



## Appeal Decision

Inquiry opened on 31 October 2023

Site visit made on 10 November 2023

**by David Prentis BA BPI MRTPI**

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

**Decision date: 27 November 2023**

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### **Appeal Ref: APP/P0119/W/23/3323836**

#### **Land at Sodbury Road, Wickwar, South Gloucestershire**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Bloor Homes South West against South Gloucestershire Council.
  - The application, Ref P22/01300/O, is dated 21 February 2022.
  - The development proposed is erection of up to 180 dwellings, a local shop and associated infrastructure (outline) with access to be determined; all other matters reserved.
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#### **Decision**

1. The appeal is dismissed.

#### **Preliminary matters**

2. The Inquiry sat for eight days from 31 October to 3 November and 7 to 10 November 2023. I visited the site and various locations in the locality before and during the Inquiry. By agreement with the parties, I made an unaccompanied site visit on 10 November 2023.
3. The application was submitted in outline. The means of access is to be determined at this stage. Appearance, landscaping, layout and scale are reserved matters. The application was accompanied by illustrative drawings, including a Framework Masterplan and a Landscape Strategy. These plans, which were updated during the appeal process, did not form part of the application. I have taken them into account, keeping in mind their illustrative status.
4. The Council resolved that, had it been able to determine the application, planning permission would have been refused for the following reasons:
  - 1) The adverse impacts of the proposal with regard to:
    - Less than substantial harm to South Farm – great weight
    - Less than substantial harm to Frith Farm – great weight
    - Less than substantial harm to Wickwar Conservation Area – great weight

- Increased reliance on car borne transport – substantial weight
- Landscape harm – significant weight
- Conflict with Spatial Strategy – limited weight
- Loss of Grade 3 agricultural land – limited weight
- Recreational pressure on SSSI – limited weight

significantly and demonstrably outweigh the benefits of the proposal, which are:

- Provision of housing – significant weight
- Affordable housing – significant weight
- Provision of self-build plots – significant weight
- Provision of new jobs – limited weight
- Other benefits (potential for a shop, redirected public right of way, highway improvements and connections) – limited weight

and therefore, applying paragraph 11(d)(ii) of the NPPF, permission should be refused.

2) The proposed development fails to provide and/or secure adequate provision for necessary on-site and off-site infrastructure. Such infrastructure shall include (but is not limited to) affordable housing; public transport; off-site highway works; travel plan measures; education contributions to nursery, primary and secondary education and associated transport; public open space; community infrastructure; a retail unit and self-build/custom build homes. The proposal is therefore contrary to policy CS6 of the South Gloucestershire Core Strategy 2006-2027.

5. Following further discussions in advance of the Inquiry, the Council agreed with the appellant that there would be no harm to Wickwar Conservation Area. The Council's concerns in relation to loss of Grade 3 agricultural land were also resolved and this matter was not pursued at the Inquiry.
6. Discussions on a section 106 Agreement (the Agreement) continued before and during the Inquiry. The Agreement was discussed at a round table session and some minor drafting amendments were submitted on the final day, reflecting that discussion. I allowed a period following the Inquiry for the Agreement to be sealed.
7. The Agreement would include financial contributions relating to:
  - public transport, including a contribution to personal transport planning;
  - off-site sports provision;
  - nursery, primary and secondary education, including secondary school transport;

- community facilities;
  - libraries; and
  - mitigating impacts on the Lower Woods Site of Special Scientific Interest (SSSI).
8. The Agreement would also make provision for:
- highway works;
  - a travel plan;
  - delivery and future management of public open space within the site;
  - affordable housing;
  - self-build and custom-build housing; and
  - measures to facilitate delivery of a local shop.
9. The Council submitted a statement setting out the justification for the various obligations, including references to relevant planning policies and the rationale for calculating the financial contributions. Although the Council and the appellant disagreed on the weight to be attached to the obligations, there was agreement that the obligations themselves (other than the contribution to public transport) would comply with the requirements of Regulation 122 of the Community Infrastructure Regulations 2010. The provisions relating to public transport were controversial. They are discussed further below. With regard to the other obligations, I agree that these are compliant with Regulation 122 and I have taken them into account accordingly.
10. The Agreement resolved the Council's second reason for refusal, which was not therefore pursued at the Inquiry.
11. The Development Plan includes the South Gloucestershire Core Strategy (2013) (CS) and the South Gloucestershire Policies, Sites and Places Plan (2022) (PSP Plan). The status of the CS was considered in an appeal decision relating to land west of Park Farm, Thornbury<sup>1</sup> (*Park Farm*). The spatial strategy is based on a housing requirement derived from the Strategic Housing Market Assessment (SHMA) of 2009, which pre-dated the National Planning Policy Framework (the Framework). The CS therefore had no regard to the duty to co-operate, or to the needs of the wider housing market area.
12. The Examining Inspector found the CS sound, on the basis that a review would be undertaken by 2018. That did not happen because the local authorities concerned were not able to agree a joint approach. The *Park Farm* Inspector found that the housing requirement in the CS, and the settlement boundaries that depend on it, are not compliant with the Framework and are out of date. For the purposes of this appeal, the Council and the appellant agree that the CS should be regarded as out of date, regardless of the position on housing land supply. I share that view. The

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<sup>1</sup> CD5.1 - APP/P0119/W/21/3288019

emerging local plan is at an early stage and no party sought to rely on it at the Inquiry.

### **Main issues**

13. The main issues are:

- the effect of the proposal on the historic environment;
- the extent to which the proposal would contribute to the objectives of limiting the need to travel and offering a genuine choice of transport modes;
- the effect of the proposal on the character and appearance of the area; and
- the nature and extent of any economic, social and environmental benefits, and any harm, resulting from the proposal.

### **Reasons**

#### ***The effect of the proposal on the historic environment***

14. There are no designated heritage assets within the appeal site. The Council and the appellant agree that the three designated assets that need to be considered in this appeal are Wickwar Conservation Area, the Grade II\* listed Frith Farmhouse and Bakehouse and the Grade II listed South Farmhouse. In each case, the potential impact on significance through development in the setting of the asset should be considered. It is further agreed that the archaeological potential of the site could be protected by a programme of archaeological investigation and post investigation assessment, which could be secured by a planning condition.

15. The proposal would affect the settings of two listed buildings. I have therefore had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in reaching my decision.

#### *Wickwar Conservation Area*

16. The Council's advice note on Wickwar Conservation Area (the WCA Advice) states that the special character of Wickwar derives from its medieval origins as a planned settlement. It was located on a main trade route and is linear in character. The main character areas are the High Street, which has an enclosed urban character, the Church of the Holy Trinity and the more open area to the north, the Back Lanes, which form an important part of the medieval layout, and land to the west of the settlement which comprises open fields. The WCA Advice notes that the important features of the area include the historic layout and plan form of the settlement, historic buildings, stone boundary walls and views in and out of the area. I agree that all of these features contribute to the significance of the conservation area.

17. The nearest edge of the conservation area is located 335m to the north of the appeal site, separated by agricultural fields, buildings at South Farm and houses and their gardens on the west side of Sodbury Road. There would be no views of the proposed development from the High Street, the northern part of the conservation area or the Back Lanes. The open fields to the west

are included in the conservation to protect views of the medieval core of the settlement, the malthouse and the backs of High Street properties. The proposal would not affect these views, nor any views identified as important in the WCA Advice.

18. The proposed development could be seen from footpaths within the western part of the conservation area<sup>2</sup>. However, due to the separation distance and intervening features described above, it would not affect the character and appearance of the conservation area itself. Nor would it materially affect the contribution that the rural setting of the conservation area makes to its significance. There would therefore be no harm to the character and appearance of the conservation area, or to its significance as a designated heritage asset.

### *South Farmhouse*

19. The listing description notes that South Farmhouse dates from the early to mid-18<sup>th</sup> century. It has both historic and architectural interest as a well-preserved example of a stone-built farmhouse of the period. Much of its significance derives from the architecture and historic fabric of the building. However, the setting of the farmhouse also makes an important contribution to its significance. Stone-built farm buildings immediately adjoining the farmhouse enable it to be appreciated as part of an historic farmstead. Larger, modern farm buildings reinforce the ability to understand the function of the building.
20. The northern boundary of the appeal site is about 28m to the south of the listed building. The appeal site comprises agricultural land that is historically and functionally associated with South Farmhouse. It therefore contributes to the significance of the listed building. The farmhouse is only visible from a small part of the appeal site, at the point where the proposed northern access would enter the site. It is screened from most of the appeal site by a combination of modern farm buildings and residential properties on the western side of Sodbury Road, together with their associated gardens and vegetation.
21. The illustrative landscape strategy indicates allotments adjacent to the northern access. No doubt these could be designed in a way that preserved views of the farmhouse from this location. This could be controlled at reserved matters stage. However, such views would be from a modern estate road, rather than an agricultural field, so the ability to experience the listed building in its agricultural setting would be diminished. Moreover, setting is not limited to locations where there are direct views of the asset. The loss of farmland that is functionally associated with the farmhouse would also harm its significance.
22. I conclude that the proposal would fail to preserve the setting of the listed building and would result in harm to its significance. In the terms of the Framework, this would be "*less than substantial harm*". I would characterise the level of harm as towards the lower end of the spectrum of such harm.

