section assesses the change of use against the national and local planning policy and guidance relevant to the proposal. The plan-led approach to development, as enshrined by Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development proposals to accord with the adopted Development Plan unless material considerations indicate otherwise. Whilst not part of the Development Plan, the National Planning Policy Framework (NPPF) (updated September 2023) is a material consideration to which significant weight is attached.

### Development Plan

5.2. The Council's development plan is made up of the following documents:

- South Gloucestershire Core Strategy (CS) (adopted December 2013); and
- South Gloucestershire Policies, Sites and Places Plan (PSP) (adopted November 2017).

5.3. The LPA have commenced preparation of a new local plan to eventually replace the above documents, however, the emerging plan is still at an early stage in production, meaning that it current has very limited if any weight in decision making. It is anticipated that adoption of the plan will be in 2024.

5.4. The former two documents are relevant to this proposal. The Core Strategy policies have the prefix 'CS' prior to policy numbers, while the Policies, Sites and Places Plan uses the prefix 'PSP'. For brevity, the source document is therefore not repeated multiple times within the below sections.

5.5. Documents other than those that make up the Development Plan but which are material considerations to which differing weight is attached include:

- National Planning Policy Framework (NPPF) – Significant weight is attached to this document;
- Residential Parking Standards Supplementary Planning Document (SPD) – adopted December 2013;
- Sustainable Drainage Systems (SuDS) SPD (2021);

- Revised Landscape Character Assessment SPD (2014);
- Annex and Outbuildings SPD (2021); and
- Technical Advice Note (TAN) Assessing Residential Amenity (June 2016).

#### Key Policies and Planning Issues

- 5.6. The outline proposal approved at appeal (APP/P0119/W/22/3310103) in May 2023 included determination of Access, Layout, and Scale, with appearance and landscaping reserved. Notwithstanding this the proposal included indicative elevation drawings, which also informed assessment of the proposal in terms of heritage impact.
- 5.7. The revised proposal submitted as a full application includes relatively limited changes to the approved proposal. These are principally in the siting of the two proposed buildings. As a result, the below summarises the policy position relating to the key issues, reiterates the conclusions at appeal and considers whether there are any material changes to the proposal that require further consideration.

#### Development within the Green Belt / Principle of Development

- 5.8. Tockington is washed over by the Green Belt and is identified as a village in the Core Strategy settlement hierarchy.
- 5.9. NPPF (2021) Chapter 13 focuses on 'Protecting Green Belt Land'. Paragraph 147 states that that *"Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances."* Paragraph 149 then states that LPAs *"should regard the construction of new buildings as inappropriate in the Green Belt"* unless the type of development fits into one of seven exceptions. Exception (e) allows for 'limited infilling in villages'.
- 5.10. Relevant local policy relating to development in the Green Belt is contained within Policies CS5, CS34 and PSP7.
- 5.11. Core Strategy CS5 (Location of Development) reiterates this national policy at the local level. Under Part 6(c) It states that other proposals for development in the Green Belt will need to comply with the provisions in the NPPF or relevant local plan policies in the Core Strategy.

- 5.12. The Glossary to the Core Strategy defines 'Infill Development' as *"The development of a relatively small gap between existing buildings, normally within a built up area."*
- 5.13. The Development in the Green Belt SPD (June 2007), provides additional explanation on the forms of development permitted in the Green Belt. Page 5 covers 'infill development', which is described as *"development that is small scale and which fits into an existing built-up area in a defined settlement boundary, normally in between existing buildings, in a linear formation."* It states that *"Buildings outside of settlement boundaries are treated as being part of the open countryside and the relevant countryside policies apply."*
- 5.14. While the LPA's 2022 decision did not consider that the appeal proposal for a new dwelling to the rear of the existing dwelling Highmead, met the definition of infill development, the Appeal Inspector concluded to the contrary. The Inspector under paragraph 8 of the May 2023 decision (APP/P0119/W/22/3310103) stated that:

*"There seems little doubt therefore that the appeal site is within the village. The appeal site is a rectangular shaped parcel of land bound by residential development on three sides and the rear gardens of dwellings on the fourth. Whilst most residential development has a highway frontage to the south is Orchard Cottage, which whilst is accessed via a lane, visually appears as development in a rear garden. As a proposal for a single residential dwelling and associated garage amongst and surrounded by residential development and in the context of the layout of existing development in this area, I would be content in defining the appeal scheme as being infill development that is limited."*

- 5.15. The application proposal, while putting forward an alternative siting for the proposal, would not alter the above conclusion, and therefore the principle of development of the proposal as limited infilling within the Green Belt in accordance with the NPPF and the Local Plan is therefore acceptable.

#### Heritage Impact

- 5.16. The application site is located within the Tockington Conservation Area.

- 5.17. In the latest version of the NPPF (2021) part 194 states that LPAs should “*require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting*”. Part 195 covers the LPA’s role in assessing significance and impacts. Part 199 is clear that when considering impacts on significance of an asset “*great weight should be given to the asset’s conservation*” with greater weight given the more important the asset.
- 5.18. Part 200 requires that any harm to or loss of significance of an asset should require “*clear and convincing justification*.” Parts 200 to 203 provide two tests depending on whether there is “*substantial harm to or loss of*” the asset, or “*less than substantial harm*” to the asset.
- 5.19. In the former case, the Framework directs that consent should be refused unless harm is necessary to achieve substantial public benefits that outweigh the harm or loss. In the latter case, harm should be weighed against public benefits.
- 5.20. Local Policy CS9 (Managing the Environment and Heritage) sets out 12 criteria that new development is expected to meet to allow the Council to adequately protect and manage the environment and resources. The criteria cover a broad range of issues including flood risk, landscape, the coastal areas, contamination, and air quality. Point 1 specifically relates to heritage and requires that developments “*ensure that heritage assets are conserved, respected and enhanced in a manner appropriate to their significance.*”
- 5.21. Policy PSP17 (Heritage Assets and the Historic Environment) states that “*Development proposals should serve to protect, and where appropriate, enhance or better reveal the significance of heritage assets and their settings. They should be conserved in a manner that is appropriate to their significance.*”
- 5.22. On Conservation Areas the Policy states that “*Development within or affecting the setting of a conservation area will be expected to: preserve or, where appropriate, enhance those elements which contribute to their special character or appearance; and pay particular attention to opportunities to enhance negative parts of conservation areas and draw on local character and distinctiveness.*”
- 5.23. It then provides three groups of elements that development should take into account:

- size, form, position, scale, materials, design, colour and detailing have proper regard to the distinctive character and appearance of the conservation area; and
  - buildings, groups of buildings, historic street and plot patterns, open spaces, building lines, views, vistas, ground surfaces, boundary walls and other architectural or hard landscape features, which contribute to the character or appearance of the conservation area are retained; and
  - existing trees, hedges and green spaces, or other natural features, which contribute to the character or appearance of the conservation area, will be retained and protected.
- 5.24. The Policy requires that development proposals affecting heritage assets demonstrate the significance of the asset, the level of impact on the asset's significance and setting, and how the asset will be protected, enhanced or have its significance better revealed, noting that this assessment should be proportionate to the significance of the assets affected and the nature of the works proposed. The final part of the Policy echoes the NPPF tests under paragraphs 200 to 203.
- 5.25. In refusing the 2022 proposal, the LPA considered that the proposed development would be contrary to the historic pattern of development, reducing the green and open character of the site. It was considered to be overdevelopment that would not preserve or enhance the character or appearance of the Tockington Conservation Area.
- 5.26. A Heritage Assessment was submitted alongside the appeal. It considered that the proposal maintained the historic development pattern of the village, finding that there were a number of similar developments within large plots that are largely imperceivable within the street scape. It also considered that the scale and massing of the building would suitably informed by surrounding buildings. In assessing the harm and benefits of the proposal, it considered that there would be a neutral impact on the Conservation Area, with the proposal therefore preserving the significance of the asset.
- 5.27. In the appeal decision, the Inspector agreed with the assessment. Under paragraph 16, the Inspector considered that *"Dwellings located behind frontage development are a feature of the area immediately surrounding the appeal site, including the new dwelling immediately*

*adjoining the site and a number of properties on Upper Tockington Road. The location of the proposed dwelling would be very similar to the positioning of the new adjoining dwelling. The proposal would not, therefore, be out of character with the pattern of development in the immediate locality.”*

5.28. Under paragraph 17, the Inspector concluded that *“the proposed development would be of a comparable scale to nearby development, would have a limited visual appearance on the street scene and would not impact on the views from Lower Tockington Road towards the historic core of the village. The proposed development would result in a neutral impact on the character of the CA. Consequently, the proposal would maintain the area’s sense of spaciousness, and would not result in harm to the identified heritage asset.”*

5.29. The scale and massing of the proposal are unaltered and the proposed alternative siting of the dwelling, some 15m further east, would not alter the above considerations, and the proposal is therefore considered to meet the requirements of the NPPF, Policy CS9 and PSP17.

#### Amenity

5.30. The proposed dwelling is located in relative close proximity to Orchate Cottage, which is located approximately 8.5m to the west.

5.31. Paragraph 130 of the NPPF states that planning decisions should ensure that developments create places with *“a high standard of amenity for existing and future users”*.

5.32. Policy PSP8 of the PSP Plan states *“Development proposal(s) will be acceptable provided that they do not create unacceptable living conditions or have an unacceptable impact on the residential amenity of occupiers of the development or of nearby properties. Unacceptable impacts could result from (but are not restricted to):*

- a. loss of privacy and overlooking;*
- b. overbearing and dominant impact;*
- c. loss of light (daylight/sunlight);*
- d. noise or disturbance; and*
- e. odours, fumes or vibration”.*



- 5.33. Given the distances of the proposed dwelling from the existing properties, coupled with the existing and proposed boundary planting and landscaping, there is no harmful overbearing or loss of privacy.
- 5.34. While the proposal has been set back further into the site, when compared to the approved outline scheme, the 8.5m separation, intervening boundary fence and vegetation, and the relatively low profile of the proposed dwelling, which has an eaves height of between 3m and 5.5m would ensure that there is no overbearing impact or adverse daylight/ sunlight impact.
- 5.35. The submitted plans (Drawing 43c) also demonstrate that the proposal would meet the 25 degree test as set out in the Council's 2016 Residential Amenity Guidance Document.
- 5.36. In addition, the south flank of the proposed dwelling does not include any windows, meaning that there would be no impact on privacy to Orchard Cottage. The proposal retains a rear garden depth of 15m, which means that the 20m back-to-back separation distance is maintained with the property to the east, as recommended by the Council's Technical Advice Note: Assessment Residential Amenity (June 2016) to ensure no reduction in privacy. The distance between the rear elevation of the proposal and the rear of No.2 Manor Close would be approximately 24m.
- 5.37. The proposal is therefore considered to meet the requirements of Policy PSP8.

#### Other Matters

- 5.38. The following issues were assessed as part of the earlier application and appeal, with no objections being raised by the LPA and/or Inspector.
- **Highway Safety and Transport** The LPA's Delegated Report to the 2022 application (P22/01384/O) confirms that adequate parking is proposed and that the proposal would not adversely impact on highways safety. There are no material changes to these arrangements proposed within the current application.
  - **Drainage** The LPA's Delegated Report to the 2022 application considered that SUDS could be resolved via condition.

- **Ecology** The LPA's Delegated Report to the 2022 application noted the submission of a preliminary ecological appraisal, and concluded that if consent were to be granted, conditions would be required to ensure protection of ecology and wildlife on site. Such conditions were included with the 2023 appeal decision.
- **Trees and Landscape** The LPA's Delegated Report to the 2022 application considered that a tree protection plan would be required to be secured by condition to ensure that retained trees are not inadvertently damaged during construction. The current application is accompanied by an Arboricultural Assessment, which confirms that the proposed development would not encroach within Root Protection Areas of trees on site, and provides a method statement and precautionary protective measures.
- **Standard of Accommodation** Policy PSP43 which requires a minimum of 70sqm for a 4-bedroom dwelling. Both the host and proposed dwellings have resulting private gardens that significantly exceed this minimum standard.

## 6. Summary and Conclusion

- 6.1. This application on behalf of Mr B Rudrum seeks full planning permission for: *“Erection of 1no. dwelling with detached garage and associated landscaping and access works”* at the land to the rear of Highmead, Lower Tockington Road, BS32 4LF.
- 6.2. The proposal is submitted as a stand-alone full application, however, it should be considered in the context of the recently allowed appeal, which granted outline permission for a similar proposal for a single dwelling and detached garage (P22/01384/O and APP/P0119/W/22/3310103 Allowed May 2023).
- 6.3. The principal difference between the approved and proposed schemes is the siting, with the proposed seeking to site the dwelling further back into the site, in line with the adjacent Orchard Cottage.
- 6.4. The proposal would not alter the height and massing parameters set by the conditions attached to the appeal decision, and changes to the approved indicative elevation drawings relate to materials and fenestration detailing only.
- 6.5. Based on the nature of the changes and the assessment of issues at appeal in 2023, the proposal accords with the Development Plan and there are no material considerations that indicate anything other than that planning permission for the change of use should be granted.



Planning Statement on behalf of Mr B Rudrum

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# Appendix 1

## Appendix 1 – Site Location Plan



Planning Statement on behalf of Mr B Rudrum

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## Appendix 2

**Appendix 2 – Approved Outline Scheme (P22/01384/O & APP/P0119/W/22/3310103 May 2023)**



# Appeal Decision

Site visit made on 28 February 2023

**by Tamsin Law BSc MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 17 May 2023**

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**Appeal Ref: APP/P0119/W/22/3310103**

**Highmead, Lower Tockington Road, Tockington, South Gloucestershire, BS32 4LF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Mr B Rudrum against the decision of South Gloucestershire Council.
  - The application Ref P22/01384/O, dated 28 February 2022, was refused by notice dated 28 July 2022.
  - The development proposed is described as "Application for outline planning permission for the erection of 1no. dwelling and ancillary outbuilding to the existing dwelling."
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## Decision

1. The appeal is allowed and outline planning permission is granted for the erection of 1no. dwelling at Highmead, Lower Tockington Road, Tockington, South Gloucestershire, BS32 4LF in accordance with the terms of the application, Ref P22/01384/O, dated 28 February 2022, subject to the conditions in the attached schedule.