### *Frith Farmhouse and Bakehouse*

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<sup>2</sup> ID16 - Viewpoint 10 is a representative view

23. The listing description notes that Frith Farmhouse dates from the late 17<sup>th</sup> century, possibly incorporating an earlier building. It is described as a very good, although somewhat altered, example of a high class gabled vernacular/gentry house. The description includes important internal features such as a staircase, panelling and fireplaces. More recent research has concluded that the building includes a 16<sup>th</sup> century hall in the western part of the house, with extensions in the 17<sup>th</sup> and 18<sup>th</sup> centuries. I saw that Frith Farmhouse is an elegant, stone-built house with steep roofs and gables and multiple chimneys creating a dramatic silhouette.
24. I consider that much of the historic and architectural interest of Frith Farmhouse derives from its architecture and historic fabric, including the internal features described above. However, setting also makes an important contribution. The house is sited on a ridge, such that its imposing silhouette can be seen over the fields from some distance to the north. In such views, the farmhouse appears as an isolated building in an agricultural landscape.
25. Frith Farmhouse and its immediate surroundings were altered following planning permissions and listed building consents granted in 2013. The works included a three storey extension to the north, conversion of a barn to ancillary accommodation, modifications to garden walls and various works of refurbishment. I saw that the extension is subservient in scale and sympathetic to the listed building in terms of its form and appearance. I do not think that it has harmed the significance of the building. In combination, the works created an enclosed area, with an ancillary domestic character, adjoining the extended eastern elevation of the house.
26. Historic mapping shows that, in the 1830s, the estate associated with the farmhouse included agricultural fields on all sides. To the east, the estate extended to a brook around 180m from the house. The appeal site, which lies around 440m to the east of the house, was not part of the historic landholding associated with Frith Farmhouse. There is no current or historic functional association. The appeal site is in a different parish (Wickwar) and is associated with South Farm. To my mind the appeal site makes only a limited contribution to the setting of the listed building, in that it is a small part of the extensive agricultural landscape in which the building is experienced.
27. The proposed houses could be seen from a first floor window in the east elevation of Frith Farmhouse, where they would appear in front of existing residential development on the eastern side of Sodbury Road. However, this is a very constrained view, due to the presence of buildings immediately to the east of the listed building. Consequently, there is little opportunity to experience the rural setting from this location. There is no view out at ground floor level, due to the presence of agricultural buildings and the enclosed nature of the space that was created by the modifications referred to above. Moreover, there is no evidence that this view was ever important to the design and function of the house. The principal aspect of the house is to the south, looking over an enclosed garden towards Frith Lane. To my mind, the small change to this glimpsed view resulting from the proposal would have no material impact on the ability to experience the listed building.

28. The fields to the north of the listed building are crossed by public rights of way (PRoW), from which both the proposed development and the listed building would be visible<sup>3</sup>. However, in such views Frith Farmhouse appears some way to the right of the line of sight towards the proposed development. To my mind, the ability to experience the silhouette of the listed building on the skyline, and its sense of isolation within an agricultural landscape, would be maintained. There would be a change to the wider setting, but this would not be harmful to the significance of the listed building.

#### *Conclusion on the first main issue*

29. I conclude that there would be no harm to the character and appearance of the Wickwar Conservation area, or to the special interest of Frith Farmhouse and Bakehouse, through development in their respective settings. The setting of Frith Farmhouse and Bakehouse would be preserved. However, the setting of South Farmhouse would not be preserved. I return to the consequences of these conclusions, in terms of the development plan and the Framework, below.

#### ***The extent to which the proposal would contribute to the objectives of limiting the need to travel and offering a genuine choice of transport modes***

##### *Facilities in Wickwar*

30. The village of Wickwar has a number of local facilities, including the Alexander Hosea primary school, a public house, places of worship, a social club, a youth centre and a coffee shop. There are also two employment sites which together accommodate around 29 businesses. There are no major employers in the village. There are no shops, nor is there a pharmacy or post office. There are no health services and no secondary school.
31. The Agreement would make provision for contributions to early years, primary and secondary education. There would also be a contribution to secondary school transport. There is no dispute that these would be reasonable and proportionate contributions, which have been calculated on a cost-per-place basis. No doubt the contributions would be pooled with contributions from other residential developments in South Gloucestershire to provide additional places in locations thought suitable to meet the educational needs arising from the appeal site and other new developments.
32. At the Inquiry, a resident living within the recent housing development to the east of the appeal site stated that the primary school does not have the capacity to accept children from that estate. The Parish Council commented that a number of Wickwar residents need to look outside the village for primary school places. The education authority has stated that the contribution secured by the Agreement would go either to expansion at Alexander Hosea or to a new school, which would be within two miles of the site. There was no further information before the Inquiry regarding which option is more likely to happen. It follows that the proposal may well

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<sup>3</sup> Viewpoint 7 is a representative viewpoint. The listed building is visible in the extended panorama at 7.0 in ID16. It does not appear in the photographs used for the visual representations, being to the right of the view shown.

increase the need for primary school children to travel to a primary school outside the village.

33. Secondary school pupils currently travel out of Wickwar to schools elsewhere. This would continue to be the case for residents of the appeal site. The Agreement would make provision for contributions to additional school places and to school transport.
34. The proposal includes a local shop which, if delivered, would be a benefit to the village as a whole given the current lack of provision. Midcounties Co-op (MCC) has submitted an expression of interest in building a convenience store at the site. MCC comments that it has developed stores on other sites developed by Bloor Homes. I have no reason to doubt that there is genuine interest on behalf of MCC. Even so, an expression of interest such as this falls far short of a binding commitment. There are existing larger supermarkets in Yate/Chipping Sodbury which are, no doubt, currently used by Wickwar residents. These are relatively accessible by car, being around 5 to 6km from the site. Any incoming operator would need to assess the potential for a convenience store at the appeal site in relation to the size of the catchment and the existing convenience retail offer in the area.
35. The Parish Council is sceptical about the viability of a local shop, in part due to previous difficulties in sustaining a shop in the village and because of the proposed location, which is away from the village centre.
36. The appellant has not made any formal agreements, either with MCC or with any other operator. The intention is to market the shop site with planning permission. The Agreement sets out two marketing periods, first for a serviced site and then, if no operator is found, for a shell building which would be constructed by the developer<sup>4</sup>. These obligations would be beneficial, in that they would improve the prospect of a local shop being delivered. However, the Agreement does not secure the delivery of a local shop. My overall assessment is that the shop may well be delivered, but it is equally possible that it would not be.
37. The appellant considers that the local shop would have a significant effect on the transport choices for existing residents of the village as a whole. I agree that a proportion of existing residents would use the proposed local shop in preference to supermarkets elsewhere. However, I consider that the appellant has overstated the likely significance of this effect. First, the proposal is for a local shop. It seems likely that many residents would choose to use larger supermarkets in Yate/Chipping Sodbury (or elsewhere) for their main convenience shopping trips, whilst perhaps using the local shop for top-up trips. Second, it also seems likely that many residents are making, and would continue to make, trips to existing supermarkets linked to trips to employment and/or other activities or facilities. Moreover, the shop site is about 1km from the centre of the village. Although this is a walkable distance, it is not particularly convenient so some existing residents would be likely to continue to use cars for shopping trips.
38. I agree that the shop, if delivered, would be beneficial, particularly to residents of the appeal scheme and recent developments to the east of

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<sup>4</sup> MCC has indicated a preference for a serviced site rather than a shell building



Sodbury Road. Moreover, I consider that the proposed shop would accord with CS14 which encourages convenient local shopping facilities to meet local needs. However, I do not agree that it would result in wider changes in travel patterns to the extent that the appellant suggests. When this is taken together with the uncertainty regarding delivery of the shop, I attach only limited weight to this benefit of the appeal scheme.

39. My overall assessment is that Wickwar is a village with a number of local facilities. Even so, it seems likely that residents of the appeal scheme would, in practice, frequently travel elsewhere to access shops, employment, education, health services and leisure facilities.

#### *Walking and cycling*

40. The facilities within the village are within a reasonable walking and cycling distance of the appeal site. The recent developments to the east of Sodbury Road have provided a segregated walkway/cycleway covering part of this route. Closer to the centre of the village the footways are narrow in places and cyclists would need to use the carriageway. There is also walking route from the site to Alexander Hosea primary school. This follows footways within modern housing estates, away from Sodbury Road.
41. The highway works secured by the Agreement include a Zebra crossing, adjacent to the southern site access, linking to a new southbound bus stop and the existing segregated walkway/cycleway on the eastern side of Sodbury Road. A village gateway would be installed on the southern approach to the village and small scale improvements, such as dropped kerbs and tactile paving, would be made to part of the walking route to Alexander Hosea primary school. The walking and cycling routes are reasonably level. With the proposed highway works in place, I consider that the walking and cycling routes within the village would be safe and convenient. The main limitation on walking and cycling would be the lack of facilities in the village itself and the lack of capacity at the primary school, as described above.
42. Yate and Chipping Sodbury are the nearest centres for shopping and other facilities. The most direct cycling route to Yate/Chipping Sodbury is along the B4060. This is a main road which does not have cycle lanes. From what I saw, it does not appear to be an attractive proposition for cycle trips. Moreover, most of Yate lies beyond the 5km cycling isochrone. In my view cycling is unlikely to make a material contribution to travel choices for destinations outside Wickwar.

#### *Public transport*

43. Until recently, Wickwar was served by the No 84/85 bus service operated by Stagecoach on a circular route between Wotton-under-Edge and Yate. This service was funded by the West of England Combined Authority (WECA). Following a review, WECA funding was withdrawn in April 2023. The Council stepped in to provide funding for a limited period. Stagecoach was asked if it would extend the service for a further period but was not able to do so. The Council then decided to fund the continuation of the route until April 2024. It is currently being operated by the Big Lemon bus company.

44. The route is now run with a reduced service. For example, there are just three services per day going directly from Wickwar to Yate/Chipping Sodbury. At the Inquiry, the appellant accepted that this service is unattractive to potential passengers due to its low frequency and indirect route<sup>5</sup>. I share that view.
45. A Dynamic Demand Responsive Transport (DDRT) service known as Westlink has recently been introduced for a trial period. This service allows passengers to book a journey using a mobile phone application. The system seeks to group passengers with similar destinations to make effective use of the vehicles. The appellant suggests that DDRT could work in combination with the reduced No 84/85 service to create a more attractive service level. At the Inquiry, a Parish Councillor said that Wickwar residents using the DDRT service had experienced problems with reliability and the length of journeys<sup>6</sup>. A WECA report on the Bus Service Improvement Plan stated that WECA will be making changes to the way the service operates in the light of customer responses. However, as yet there is no published information on patronage or customer satisfaction. Funding for DDRT is in place until April 2025.
46. DDRT is a relatively new initiative and it is to be expected that it will evolve in the light of experience. However, on the evidence before the Inquiry, it seems to me that the primary role of DDRT is to provide a public transport offer to rural communities where scheduled services are not viable. This is an important social objective. However, DDRT is not yet an attractive option for those who have access to a private car, particularly for trips where predictable journey times are important. This is likely to include trips for work, education<sup>7</sup>, health services and some leisure trips. DDRT is therefore unlikely to contribute to making a material change in modal share from the car to public transport.
47. The appellant sought to find ways of improving public transport to and from the appeal site. At the Inquiry, the appellant expressed frustration that it had not been able to engage effectively with WECA. In the absence of such engagement, the appellant undertook its own bus assessment, with a view to establishing an appropriate level of public transport contribution. The appellant's transport consultant examined various ways of adapting the No 84/85 service. The preferred option (Option 6) envisages a more direct route from Yate to Wotton-under-Edge, cutting out the circular loop. Option 6 would provide an hourly service, from 06:00 to 22:00, 7 days per week, with 30 minute intervals in the peak period.
48. The appellant then modelled patronage and viability for Option 6, concluding that it would generate a surplus of revenue over costs and improve the bus mode share for daily work trips from 3.3% to 8.73%. This work was reviewed by the Council's transport consultant. The respective consultants agreed on the use of Podaris software for modelling the effect on modal share for journeys to work. However, they differed on the way the output of the Podaris model should be used to calculate patronage.

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<sup>5</sup> Accepted by Mr Knight, in answer to questions from Ms Ornsby

<sup>6</sup> In answer to my question, Mr Houghton commented that "*feedback isn't great so far*"

<sup>7</sup> Noting that school transport is provided for some secondary school pupils

49. The most significant difference related to the calculation of total patronage (for all trip purposes), which has to be derived from the predicted number of work trips. I consider that the Council's approach is more likely to provide a realistic estimate because it assumes that the proportion of all bus trips that are work trips will stay the same, consistent with National Travel Survey Data<sup>8</sup>. Moreover, I consider that the appellant's revenue estimate is likely to be an overestimate. First, the revenue estimate is based on the total patronage, which is itself likely to be an overestimate. Second, whilst I accept that existing fares are supported by a Government subsidy that will end, the appellant's approach does not appear to take account of the availability of return tickets and multi-use tickets.
50. The appellant's assessment concluded that Option 6 would have an operating surplus of £144,612 per year, whereas the Council's assessment concluded that there would be a deficit of £565,398 per year. For the reasons given above, I attach greater weight to the Council's conclusions on this matter. Even if the deficit is not as large as the Council maintains, I consider that it is unlikely that Option 6 could run without a significant level of public subsidy.
51. At the Inquiry, the appellant accepted that the current Big Lemon service is not commercially viable. The Council is, in effect, providing short term emergency funding at a level that equates to around £285,000 per year. However, there is no guarantee that there will be any funding after April 2024, either for the reduced service currently being provided by Big Lemon or for any other version of the No 84/85 route.
52. The Agreement makes provision for alternative levels of public transport contribution. In either case there would be a contribution of £150,000 to public transport planning. This is intended to support intervention with residents along the route from Wotton-under-Edge to Yate, via Wickwar, with a view to maximising bus patronage.
53. One option is an annual contribution of £418,000 for a period of five years. The amount is that requested by WECA. It is based on previous discussions with Stagecoach relating to the continuation of the No 84/85 route, with an adjustment for inflation. Neither the Council nor the appellant consider that this contribution would be compliant with Regulation 122. I agree, for the following reasons. First, the contribution is intended to fund an entire route between Yate and Wotton-under-Edge. Seeking such a contribution from a single development of 180 dwellings at the appeal site would be disproportionate. It would not be fairly and reasonably related in scale to the proposed development. Second, there is no evidence that Stagecoach, or any other operator, is actually prepared to operate Option 6, or anything similar to it, even with a subsidy of £418,000 per year. Third, the obligation would run out after five years.
54. At the Inquiry, I asked for examples of situations where time-limited bus contributions have been secured through planning obligations. The example given was where patronage is expected to build up over time, as a major development is built out<sup>9</sup>. In such cases, it is anticipated that no further

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<sup>8</sup> See table following paragraph 3.2.10 in CD7.29 (bus review rebuttal)

<sup>9</sup> The example was given by Mr Knight in answer to my questions

subsidy would be needed at the end of the period. In this case there is no planning rationale for a time-limited contribution because there is no evidence that the subsidised service would have become self-sufficient after five years. The contribution would not be effective in bringing about a continuing change in travel choices so it would not make the development acceptable in planning terms.

55. The alternative level of annual contribution set out in the agreement is £50,000 for a period of five years. The appellant considers that this would be proportionate and would comply with Regulation 122. I disagree, for the following reasons. First, for the reasons discussed above, the contribution would not be sufficient to subsidise Option 6. Second, there is no evidence that any operator would run any particular route or service level with a subsidy of £50,000 per year. The appellant argues that it is up to WECA to decide how the contribution would be used. However, that is no answer to the requirement for the decision-maker to understand how the contribution would make the development acceptable in planning terms. There is no evidence before me as to what, if any, public transport benefit would flow from this contribution. In these circumstances, I cannot conclude that the contribution is necessary to make the development acceptable in planning terms. Third, the contribution would run out after five years. As for the larger contribution discussed above, there is no planning rationale for a time-limited contribution.
56. I conclude that the public transport contributions set out in the Agreement are not compliant with Regulation 122. Consequently, I have not given them any weight in my assessment.
57. At the Inquiry, the appellant criticised the Council for failing to make clear its approach to compliance with Regulation 122, either in its statement of case or in its compliance statement. However, notwithstanding those criticisms, I am bound to reach my own view on compliance with Regulation 122 in the light of the evidence before the Inquiry.
58. The appellant drew attention to moves towards improving bus services generally. For example, the West of England Bus Strategy (2020) seeks to substantially improve the bus network at the City-Region level, with the Combined Authorities setting targets to double the number of bus passenger journeys by 2036. The Government has recently announced more funding for bus services in England, with WECA and North Somerset Council having a substantial Bus Service Improvement Plan allocation. Whilst I take account of this context, these are high-level commitments. There is no information before me as to how such funds may be allocated to localities or specific routes to best meet the needs of the region.
59. Drawing all this together, the existing bus service is unattractive to potential passengers due to its low frequency and indirect route. This is reflected in the current low modal share for bus travel to work. Notwithstanding high-level commitments to improve bus services in the region, there is no evidence that the service level in Wickwar will improve. On the contrary, there is a real risk that it will decline further when the short term funding for the Big Lemon service runs out. DDRT is a trial service. It seeks to meet an

important social objective but is unlikely to bring about a material change in modal share from the car to public transport.