## Preliminary Matters

2. The appellant has submitted amended plans with the appeal. Briefly, they remove the garage as it would comply with permitted development rights. This is in response to the Council's reasons for refusal and some third-party comments.
3. The Council and third parties have had the opportunity to comment on the amended plans as part of this appeal, and the Council has therefore not sought to defend the reason for refusal relating to this. As such, I do not consider that taking the amended plans into account in making my decision would prejudice any parties.
4. The appeal relates to a scheme for outline permission with access, layout and scale to be considered at this stage. All other matters have been reserved for determination at a later date. Plans providing details of any of the reserved matters have been treated as illustrative plans for the purposes of my decision.

## Main Issues

5. The main issues are:
  - Whether the proposed development would be inappropriate development in the Green Belt;

- The effect of the proposed development on openness in the Green Belt; and
- Whether or not the proposed development would preserve or enhance the character or appearance of the Tockington Conservation Area (CA).

## **Reasons**

### *Inappropriate Development*

6. Tockington is washed over by the Green Belt. Policy CS34 of the South Gloucestershire Local Plan: Core Strategy adopted 2013 (CS) and Policy PSP7 of the South Gloucestershire Local Plan – Policies, Sites and Places Plan adopted 2017 (LP) require the Green Belt to be protected from inappropriate development. CS Policy CS5 regards small scale infill development within settlement boundaries of villages as an exception to inappropriate development in the Green Belt. Tockington is identified as a village in the CS.
7. Paragraph 147 of the National Planning Policy Framework (the Framework) explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 149 goes on to say that the construction of new buildings should be regarded as inappropriate development in the Green Belt. The closed list of exceptions to this general presumption includes limited infilling in villages.
8. There seems little doubt therefore that the appeal site is within the village. The appeal site is a rectangular shaped parcel of land bound by residential development on three sides and the rear gardens of dwellings on the fourth. Whilst most residential development has a highway frontage to the south is Orchard Cottage, which whilst is accessed via a lane, visually appears as development in a rear garden. As a proposal for a single residential dwelling and associated garage amongst and surrounded by residential development and in the context of the layout of existing development in this area, I would be content in defining the appeal scheme as being infill development that is limited.
9. The proposed development would not therefore be inappropriate development in the Green Belt. It would subsequently comply with the Framework in that regard. It would also comply with CS Policy CS5 and CS34, LP Policy PSP7 and the guidance contained within the Green Belt Supplementary Planning Document (2007) (SPD) which allow for small scale infill development within settlement boundaries.
10. Case law<sup>1</sup> has established that, if development is found to be not inappropriate, it should not be regarded as harmful either to the openness of the Green Belt or to the purposes for including land in the Green Belt. Therefore, there is no need for me to consider the effect of the proposal on openness.

### *Character and Appearance*

11. The Planning (Listed Building and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character and appearance of a conservation area. The appeal site is located within the Tockington CA, with its boundary running along the rear boundary of

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<sup>1</sup> Lee Valley Regional Park Authority v Epping Forest District Council [2015] EWHC 1471 (Admin)

appeal site. The significance of the CA is derived from its green which is a focal point of the village, and this spacious appearance along with the many historic houses surrounding it, is an attractive and eye catching feature of the village. Several historic houses and buildings contribute towards its enclosure. The appeal site is located on a main route towards the green and historic core of the village. The set back of the built development on this route allow for views towards the historic core, making a positive contribution to the CA.

12. The appeal site is in a predominantly residential area characterised by dwellings set back from the road with gardens/parking to the front. Although properties in the vicinity are of different design styles and construction ages, the area comprises detached and semi-detached two storey dwellings with a variety of garden widths and depths. The set back from the highway behind front gardens and parking areas, combined with the hedgerows and planting, create a spacious and verdant character.
13. The appeal site currently forms part of the rear garden of Highmead and lies behind residential properties that front Lower Tockington Road to the west, Manor Close to the east, an existing dwelling to the south and the rear garden of other properties on Lower Tockington Road to the north. The site is accessed via a driveway that slopes up to the site between two houses that front Lower Tockington Road and is currently the driveway for Highmead. The wider area comprises a mix of densities, with higher density dwellings at the core of the village and less dense dwellings further out of the village.
14. As the land is surrounded by houses and gardens, the appeal site is not easily visible from many public viewpoints. The undeveloped area behind the buildings may have been apparent from an access lane to the south prior to the construction of a new dwelling, but any views across the previous open land are now limited due to the new house. The relative lack of mature planting on the remaining open land means there is generally no appreciation of the space behind the buildings when viewed from the surrounding area. It is, therefore, only readily evident when seen through the access, from a short stretch of Lower Tockington Road, although the appeal site is partly concealed by the frontage property, Highmead, and its boundary fence. Whilst the space behind the buildings can be appreciated from here, it appears as a residential garden and has a neutral contribution to the character and appearance of the area.
15. Whilst seeking outline permission, with appearance and landscaping reserved for future consideration, the submitted drawings detail a two storey dwelling and single storey garage, which would be encircled by existing two-storey housing. It would not, therefore, be prominent in the street scene. Even when viewed from directly in front of the access, it would be partly obscured, and seen against the backdrop of the residential estate at Manor Close. The proposed development would be of a similar scale to the host dwelling, the new dwelling to the south and other dwellings that front Lower Tockington Road. There is also a wide variety in the scale and design of the surrounding buildings, so it would not be incongruous. Whilst appearance is a reserved matter the submission details a design that has taken architectural hints from nearby historic buildings and would use a palette of materials that are widely used in the area. I am therefore confident that a design of a dwelling that would not be harmful to the character of the area would be possible.



16. Dwellings located behind frontage development are a feature of the area immediately surrounding the appeal site, including the new dwelling immediately adjoining the site and a number of properties on Upper Tockington Road. The location of the proposed dwelling would be very similar to the positioning of the new adjoining dwelling. The proposal would not, therefore, be out of character with the pattern of development in the immediate locality.
17. The proposed development would be of a comparable scale to nearby development, would have a limited visual appearance on the street scene and would not impact on the views from Lower Tockington Road towards the historic core of the village. The proposed development would result in a neutral impact on the character of the CA. Consequently, the proposal would maintain the area's sense of spaciousness, and would not result in harm to the identified heritage asset.
18. Accordingly, the proposal would preserve the CA and would satisfy policies CS Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy (2013) (CS), LP Policy PSP17 which seek amongst other things, high quality design that conserves, respects and enhances the significance of heritage assets and local distinctiveness. The appeal scheme would also comply with paragraph 199 of the Framework which seeks to protect heritage assets.

### **Other Matters**

19. I have had regard to concern raised by local residents with regards to highway safety and the living conditions of neighbouring occupiers. The access to the appeal site would be located on a slight bend in the road and opposite a junction. Whilst there is a bend in the road vehicles utilising the proposed access would have good visibility and the net increase in use of the access by a single dwelling would not have a harmful impact on highway safety.
20. With regards to the living condition of neighbouring occupiers the Council's submission notes that the proposed dwelling would be located in excess of 20 metres from the rear elevations of neighbouring dwellings. The dwelling would, therefore, be sufficiently distant to avoid any harmful overlooking. Whilst the appearance of the dwelling is a reserved matter the submitted plans demonstrate that a dwelling can be located on the site, with minimal windows in the north and southern elevations therefore not directly overlooking neighbouring properties and gardens. Access to the dwelling would be via the driveway between the frontage dwellings, but traffic would not pass very close to windows serving habitable accommodation. In view of the number of properties that already use this access, there would not be a significant increase in disturbance for occupants.

### **Conditions**

21. The Council has provided a list of conditions, which I have assessed in regard to the advice provided in the Planning Practice Guidance (PPG). I consider that conditions regarding the footprint of the proposed development is necessary in order to safeguard the character and appearance of the area. The condition regarding windows is necessary in order to safeguard the living conditions of nearby residents. Conditions regarding details of the access and construction management plan are necessary in order to ensure that there are no harmful effects on highway safety during the construction and lifetime of the development. Landscaping and biodiversity conditions are necessary in order to

ensure the proposed landscaping and biodiversity mitigation and enhancement are completed and maintained.

22. I have given careful consideration to the inclusion of the condition removing permitted development rights, having had regard to the PPG's advice on the inclusion of such restrictive conditions in specific circumstances. In this instance, the proposed development, whilst currently not having a harmful impact, if extended or further development were to be undertaken could impact on the character and appearance of the area and living conditions of nearby residents. As such, I consider the condition to be necessary.
23. I have altered the wording of some conditions in order to ensure they comply with the PPG. I note the appellant has viewed the conditions and agreed to their use.

### **Conclusion**

24. The appeal scheme would accord with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision otherwise. The appeal should therefore, subject to the conditions in the schedule below, be allowed.

*Tamsin Law*

INSPECTOR

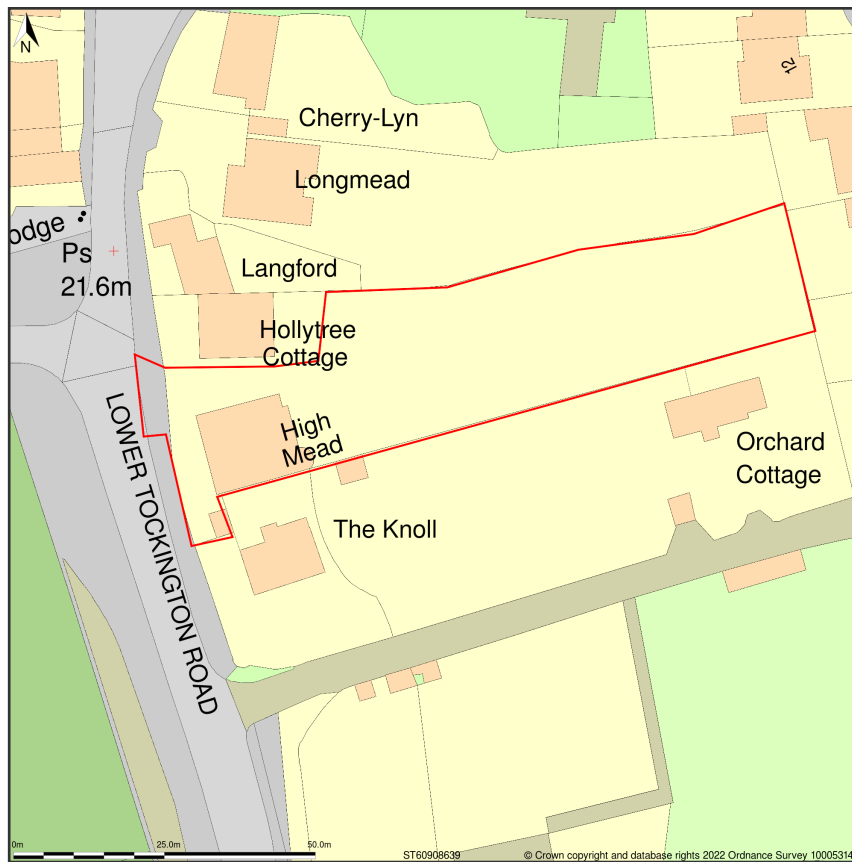
### **Schedule of Conditions**

1. Details of the appearance and landscaping, (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 before the expiration of three years from the date of this permission.
3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development hereby approved shall be carried out in accordance with the following approved plans solely where they relate to the matters approving details of access, layout and scale: Site Location Plan, GI-311-22a (submitted with the appeal detailing one garage), GI-311-26c, GI-311-28b (submitted with the appeal detailing one garage), GI-311-30b
5. The footprint of the proposed house should not exceed 130 square metres; and the ridge height of the proposed building should not exceed 7 metres above ground level. The footprint of the proposed garage should not exceed 36 square metres; and the ridge height of the proposed garage should not exceed 3 metres above ground level.
6. The details of the appearance of the building to be submitted at reserved matters shall not include any first floor windows in either the north or south elevations of the building; and no first floor windows shall be inserted at any time in the north or south elevation of the building.
7. Notwithstanding the details shown on the approved plans, no above ground construction shall take place until details of the construction of the access have been submitted to and approved in writing by the Local Planning Authority. The details shall include: consolidated material (not loose stone or gravel); and surface water drainage to prevent water spilling across the public highway. The approved details shall be completed prior to the first occupation of the development.
8. The landscaping details submitted as a reserved matter shall include: a detailed planting plan specifying the location, species, stock size, planting centres and quantities of all proposed tree and structure planting including locally indigenous native species; and details of all proposed boundary and hard landscape surface treatments, including proposed levels and any soil retention/retaining walls that may be required.
9. The development shall be carried out in accordance with the Mitigation Measures provided in the Preliminary Ecological Appraisal (Abricon, February

2022) including the sensitive timing of vegetation removal and mitigation during construction to safeguard wildlife using the site.

10. Prior to installation, the location and specification of all proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed in accordance with the approved details and shall be maintained thereafter.
11. Prior to occupation of the dwelling hereby approved, an Ecological Enhancement Plan showing the location and specifications of enhancements detailed within the Preliminary Ecological Appraisal (Abricon, February 2022) shall be submitted to and approved in writing by the Local Planning Authority. This includes, but is not limited to, native flowering planting, bat and bird boxes. All ecological enhancements shall be installed in accordance with the approved details prior to occupation and shall be maintained thereafter.
12. Notwithstanding the provisions of Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development as specified in Part 1 (Classes A, AA, B, C, D, E, F, G and H), or any minor operations as specified in Part 2 (Class A), other than such development or operations indicated on the plans hereby approved, shall be carried out without the prior written consent of the Local Planning Authority.
13. The hours of working on site during the period of construction shall be restricted to 0730 - 1800 on Mondays to Fridays and 0800 - 1300 on Saturdays; and no working shall take place on Sundays or Public Holidays. The term 'working' shall, for the purpose of clarification of this condition include: 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 site.