60. The Agreement makes provision for Travel Plans and for the Public Transport Planning contribution described above. However, given the limited bus services available, it is hard to see that such measures will be effective in encouraging greater bus patronage.
61. I take account of the park and ride service from Yate to Bristol and the rail services at Yate Station. However, in the main these services would be reached by car from the appeal site.

*Conclusion on the second main issue*

62. Although Wickwar has a number of local facilities, it is likely that residents of the appeal scheme would, in practice, frequently travel elsewhere to access shops, employment, education, health services and leisure facilities. Whilst there are safe and convenient walking and cycling routes within the village, the main limitation on walking and cycling would be the lack of facilities in the village itself and the lack of capacity at the primary school. The bus service has a low frequency and an indirect route. Consequently, the great majority of trips outside the village made by future residents of the appeal site would be made by car.
63. I conclude that the appeal proposal would not contribute to the objective of limiting the need to travel. Nor would it offer a genuine choice of transport modes for destinations outside Wickwar. In these respects, it would conflict with the Framework, which seeks to actively manage patterns of growth in support of sustainable transport objectives. The Framework recognises that sustainable transport solutions may vary between urban and rural areas. Even so, in this case the proposal would be almost entirely car dependent, such that there would be no meaningful sustainable transport solution.
64. The proposal would be contrary to CS Policy CS8, which states that developments which are car dependent or promote unsustainable travel behaviour will not be supported. It would also be contrary to PSP Plan Policy PSP11 which states that, where key services and facilities are not accessible by walking and cycling, residential developments should be served by appropriate public transport services.

***The effect of the proposal on the character and appearance of the area***

65. The site comprises four agricultural fields, extending to 7.89 ha, to the west of Sodbury Road, which runs approximately north/south along a ridge. It has a gentle gradient, with a high point of 91m above Ordnance Datum (AOD) at the southern end and a low point of 83m AOD at the northern edge. The land falls away to the west into a shallow valley. The field boundaries are generally marked by hedgerows, although some parts are undefined. The site adjoins further open agricultural land to the west, where there is a network of PRow. There is a short frontage to Sodbury Road at the northern end of the site and a longer frontage to the south. As seen from Sodbury Road, much of the site lies to the rear of houses fronting the western side of the road.

66. The historic core of the village lies to the north. During the 20<sup>th</sup> century, residential development has taken place to the east of the historic core and to the east of Sodbury Road. More recently, two new residential developments have taken place opposite the appeal site. Development on the west side of the road is not continuous. Immediately to the north of the site is South Farm, which contains modern agricultural buildings together with the historic buildings described above, and some houses. There is then a break in development until the southern edge of the conservation area is reached.
67. The site is not covered by any landscape designations and the Council and the appellant agree that it is not a "*valued landscape*" in the terms of the Framework. There are six willow trees, within the northern frontage to Sodbury Road, which are covered by a Tree Preservation Order (TPO).
68. The site and its surroundings fall within the "*Bristol, Avon Valleys and Ridges*" National Character Area (NCA 118). This covers the City of Bristol together with surrounding areas. The NCA is broad and varied in character. For the purposes of this appeal, I have attached greater weight to the South Gloucestershire Landscape Character Assessment, which describes the character of the landscapes of South Gloucestershire. The site is within Landscape Character Area (LCA) 5 "*Wickwar Ridge and Vale*" which is described as "*a diverse undulating landscape covered with a mix of farmland, woodland and common*".
69. To my mind the appeal site comprises an attractive tract of agricultural land which is fully characteristic of LCA 5. It contributes to the ability to experience LCA 5, both through its intrinsic character and quality and because the wider LCA can be appreciated in views towards and across the appeal site<sup>10</sup>.
70. The application was accompanied by a Framework Masterplan and Landscape Strategy plan. These were purely illustrative and, as noted above, they were amended during the appeal process. The illustrative plans show how a detailed scheme could seek to take the existing landscape character into account. They indicate existing hedgerows being retained with open spaces along the western and southern boundaries. Open areas running east/west would contain play areas and drainage features, with the developed areas being divided into three blocks. An area of open space is shown in the southern corner of the site, to soften the appearance of the development when approaching Wickwar from the south.

#### *Landscape and visual effects*

71. When the appeal site is viewed from the north west, there is some existing built development in view but this is broken up by trees and vegetation. There is a predominantly treed skyline. The proposal would introduce new housing in a part of the view where there is not currently a strong impression of built form. It would appear isolated and disconnected from Wickwar<sup>11</sup>.

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<sup>10</sup> Viewpoints 2, 4, 5, 7, 8, 10 and 14 are representative views

<sup>11</sup> Viewpoints 10 and SVP3 are representative views

72. From westerly viewpoints, the recent developments to the east of Sodbury Road are more apparent but they are partially screened by trees and appear below the skyline. The view comprises a blend of agricultural and domestic built form, trees and agricultural land and retains a predominantly rural feel. The proposal would introduce a more continuous and dominant built form, appearing at, or close to, the skyline. The scale and horizontal extent of the proposal would be very obvious, in stark contrast to the existing, more organic, character<sup>12</sup>. Even in closer views, the existing built form is broken up by trees, including mature planting in the gardens of houses on the western side of Sodbury Road. The proposal would bring about a radical change in the character of such views, with the height and scale of the buildings dominating the view<sup>13</sup>.
73. From the vicinity of Frith Farm, development along Sodbury Road is seen well below the skyline. The wooded hillside beyond forms a backdrop to the settlement. In contrast, the proposal would appear at or close to the skyline, cutting out the longer views<sup>14</sup>. The view north from Frith Lane is strongly rural in character. There is a limited ability to see the settlement of Wickwar, other than a glimpse of the tower of the Church of the Holy Trinity, which is seen on the skyline. The extent to which the proposed residential development would project out into the countryside would be very apparent. The proposal would be seen as isolated and unrelated to the settlement. A similar effect would be experienced when approaching Wickwar from the south. Although the isolated terrace at No 1 Frith Lane is readily apparent, the new development east of Sodbury Road is not, nor are the older parts of the settlement. The proposal would be seen as new housing in the countryside, unrelated to the built form of Wickwar<sup>15</sup>.
74. There are extensive views westwards from Sodbury Road, across the appeal site and the agricultural landscape beyond, towards a distant ridgeline<sup>16</sup>. The ability to experience these open views would be much reduced by the proposal.
75. The proposal would radically change the landscape character of the site itself, with the existing open agricultural character giving way to residential development with associated roads and infrastructure. For the reasons given above, I consider that there would be a significantly harmful effect on the landscape character of the site and the site context. Due to the scale of the development, its location on the slope of a shallow valley, and the effect it would have on longer views across the LCA, I consider that there would be a significantly harmful effect on LCA 5 as a whole. In reaching these conclusions, I have taken account of the Landscape and Visual Appraisal (LVA). However, in my view the LVA understates both the landscape and the visual impacts.
76. With regard to visual effects, the main receptors would be those using the network of PRoW to the west of the site, residents of houses to the west of Sodbury Road and users of Sodbury Road itself. For the reasons given

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<sup>12</sup> Viewpoint 7 is a representative view

<sup>13</sup> Viewpoint SVP1 is a representative view

<sup>14</sup> Viewpoint 5 is a representative view

<sup>15</sup> Viewpoint 14 is a representative view

<sup>16</sup> Viewpoint 2 is a representative view

above, I consider that there would be significantly harmful visual impacts for those using the PRow network to the north west and west of the site, and from the vicinity of Frith Farm. There would be a marked change in the rural character of the views experienced and a reduction in the sense of remoteness that can currently be gained. There would also be harmful visual impacts for those using Frith Lane and those approaching Wickwar along Sodbury Road. Sodbury Road is the main route into the settlement so the effects would be experienced by many people.