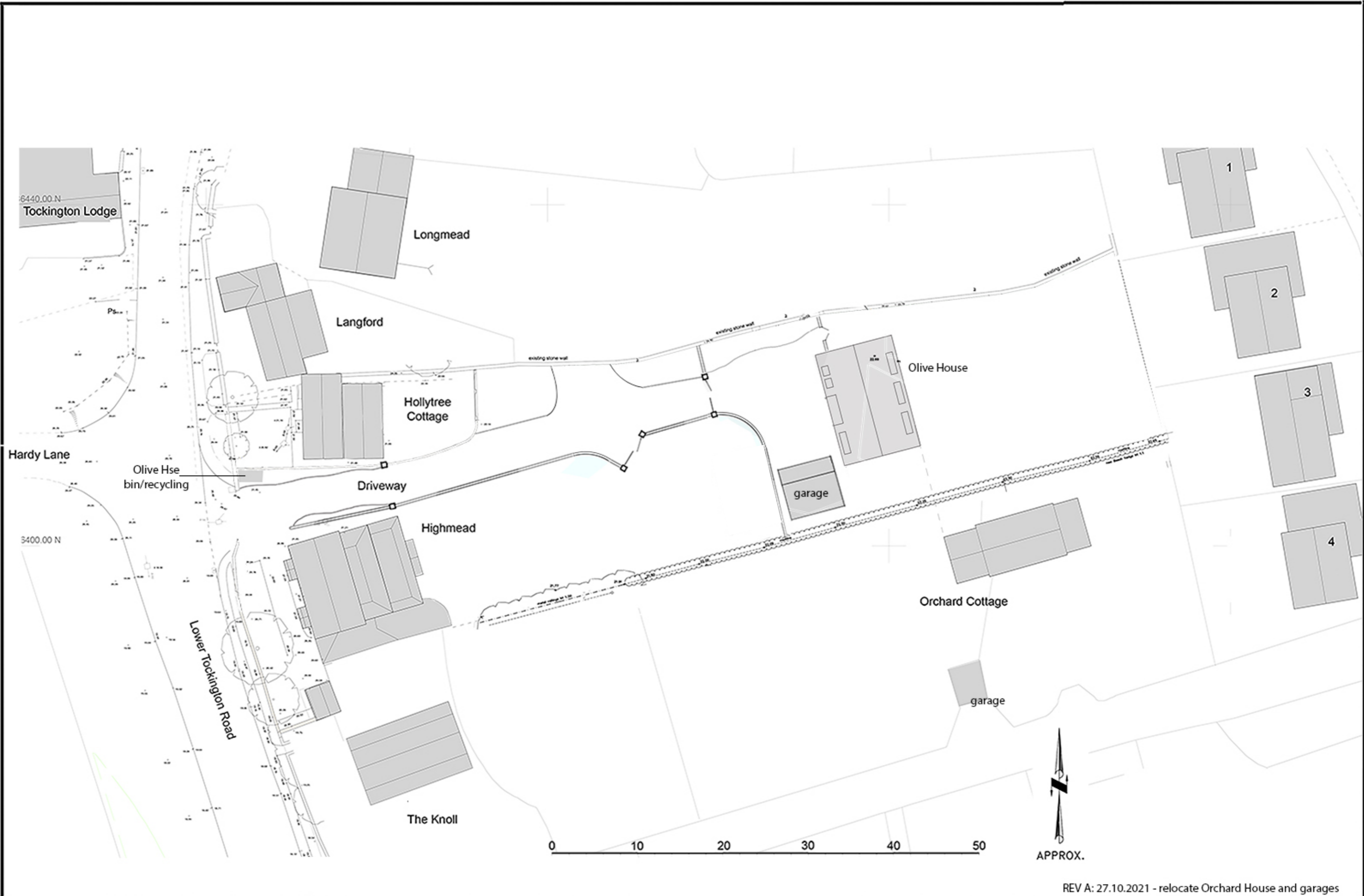
Highmead, Lower Tockington Road, Tockington, South Gloucestershire, BS32 4LF



Location Plan shows area bounded by: 360838.05, 186324.96 360979.47, 186466.38 (at a scale of 1:1250), OSGridRef: ST60908639. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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REV A: 27.10.2021 - relocate Orchard House and garages

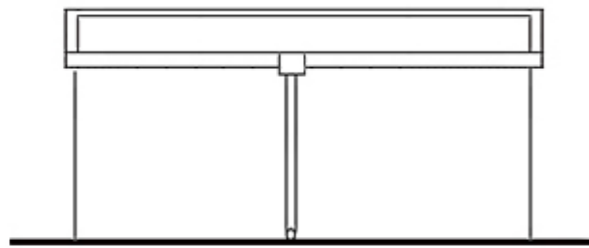
**GOODCHILD INTERIORS**  
Architecture + Interior Design

34 BERKELEY HOUSE, CHARLOTTE STREET, BRISTOL, BS1 5PY, TEL. +44(0)7971 449752

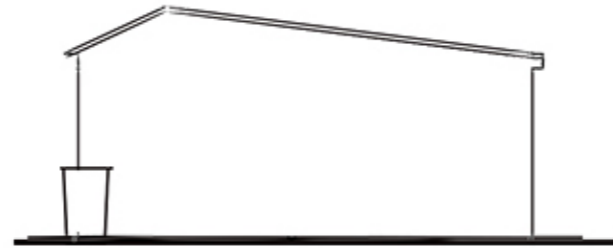
# PROPOSED SITE PLAN

**BEN & GEMMA REDRUM**  
ORCHARD HOUSE

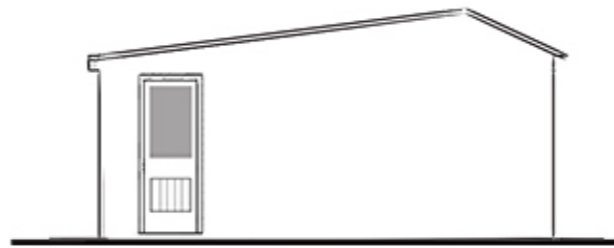
17.11.2020 | 1:200@A3 | P/G | GI-311-22a