77. The occupiers of houses to the west of Sodbury Road would experience a high degree of change. A strip of land at the back of those houses has been excluded from the application site. Although there were no proposals for that land before the Inquiry, it would provide a degree of separation. In any event, the detailed relationship between the proposed development and existing houses would be considered at the reserved matters stage. There is no reason to think that a satisfactory relationship could not be achieved.
78. The LVA suggests that landscape and visual impacts would reduce over time, as new planting becomes established. However, the loss of the landscape resource that the site represents, together with the loss of open views across the site, would be permanent losses. These losses would not be mitigated by new planting. The illustrative plans show that the open space along the western side of the site would accommodate large attenuation basins, which would be an essential part of the surface water drainage infrastructure. The scale of the basins would be such that there would be limited space in which to establish new tree planting along the interface between the appeal scheme and the open countryside to the west. I consider that there would be only a limited reduction in visual effects over time.

#### *Conclusion on the third main issue*

79. I conclude that the proposal would harm the character and appearance of the area, in that it would result in significantly harmful landscape and visual effects. Matters of detailed design would be considered at reserved matters stage. However, on the basis of the outline application, I consider that the proposal would conflict with Policy CS1 in that it would not respect and enhance the character and distinctiveness of the site context, nor would the layout be well integrated with existing adjacent development. It would also conflict with Policy CS9 which seeks to conserve and enhance the character, quality and distinctiveness of the landscape. It would conflict with Policy PSP2 in that it would result in harm to the landscape that would not be minimised and mitigated through the form of the development.
80. The Framework affords a high level of protection to designated landscapes and seeks to protect and enhance "*valued landscapes*". The appeal site is not designated, nor is it a valued landscape. Nevertheless, the Framework also recognises the intrinsic character and beauty of the countryside in general as a consideration in planning decisions. I consider that the proposal would conflict with the Framework, insofar as it would fail to recognise the intrinsic character and beauty of the site, its context and LCA 5.

#### ***The nature and extent of any economic, social and environmental benefits, and any harm, resulting from the proposal***



### *Delivery of market housing*

81. The latest Housing Land Supply (HLS) position is set out in the 2022 Annual Monitoring Report (AMR), published in March 2023. This covers the period from April 2022 to March 2027. The Council and the appellant agree that this is the most appropriate period on which to assess HLS. It is also agreed that, because the CS is more than 5 years old, the housing requirement should be determined by the Government's standard methodology. In accordance with the Framework, a 5% buffer should be applied to ensure choice and competition in the market for land. On this basis, it is agreed that the HLS requirement is 7,172 homes. The AMR identifies a supply of 7,673 units, which equates to 5.35 years. On the Council's figures, the supply would meet the five year requirement set out in the Framework<sup>17</sup>.
82. The appellant considers that 1,311 should be deducted from the AMR figure, which would result in a supply of 4.44 years. The difference between the parties relates to 12 of the supply sites identified in the AMR. The ability of these sites to deliver housing within the five year period falls to be considered in the light of the definition of "deliverable" contained in the Glossary of the Framework, together with advice in Planning Practice Guidance (PPG)<sup>18</sup>.

#### Site 1 – South of Douglas Road, Kingswood (AMR 70; appellant 0)

83. This is the final phase of a larger site. The company that was developing the site has ceased trading and the site is being sold to another developer. The identity of the prospective developer is not known, for reasons of commercial confidentiality. However, an email from the land agent states that the purchase is progressing and should be completed in "a couple of months" with construction commencing the second quarter of 2024. The appellant argues that there is uncertainty regarding the completion of the land purchase, that the new developer may seek to change the scheme and/or that they will seek some "strategic assistance" from the Council.
84. I agree that there cannot be complete certainty, given that the land has not yet been sold. However, it is important to note that this is a site with all necessary permissions and infrastructure in place. The evidence before the Inquiry indicates that it is in the process of being sold to a party who intends to complete the development. There is no evidence of any intention to change the scheme. To my mind the appellant's concerns fall short of the clear evidence that would be needed to show that this site will not deliver homes as set out in the AMR.

#### Site 2 – Land at North Yate (AMR 1,438; appellant 800)

85. Although described as a single site for the purposes of the AMR, this item includes several development parcels within a larger site that will deliver 2,125 dwellings. All parcels benefit from approval of reserved matters. The various parcels are being developed by four national housebuilders<sup>19</sup>. The appellant accepts that all the parcels are deliverable but considers that the

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<sup>17</sup> Paragraph 74 of the Framework

<sup>18</sup> PPG Reference ID: 68-007-20190722

<sup>19</sup> The appellant submits that Barrett and David Wilson Homes have the same parent company. That is not an unusual situation and it does not materially affect my assessment of delivery rates.

delivery rates set out in the AMR are unrealistic. Attention is drawn to annual reports from the housebuilding industry which identify some anticipated difficulties in market conditions. The appellant's figure equates to an average delivery rate of 40 units per developer each year.

86. The reports cited by the appellant describe the outlook at a national level. I attach greater weight to the detailed evidence of what is currently happening at North Yate. The Council's evidence updates the AMR figures with actual completions data for each parcel for 2022/23. Whilst it is right to note that these figures are not yet in any published report, I see no reason to disregard them. The data shows how delivery at North Yate has built up over the last five years, as infrastructure has been completed and more outlets have come on stream. In 2022/23, a total of 366 units were completed across all parcels, with Barratt completing 110 units on one parcel and Bellway and David Wilson Homes completing 86 on each of two other parcels. The updated trajectory shows a slight further increase in overall delivery to a peak in 2023/24, reducing thereafter as some of the parcels will have been built out. Even if the parcels where the highest delivery is assumed in 2023/24 do not deliver to the full extent anticipated, there would still be ample time within the five year period for them to be completed.
87. North Yate was considered in the *Park Farm* decision, in which the Inspector applied a reduction to the AMR figures. However, that decision related to the previous AMR and a different monitoring period. Matters have now moved on and there is more evidence about the delivery rates that are being achieved. My overall assessment is that the delivery rates set out in the AMR appear reasonable and no adjustment should be made.

Site 3 – Land at Cribbs Causeway (Berwick Green)  
(AMR 202; appellant 160)

88. This is part of a larger site which has reserved matters approval for 256 dwellings. Development is underway. Having visited the site, the appellant considers that no dwellings would have been completed in 2022/23. The Council has sought further information from the developer (Bellway) which confirms an expectation that 155 dwellings will be completed by December 2025 with 35 dwellings completed in 2026 and 2027<sup>20</sup>. This site was discussed at the *Park Farm* Inquiry, where the Inspector applied a reduction to the AMR figure. However, progress has been made on site since then. It is to be expected that delivery will build up, peak and then reduce during the life of a construction site. The delivery rates appear reasonable and, notwithstanding that the trajectory will not fully match the AMR, I see no reason to apply an adjustment to the five year figure.

Site 4 – Parcels 14 to 19, Land at Cribbs Causeway (Berwick Green/Haw Wood)  
(AMR 244; appellant 160)

89. This is part of a larger strategic site and benefits from reserved matters approval. The appellant accepts that it is deliverable but argues that a delivery rate of 40 dwellings per year would be a more realistic than the AMR trajectory. The site was discussed in the *Park Farm* decision. The Inspector made only a minor adjustment to the AMR trajectory, thereby accepting the

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<sup>20</sup> Only the first quarter of 2027 would be within the five year period

general scale of delivery anticipated (albeit in an earlier AMR period) even though reserved matters approval had not then been given. The appellant drew attention to an appeal decision at Sonning Common<sup>21</sup>. The Inspector in that case appears to have been referring to PPG advice relating to sites which, unlike this one, do not have full planning permission.

90. The developer (Taylor Wimpey) has provided an up to date, detailed trajectory for the site which confirms the delivery of 240 dwellings over a five year period. The trajectory shows delivery building up then reducing in the final year, as has been seen on other sites. Whilst I see no reason to make an adjustment to the delivery rates, it is necessary to make an adjustment to account for the fact that Taylor Wimpey's figures apply to calendar years. I have therefore assumed that only 25% of the projected delivery in 2027 would occur during the AMR year 2026/27. This results in a reduction of 24 units from the Taylor Wimpey figure of 240, resulting in a reduction of 28 units when compared with the AMR figure of 244<sup>22</sup>.

Site 5 – Land at Wyck Beck Road and Fishpool Hill (AMR 184; appellant 160)

91. The site benefits from reserved matters approval and is under construction. The Council accepts a reduction of 5 units, based on the most recent update from the developer (Persimmon). This is another site where the appellant argues for a lower delivery rate of 40 units per year based on its opinion of market conditions. However, the projected rate of 48 units per year appears to me to be reasonable. The appellant's doubts do not amount to the clear evidence needed to show that this site will not deliver as set out in the AMR. A reduction of 5 units should be applied, as accepted by the Council.