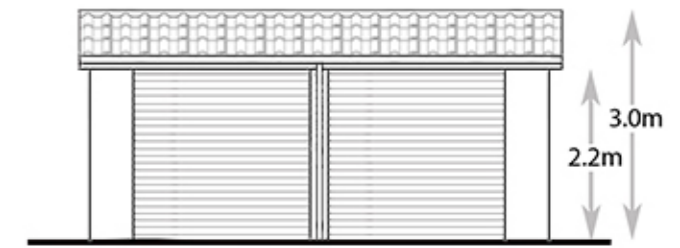
Garage north elevation



Garage west elevation



Garage east elevation



Garage south elevation



Front (west) elevation

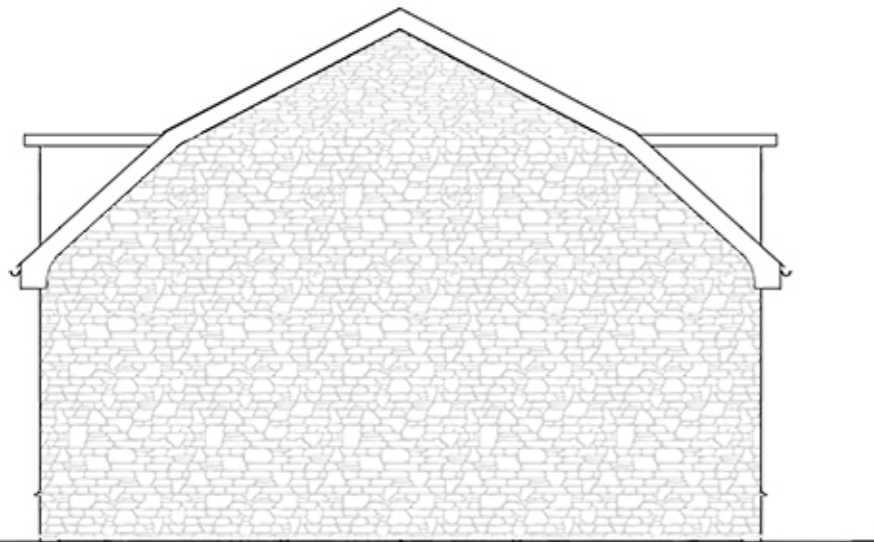
Profile of garage



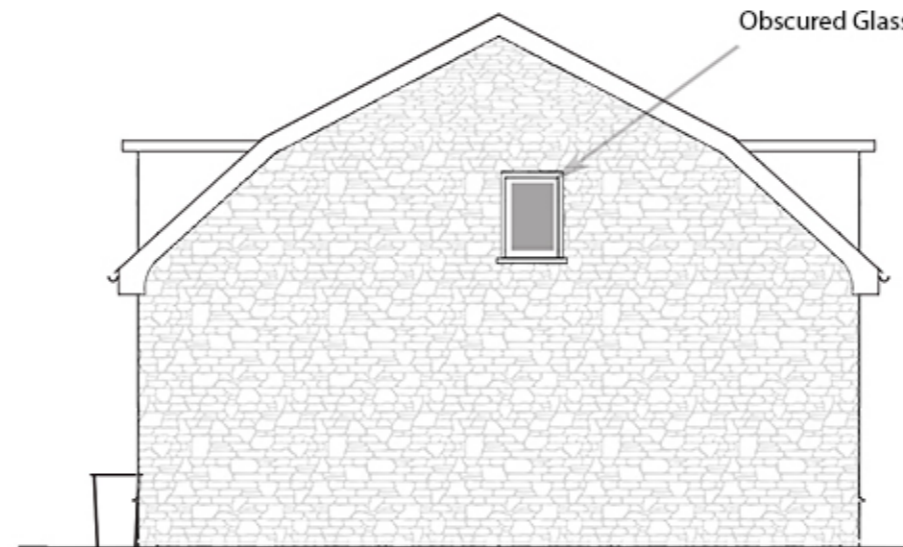
Back (east) elevation

- Finishes
- Double pantile clay rooftiles - natural red
  - Slimline smart aluminium windows and doors - mid grey
  - Stone cladding by century stone to match local stonework