Site 6 – Land North of Iron Acton Way and East of Dyers Lane (AMR 100; appellant 0)

92. The site has full planning permission. It was challenged by the appellant on the basis that there is a dispute between the land owner and the developer which has been referred to the Lands Tribunal. At the Inquiry, the appellant accepted that this is not the case. Nevertheless, it appears that there is a dispute that has caused some delay. The latest update from the developer (Redrow) states that they are working towards a resolution of the dispute. Redrow suggests that the effect of the delay would be to push delivery back by one year, resulting in a reduction of 40 units in the five year period. The Council accepts that would be a reasonable approach. There is no evidence that the dispute will prevent this site delivering any housing. I also agree that a reduction of 40 units would be appropriate.

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<sup>21</sup> CD5.20 - APP/Q31115/W/20/3265861

<sup>22</sup> The Council accepted a reduction of four dwellings on the basis of the Taylor Wimpey figure of 240

Site 7 – Hillside Court, Bowling Hill, Chipping Sodbury (AMR 27; appellant 0)

93. Prior approval was granted for the change of use of the premises to flats in 2021. Subsequently, an application was submitted by McCarthy Stone to redevelop the site for later living units. The Council advises that this is currently an employment site and that the redevelopment proposals will not be supported. Although McCarthy Stone have been advised to withdraw the application, it is still pending. There was no further information before the Inquiry regarding the intentions of the current owner or McCarthy Stone. There is therefore uncertainty about the future of this site. The Framework states that sites with detailed planning permission should be considered deliverable unless there is clear evidence that homes will not be delivered. In the absence of clear evidence either way, the site should therefore be treated as deliverable.

Site 8 – Land at Chief Trading Post, Barry Road, Oldland Common (AMR 50; appellant 0)

94. The site benefits from a hybrid planning permission, with the 50 houses in the AMR trajectory being in the outline element of the permission. A reserved matters application was submitted in May 2023 by Countryside Partnerships and Alliance Homes. This application was pending determination at the time of the Inquiry. The appellant draws attention to comments from internal consultees which indicate that some design amendments may be required.
95. The Council advised that amendments were submitted in October in response to those comments. Those amendments will, no doubt, be considered by the relevant consultees. PPG advises that evidence on how much progress has been made towards approving reserved matters may be pertinent to an assessment of deliverability<sup>23</sup>. In this case, it is clear that the reserved matters application is being actively pursued. There is no evidence of any fundamental impediment to the outstanding matters being resolved.
96. The Council further advised that Alliance Homes is a registered provider and that all of the units will be affordable homes. The development is being supported by Homes England and there is a contract in place for the dwellings to be constructed by Countryside Partnerships Ltd. Infrastructure works are underway and are projected to be completed by November 2023. Drawing all this together, I consider that the site meets the definition of deliverable set out in the Framework.
97. The appellant raised a further objection, arguing that the site should not be included because it did not meet the definition of deliverable on the base date of 1 April 2022. Attention was drawn to an appeal decision at Woolpit<sup>24</sup> where the Inspector commented that sites which only become deliverable after the base date should not be counted. In general terms I share that view, because including sites that only become deliverable later on could amount to a partial update of the AMR. That approach might not take account of other changes in the supply position. In this case planning permission was not granted until November 2022. However, planning

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<sup>23</sup> PPG – Reference ID: 68-007-20190722

<sup>24</sup> CD5.18 - APP/W3520/W/18/3194926

permission is not a prerequisite for a site to meet the Framework definition of deliverable<sup>25</sup>. The evidence before me indicates that, as of the base date, this was a brownfield site which was the subject of a current planning application for housing. In all the circumstances, I do not think that this site should be excluded from the supply.

Site 9 – Land West of Park Farm, Thornbury (AMR 91; appellant 0)

98. This site was the subject of the *Park Farm* appeal decision, which has been referred to above. Like Site 8, it did not have planning permission as of the base date. However, in contrast to Site 8, this is a large greenfield site where the Council was actively resisting development at that time. The *Park Farm* inquiry opened in September 2022. In my view the Council cannot have regarded this site as suitable for development in April 2022. It should not therefore have been included in the AMR trajectory and 91 units should be deducted from the Council's supply figure.

Site 10 – Land at Harry Stoke, Stoke Gifford – Crest (AMR 75; appellant 0)

99. The site was considered in the *Park Farm* decision, which notes that outline planning permission was given for 1,200 dwellings in 2007. A reserved matters application for 263 dwellings was submitted in 2017, just within the ten year period allowed for in the outline permission. The *Park Farm* Inspector noted that the developer had asked for the reserved matters application to be put on hold during the pandemic and that consideration had only recently restarted. The Inspector concluded that there was too much uncertainty regarding delivery from this site and removed 50 dwellings from the supply.

100. Circumstances have changed since the *Park Farm* inquiry, which took place in September/October 2022. Discussions with the developer (Crest) have taken place, leading to a full suite of amendments in June 2023. Following consultation responses, further amendments were submitted in September 2023. The Council expects that the reserved matters will be approved by the end of 2023.

101. The appellant argued that there are still planning issues to be resolved before permission could be granted. However, the evidence does not indicate that there is a significant impediment to the proposals being approved. There is clear evidence that the reserved matters are being actively pursued. It is also relevant that this is part of the final phase of a much larger development. No adjustment should be made to the AMR figure.

Site 11 – Land North of the Railway, East of Harry Stoke (AMR 50; appellant 0)

102. This site is the second phase of a larger development. Development of 150 dwellings on the first phase is underway, with over 50 occupations. The earthworks have been completed for this site and other infrastructure is in place. An application for reserved matters was submitted in December 2022

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<sup>25</sup> *St Modwen Developments Ltd v (1) Secretary of State for Communities and Local Government (2) East Riding of Yorkshire Council and Save our Ferriby Action Group [2016] EWHC 968 (Admin)* cited at paragraph 120 of the closing submissions for the Council (ID26)

and there has since been a series of amendments, most recently in August 2023. The Council expects approval to be granted by early 2024.

103. The appellant argues that the reserved matters application had not been submitted as of the base date. However, as noted above, PPG advises that evidence on how much progress has been made towards approving reserved matters may be pertinent to an assessment of deliverability. There is no requirement for such an application to have been submitted. The fact that this is the second phase of an active site would also have been pertinent to a rounded assessment of deliverability.
104. The appellant points out that concerns raised by consultees are outstanding, including a holding objection from National Highways. I note that National Highways asked for further information on landscaping and drainage. It can be seen from the consultee responses, including that from the public open space officer, that further amendments are likely to be needed before the reserved matters application is recommended for approval. Even so, there do not appear to be outstanding matters that are incapable of resolution. There is clear evidence that progress is being made towards approving the reserved matters. The AMR is only assuming delivery in 2026/27, which seems realistic. No adjustment should be made to the AMR figure.

#### Site 12 – Land at Hambrook Lane, Stoke Gifford (AMR 60, appellant 0)

105. PPG advises that, for an allocated site such as this, evidence of deliverability may include firm progress being made towards submission of an application. In this case, a full application was submitted on 21 April 2022. It follows that there must have been considerable progress towards submitting that application as of the base date. Amended plans were submitted in September 2022 and in March and June 2023. The appellant argues that it is not known whether the latest amendments have met the concerns of internal consultees. However, it is clear that amendments to the application, no doubt seeking to address the matters raised, are being actively pursued. This is an allocated site where the principle of residential development is not in dispute. There is no evidence of a significant impediment to the resolution of the outstanding matters and the AMR only assumes delivery in 2026/27. I conclude that no adjustment should be made to the AMR figure.

#### Conclusion on HLS

106. For the reasons given above, I conclude that 164 dwellings should be deducted from the AMR figure of 7,673. This results in a supply of 7,509, which is a surplus of 337 dwellings over the five year requirement of 7,172. The Council is therefore able to demonstrate a five year supply, in accordance with the Framework.

#### Delivery against the CS requirement

107. The appellant presented evidence relating to historic housing delivery against the housing requirement set out in Policy CS15. However, I attach little weight to this evidence because it is common ground that Policy CS15 is out of date. Moreover, the Framework is clear that, where the strategic

policies are more than five years old, housing land supply is to be calculated by reference to local housing need, using the standard method set out in national planning guidance.

#### Conclusion on market housing

108. The Framework seeks to significantly boost the supply of homes. The proposal would result in the delivery of up to 117 market homes<sup>26</sup>. I therefore consider that significant weight should be attached to the benefit of market housing delivery, notwithstanding the HLS position set out above.