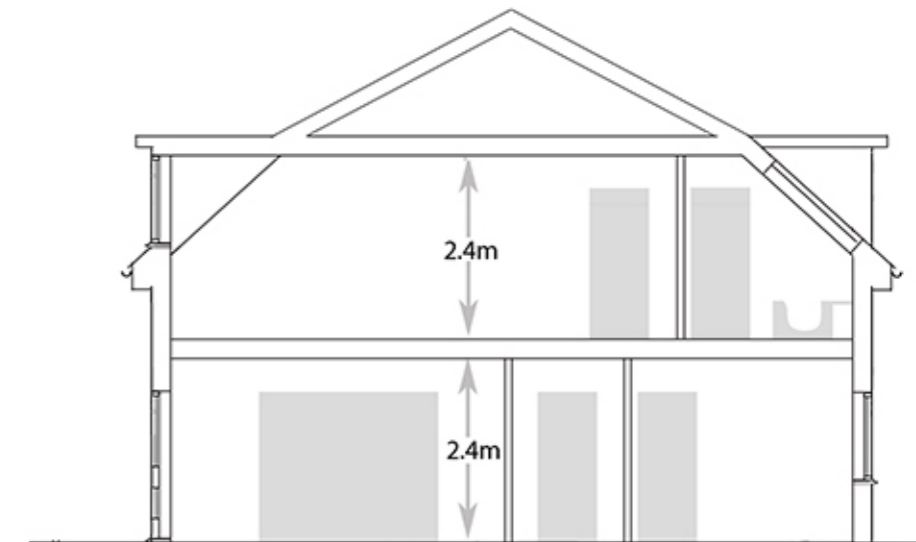
7.0m  
5.4m  
3.3m



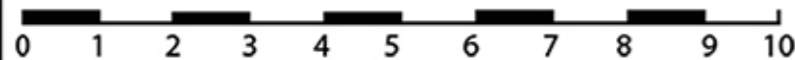
End (north) elevation



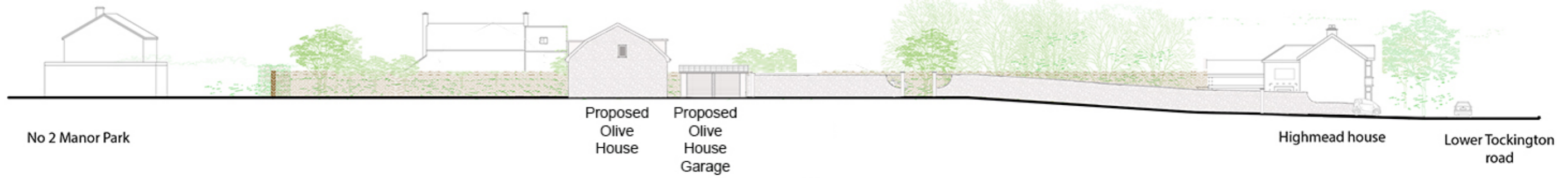
End (south) elevation



Section AA



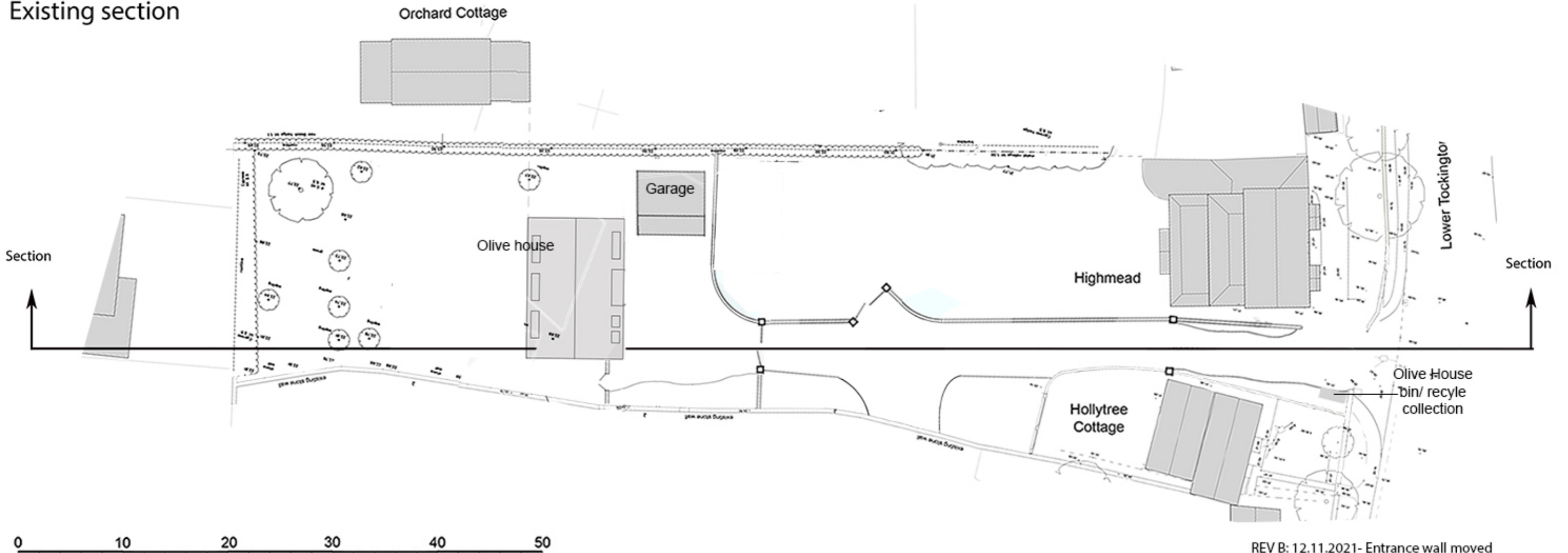
12.11.2021 REV C: single garage door and obscured glass  
 27.10.2021 REV B: Garage profile added  
 6.1.2021-REV A: finishes, dimensions and garage amended



Proposed section



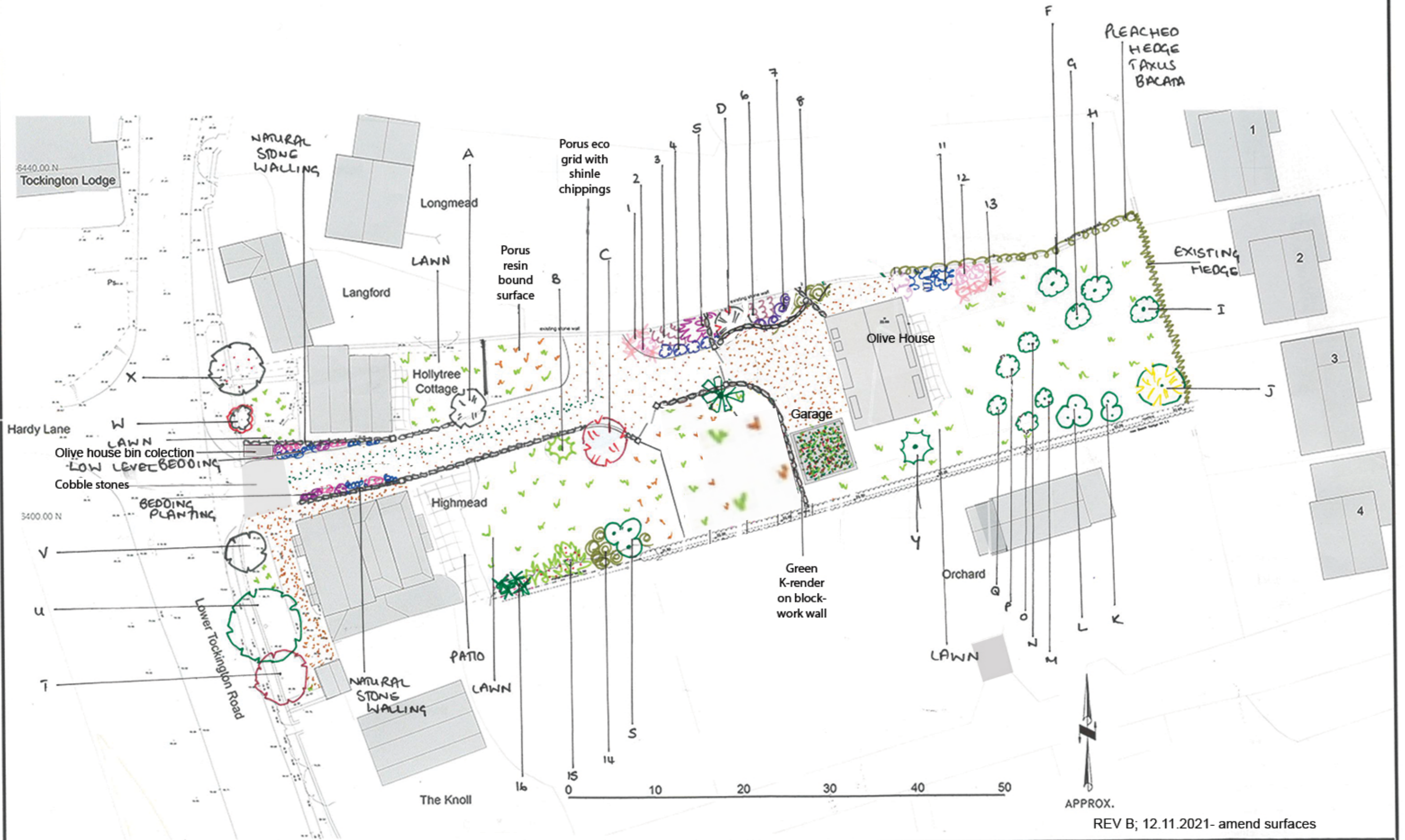
Existing section



REV B: 12.11.2021- Entrance wall moved  
 REV A; 27.10.2021- Relocated Olive house and garages



Read this drawing in conjunction with Planting Schedule 01 dated 16th April 2021



APPROX.  
REV B; 12.11.2021- amend surfaces



Planning Statement on behalf of Mr B Rudrum

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## Appendix 3

**Appendix 3 – Approved Certificate for Garage (P23/02264/CLP)**

Rackham Planning Ltd  
2A High Street  
Thornbury  
Bristol  
South Gloucestershire  
BS35 2AQ

**APP REF:** P23/02264/CLP  
**DATE VALID:** 31st July 2023  
**DECISION DATE:** 13th September 2023  
**PARISH:** Olveston Parish Council

**NOTICE OF DECISION  
CERTIFICATE OF LAWFUL USE OR DEVELOPMENT  
TOWN AND COUNTRY PLANNING ACT 1990: SECTION 192  
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT  
PROCEDURE) (ENGLAND) ORDER 2015: ARTICLE 39**

South Gloucestershire Council hereby certify that on 31st July 2023 the development described in the First Schedule hereto in respect of the land specified in the Second Schedule hereto and hatched red on the plan attached to this certificate was LAWFUL within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended), for the following reason(s):

1. Evidence has been submitted to demonstrate that on the balance of probability, that the erection of a single storey outbuilding to the rear of the existing dwellinghouse falls within permitted development within the curtilage of a dwellinghouse under Schedule 2, Part 1, Class E of The Town and Country Planning (General Permitted Development) (Amendment) (England) (Amendment) Order 2015 and is permitted development.

PLEASE NOTE: The council holds a definitive copy of this planning decision notice. You should be aware of the risk that subsequent copies of the decision notice may be subject to unauthorised alteration and if necessary you are advised to refer to the council for verification. The definitive copy can be viewed via the council's planning website.



**DEVELOPMENT MANAGER**  
**On behalf of SOUTH GLOUCESTERSHIRE COUNCIL**

Date: 13th September 2023

**First Schedule:**

Erection of single storey outbuilding to the rear of the existing dwellinghouse

1. This decision relates only to the plans identified below:

Location Plan (Received on 31/07/23)

GI-311-43A Combined Plan (Received on 01/09/23)

**Second Schedule:**

Highmead Lower Tockington Road Tockington South Gloucestershire BS32 4LF

**Notes:**

This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).

It certifies that the use specified in the First Schedule taking place on the land described in the Second Schedule was lawful on the specified date and, thus was not liable to enforcement action under Section 172 of the 1990 Act on the date.

This certificate applies only to the extent of the use described in the First Schedule and to the land specified in the Second Schedule and identified on the attached plan. Any use which is materially different from that described or which relates to other land may render the owner or occupier liable to enforcement action.

## **PLANNING PERMISSION THE NEXT STEPS**

**Your Decision could be subject to conditions. It is essential that you comply with these conditions in order to protect your planning permission. If you have conditions requiring details to be submitted prior to the commencement of development then failure to discharge these conditions could invalidate your planning permission and result in enforcement action being taken against the development.**

### **HOW TO APPLY TO DISCHARGE CONDITIONS ON YOUR PLANNING PERMISSION**

If the condition requires you to agree something in writing with the Authority before development commences then you will need to consider submitting these details at least 8 weeks prior to starting work. In order to submit your application, you can do so by one of the following options:

- Submit an online application using the Planning Portal online application service [www.planningportal.gov.uk/](http://www.planningportal.gov.uk/)
- Complete an application form online via the Planning Portal online Application service, [www.planningportal.gov.uk/](http://www.planningportal.gov.uk/) printing it off and enclosing it with the correct plans, fee and details before sending it to Development Services.
- Download a copy of the application form from the South Gloucestershire website on [www.southglos.gov.uk/planning](http://www.southglos.gov.uk/planning).
- Request a paper copy from our PT&SE Customer Contact Centre by calling 01454 868004.
- Visit one of the Council One Stop Shop receptions to collect a paper copy of the application form.

The fee amount is £34 per request relating to 'householder' applications and £116 for any other full planning applications. The fee is payable for each submission (a single submission may be for more than one condition to be discharged).

### **COMMUNITY INFRASTRUCTURE LEVY (CIL)**

If this application has been identified as being liable to CIL you should not commence development until the requirements and obligations under CIL have been established. If we require further information we will write to you requesting this. Where we already have clear information about the proposal and assumed liability we will issue a liability notice shortly. Further information can be found on our website at [www.southglos.gov.uk/environment-and-planning/planning/community-infrastructure-levy](http://www.southglos.gov.uk/environment-and-planning/planning/community-infrastructure-levy)

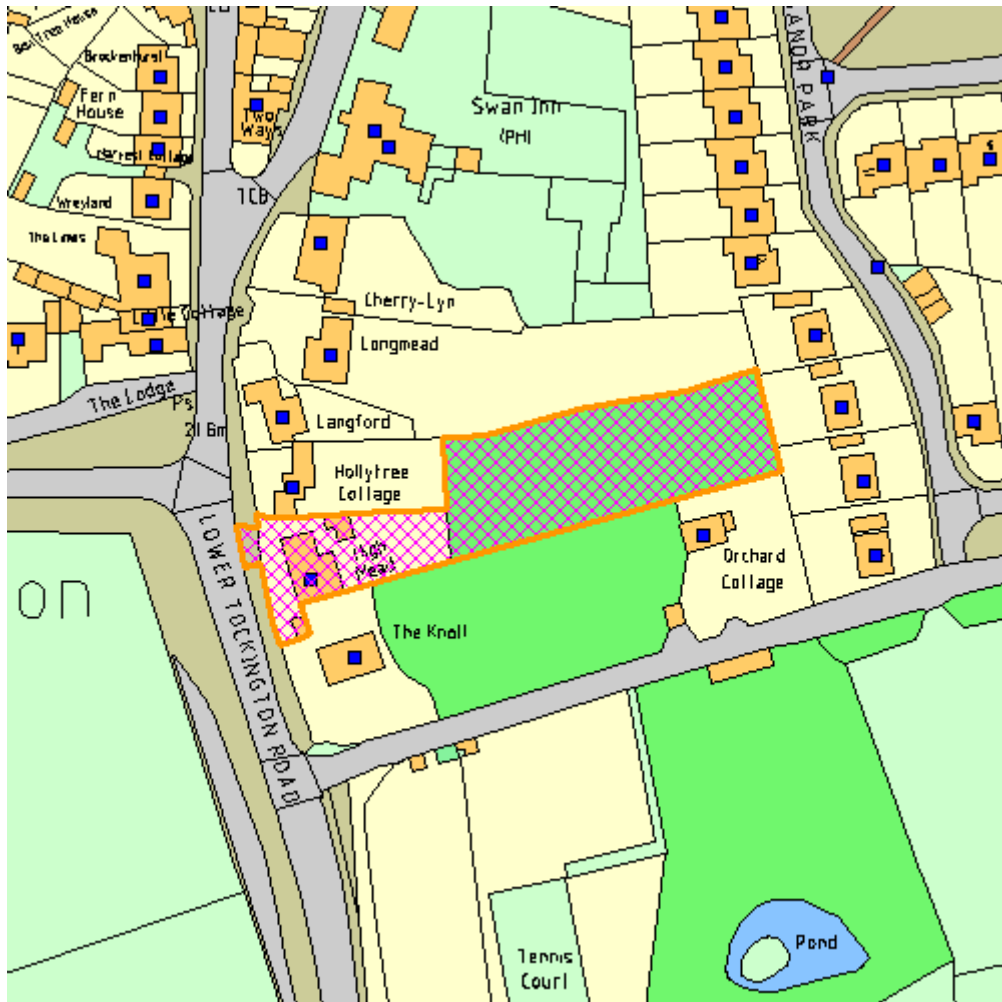
### **BUILDING REGULATIONS**

You might require separate Building Control approval and you can also secure this through the Council. For advice on development requiring Building Regulations approval please visit the Planning Portal or contact our Team on 01454 868271

### **ACTING AS AN AGENT?**

Please forward the full copy of this decision to your client and advise them of any conditions. The Council continues to be involved with enforcement action taken against applicants who claim not to have been passed the decision by their Agent.

**Town and Country Planning Act 1990  
Certificate of Lawfulness – Section 192  
Highmead Lower Tockington Road Tockington South Gloucestershire BS32 4LF  
P23/02264/CLP**



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- Stone clad wall 1.2m high
- close board fence 1.95m high
- ▣ Stone clad post
- Lawn
- Raised bed
- Existing Stone Patio
- Permiable Gravel
- Driveway