#### *Affordable housing*

109. The Agreement provides that 35% of the dwellings would be delivered as affordable housing. Further provisions would cover matters such as tenure split, dwelling mix, clustering and delivery mechanisms. The Council and the appellant agree that this provision would be in accordance with Policy CS18.
110. The Council's Local Housing Needs Assessment (2021) (LHNA21) identifies a need to provide 411 affordable homes per year in South Gloucestershire. The Council considers that it is currently meeting this need. Even so, the delivery of affordable housing is of strategic importance to the Council. This is reflected in the significant weight that the Council attributes to the delivery of affordable housing in this case.
111. The appellant argued that greater weight should be given to the delivery of affordable housing, suggesting that the LHNA21 assessment of need is unreliable and likely to be an underestimate. It was argued that LHNA21 has not been tested in a local plan examination and that the current version will not be tested at all because an updated version is being prepared in connection with the emerging local plan. Even so, the methodology underpinning LHNA21 has been tested in local plan examinations elsewhere.
112. Moreover, the appellant sought to challenge the methodology in these appeal proceedings. It was suggested that LHNA21 had applied a 35% income threshold level and that it had assumed that the private rented sector would meet some of the affordable housing need. However, LHNA21 did neither of these things<sup>27</sup>. No doubt the methodology will be examined further as part of the evidence base for the emerging local plan. However, for the purposes of this appeal, I consider that LHNA21 is the most up to date assessment of housing need. Moreover, other indicators of need, such as house prices, rents, affordability and the housing register have been taken into account in LHNA21.
113. The appellant presented evidence which sought to calculate a backlog in affordable housing delivery by reference to the level of need identified in the CS. However, I agree with the *Park Farm* Inspector who commented that "*the CS affordable needs assessment was based on the 2009 SHMA, which*

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<sup>26</sup> The figure of 117 includes 9 self-build plots

<sup>27</sup> In answers to questions from Ms Ornsby, Mr Roberts accepted that a 35% income threshold level had not been applied. Mr Lee explained that the assessment took the approach that persons who are able to afford housing because they are in receipt of housing benefit are not in housing need. That approach is, in my view, consistent with PPG (Ref ID: 2a-020-20190220)

*was subsequently superseded and cannot therefore be relied upon.*” It is also pertinent to note that CS18, which deals with affordable housing, expressly refers to affordable housing need being “*updated by future housing market assessments.*”

114. Over the last 10 years major housing sites have delivered affordable housing through S106 Agreements at a rate of 34%. To my mind that is a good performance. Assuming a continuing supply from other sources, applying that rate to the Council’s trajectory over the next five years would exceed the need figure set out in LHNA21. Indeed, even on the appellant’s trajectory, the supply of affordable housing would meet the need<sup>28</sup>.

115. Given that the of the delivery of affordable housing is of strategic importance to the Council, I attach significant weight to this matter.

#### *Self-build plots*

116. There is currently a shortfall of self-build or custom-build plots compared with the number of registered applicants. The maximum number of plots that would be provided is nine. This would be a modest contribution to meeting the demand, to which I attach moderate weight.

#### *Economic benefits*

117. The proposal would bring economic benefits, through spending and employment in the construction phase and through greater spending by new residents once the dwellings were occupied. On the other hand, there is no evidence that additional council tax or business rates would be used in a way that would make the development acceptable in planning terms. The appellant seeks to rely on the section of the Framework dealing with economic growth<sup>29</sup>. However, when read as a whole, this section is primarily concerned with enabling businesses to invest, expand and adapt. In this case I have attached limited weight to the proposed shop, for the reasons given above. Some of the economic benefits would be temporary because they relate to the construction phase. Overall, I attach moderate weight to the economic benefits.

#### *Conclusion on the fourth main issue*

118. I conclude that the proposal would bring benefits in terms of market housing, affordable housing, self-build/custom-build plots and economic benefits. Whilst I have identified harm in relation to the first three main issues, I have not identified any other significant harms that need to be taken into account.

### **Other matters**

#### *Effect on the highway network*

119. Local residents have expressed concerns about the impact of the proposal on traffic conditions in Wickwar, not least in relation to a narrow section of

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<sup>28</sup> In answer to questions from Ms Ornsby, Mr Roberts accepted that it is reasonable to apply the 34% rate to the projected supply and that, if the need figure of 411 affordable dwellings is right, it would be met on the appellant’s trajectory

<sup>29</sup> The Framework, paragraphs 81 to 85



the High Street where traffic signals are used to control alternate one-way working. The application was supported by a transport assessment which included modelling of the relevant junctions. The outputs have been accepted by the highway authority and the Council raises no objections in relation to highway capacity.

120. Access into the site would be from two priority junctions. I saw that there is good visibility at the proposed access points. The Agreement would provide for off-site highway works, which have been described above under the second main issue. These works are, in the main, necessary to meet the travel needs of the proposed development. Any benefits to the wider community would be minor and not such as to weigh in the planning balance. The proposal would accord with Policy PSP11, to the extent that it would provide safe and convenient access and would not contribute to severe congestion. However, it would still conflict with Policy PSP11 as a whole, for the reasons set out under the second main issue.

#### *Effect on biodiversity*

121. The application was supported by an ecological appraisal, which was informed by a habitat survey and detailed surveys for bats, breeding birds, badger and great crested newt. The appraisal found that the site comprises agricultural fields of limited ecological importance. However, boundary hedgerows were found to be important at a local level and suitable for bats, breeding birds, badger, great crested newt and notable mammals. The appraisal identified measures for avoidance and mitigation of ecological impacts, including through the retention and enhancement of important habitats and the management of green space for biodiversity. These are matters which would need to be considered in more detail at reserved matters stage. At this outline stage, I conclude that the ecological impacts could be adequately managed through the imposition of conditions and the approval of reserved matters.
122. The appellants submitted a biodiversity net gain (BNG) calculation which indicated a 55% increase in habitat units and a 51% gain in hedgerow units. These calculations are based on a site layout and landscape strategy plan which are purely illustrative. The BNG calculation would need to be revisited at reserved matters stage when the precise extent and location of open spaces and habitat features would be defined. I consider that the BNG calculation should be regarded as preliminary. Whilst I consider that it is likely that a detailed scheme would accord with Policy PSP19 (which deals with BNG) in due course, I do not consider that BNG should be counted as a benefit at this outline stage.
123. The Lower Woods SSSI is an extensive area of ancient woodland located 1.2km east of the appeal site. It is managed by Gloucestershire Wildlife Trust (GWT) as a nature reserve. The SSSI supports large populations of passerine birds and has rich invertebrate fauna. It is accessible to the public by a network of footpaths. GWT objected to the application on the basis that the additional population at the appeal site would add to recreational pressures on the SSSI<sup>30</sup>.

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<sup>30</sup> Natural England did not object

124. The appeal scheme would include provision of open space within the site and an off-site footpath link to the existing PRow network. This link could be secured by a Grampian condition. Whilst these measures would make some contribution to absorbing recreational pressure, I consider that new residents would still be drawn to the SSSI due to its inherent attractiveness, proximity and relative accessibility. The Agreement makes provision for a contribution to visitor management measures within the SSSI. GWT has provided further information about the measures that the contribution would be applied to.
125. Taken together with the on-site mitigation and the PRow link, I consider that the contribution would provide an appropriate level of mitigation for the additional recreational pressure resulting from the appeal scheme. On this basis the proposal would accord with Policy PSP18, which seeks to protect SSSIs. The contribution is needed, together with the other measures, to mitigate impacts arising from the proposal. In my view the effect on the SSSI is therefore a neutral factor in the planning balance.

#### *Open space and footpath link*

126. The illustrative plans show various open spaces within the site. The Agreement provides for public access. However, the nature, extent and location of open spaces would not be settled until the reserved matters stage. Whilst the Agreement defines the amounts of various categories of open space, the figures quoted in the Agreement reflect the minimum policy requirements<sup>31</sup>.
127. The footpath link referred to above forms part of the mitigation for impacts on the SSSI. It would also be a recreational benefit to residents of the appeal site. However, it would be of little benefit to existing residents of Wickwar, who already have ready access to the PRow network. The open space and footpath link are therefore neutral factors in the planning balance.

#### *Other contributions secured by the Agreement*

128. The Agreement would provide for contributions to education, off-site open spaces, libraries and community services. These contributions have, quite properly, been calculated on the basis that they will address needs arising from the development in a proportionate way, rather than meeting wider needs.

#### *Recent developments in Wickwar*

129. There have been two recent housing developments in Wickwar, to the east of Sodbury Road, opposite the appeal site. Together they are of similar scale to the appeal proposal, comprising a total of 170 dwellings. They were granted planning permission by the Council in 2017 and 2019. It is not for me to comment on the merits of those decisions. The appeal scheme must be considered on its own merits. The presence of these recent developments now forms part of the context for this appeal. They have been taken into account, for example in the landscape and visual assessment and the transport assessment.

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<sup>31</sup> Confirmed by Mr Richards in answer to my questions

### *The vitality of the village*

130. The appellant argues that the proposal would help to sustain the vitality of the village. On the other hand, interested parties have given evidence that the recent growth in housing has already put existing facilities under pressure. For the reasons given above, I attach limited weight to the proposed shop. The primary school is oversubscribed and there is no certainty that additional primary school capacity would be provided in the village. I conclude that this is a neutral factor in the planning balance.

### *The Council's planning evidence*

131. The appellant criticised the Council's planning evidence on the basis that it did not address the development plan properly. Notwithstanding that criticism, there was adequate evidence before the Inquiry for me to reach my own conclusions on the development plan.

### *Views of interested parties*

132. The proposal has attracted a large number of responses from interested parties. The officer's report notes that there were 613 letters of objection to the application and 15 letters of support. Further letters were submitted in response to the appeal. At the Inquiry, the Wickwar Residents Action Group submitted a petition with 801 signatures opposing the appeal and a number of local residents spoke against it. The main planning issues raised by the interested parties have been discussed above.

## **Conclusions**

### *The development plan*

133. The application is in outline. As such, there are a number of development management policies where compliance would be assessed at reserved matters stage. I consider that the following fall into this category:

- CS2 – green infrastructure;
- CS16 – housing density;
- CS17 – housing diversity;
- PSP1 – local distinctiveness;
- PSP3 – trees and woodlands;
- PSP6 – onsite renewable energy;
- PSP8 – residential amenity;
- PSP16 – parking standards;
- PSP19 – wider biodiversity; and
- PSP43 – private amenity space standards.

134. I consider that the proposal would accord with:

- CS6 – infrastructure contributions;

- CS14 – retail development;
- CS18 – affordable housing;
- CS24 – green infrastructure, in that the Agreement sets out the amount of open space to be provided, in accordance with the policy requirement;
- PSP10 – active travel routes, in that no existing PRoW would be impacted and a new link to the PRoW network would be provided;
- PSP18 – statutory wildlife sites (Lower Woods SSSI); and
- PSP42 – self-build and custom housebuilding.

135. I consider that the proposal would conflict with:

- CS1 - in that it would not respect the character and distinctiveness of the site context, nor would the layout be well integrated with existing adjacent development;
- CS8 - which states that developments which are car dependent or promote unsustainable travel behaviour will not be supported;
- CS9 - which seeks to conserve and enhance the character, quality and distinctiveness of the landscape;
- PSP2 - in that it would result in harm to the landscape that would not be minimised and mitigated through the form of the development; and
- PSP11 - which states that, where key services and facilities are not accessible by walking and cycling, residential developments should be served by appropriate public transport services.

136. The appeal site is outside the settlement boundary of Wickwar. It is common ground that the proposal would conflict with Policy CS5, which deals with the location of development and seeks to limit development in the open countryside. It follows that the proposal would also conflict with CS15, which seeks to meet housing need in identified growth locations, with CS34, which seeks to maintain settlement boundaries, and PSP40, which also seeks to limit development outside settlement boundaries.

137. PSP17 seeks to protect heritage assets and their settings. It states that where development would result in harm to the significance of a heritage asset, permission will only be granted where there would be public benefits that outweigh the harm. The policy also includes a criterion to the effect that there is no other means of delivering the public benefits through development of another site. It was common ground that this criterion is not consistent with the Framework and is therefore out of date. I share that view. However, aside from that particular criterion, I consider that the policy as a whole is consistent with the Framework. The proposal would cause harm to the significance of South Farmhouse through development in its setting. The Framework states that great weight should be given to the conservation of the asset when considering the impact of a proposed development.

138. The public benefits flowing from the proposal would be the delivery of market housing (significant weight), affordable housing (significant weight), self-build and custom-build plots (moderate weight), economic benefits (moderate weight) and provision of a shop (limited weight). I consider that, taken together, these benefits would be sufficient to outweigh the harm to South Farmhouse. The proposal would therefore accord with PSP17. However, it does not follow that the harm to South Farmhouse should be regarded as minor or unimportant. The harm needs to be included in any overall planning balance.
139. CS4A sets out a presumption in favour of sustainable development which reflects the approach of the Framework in situations where relevant policies are out of date<sup>32</sup>. As discussed above, the Council and the appellant agree that the CS should be regarded as out of date, regardless of the position on housing land supply. This is consistent with the conclusions of the *Park Farm* Inspector who found that the housing requirement in the CS, and the settlement boundaries that depend on it, are out of date.
140. It follows that policies CS5, CS15, CS34 and PSP40 are out of date. In my view only limited weight should be attached to the conflict with these policies. With regard to landscape policies, I consider that CS9 and PSP2 need to be read together, with any differences resolved in favour of PSP2, which is the more recent policy. I consider that PSP2 is consistent with the Framework and should not be regarded as out of date. The same applies to CS1, CS8 and PSP11.
141. In applying the balancing exercise required by CS4A, the public benefits are the same as those set out above in relation to the heritage balance required by PSP17. The adverse effects are:
- harm to the significance of South Farm, to which great weight should be attached notwithstanding compliance with PSP17;
  - that the proposal would not contribute to the objective of limiting the need to travel, nor would it offer a genuine choice of transport modes for destinations outside Wickwar. In these respects, it would conflict with the Framework, which seeks to actively manage patterns of growth in support of sustainable transport objectives. The Framework makes clear that sustainable transport objectives can help to reduce congestion and emissions and improve air quality and public health. The proposal would also conflict with CS8 and PSP11. Having regard to the low level of public transport provision in Wickwar, I attach substantial<sup>33</sup> weight to this matter;
  - harmful landscape and visual impacts, resulting in conflict with CS1, CS9 and PSP2. The proposal would also conflict with the Framework, insofar as it would fail to recognise the intrinsic character and beauty of the site, the site's context and LCA 5. I recognise that this is not a designated landscape, nor is it "*valued landscape*" in the terms of the Framework. Nevertheless, having regard to the scale of the development, its location on the slope of

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<sup>32</sup> The policy wording is broadly similar to paragraph 11 of the Framework although there are some differences

<sup>33</sup> In this decision "*substantial weight*" is greater than "*significant weight*"

a shallow valley, the effect it would have on longer views across the LCA and its impact on users of the PRoW network, I attach substantial weight to this matter; and

- conflict with the spatial strategy of the CS, contrary to CS5, CS15, CS34 and PSP40. Only limited weight should be given to this conflict.

142. In relation to the weight to be attached to the lack of sustainable transport options, the appellant submitted that this could not be higher than the moderate weight attributed by the *Park Farm* Inspector. I do not agree, for two reasons. First, the term “*weight*” as used in planning decisions is not a scientific or mathematical concept. Findings of weight in one context cannot simply be read across to other proposals in other locations. Second, and in any event, the evidential basis of the *Park Farm* decision was quite different. That site was on the edge of Thornbury, a market town which the Inspector considered to have a good range of shops, services and facilities. The decision describes the travel options available and the improvements that would come from the appeal scheme and other developments nearby. The Inspector concluded:

*“I have no doubt that trips would be undertaken by car as is the case with the existing population. However, there would be opportunities available for people to exercise alternative modal choices. The proposal includes a number of measures designed to encourage changes in travel behaviour...”<sup>34</sup>*

143. My overall assessment is that the adverse effects of this appeal proposal would significantly and demonstrably outweigh the benefits. The proposal would therefore conflict with CS4A.

144. Whilst the proposal would accord with a number of development management policies, I have identified conflicts with policies relating to sustainable transport and landscape. The proposal would also conflict with CS4A, which is an overarching policy concerned with sustainable development. I conclude that the importance of these policy conflicts is such that the proposal would be in conflict with the development plan as a whole.

#### *Other material considerations*

145. The Framework sets out the approach to decision making in relation to heritage assets and in circumstances where the policies that are most important for determining the application are out of date.

146. The heritage balance referred to in paragraph 202 is essentially the same as that required by PSP17. In respect of South Farm, the public benefits are the same as those described above. The outcome of the balance is also the same, in that the public benefits would outweigh the harm to South Farmhouse.

147. I consider that policies CS5, CS15, CS34 and PSP40 are out of date. As they are “*most important for determining the application*”, the approach to decision making set out in paragraph 11(d) of the Framework is engaged.

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<sup>34</sup> CD5.1, paragraph 62

The benefits are the same as the public benefits described above in relation to the PSP17 balance. The adverse effects are the same as those described above in relation to the CS4A balance. I consider that the adverse effects of granting permission would significantly and demonstrably outweigh the benefits. It follows that the Framework does not indicate that permission should be granted in this case.

148. There are no considerations that indicate a decision other than in accordance with the development plan. The appeal should therefore be dismissed.

*David Prentis*

Inspector

## APPEARANCES

FOR THE APPELLANT	
Sasha White	King's Counsel, instructed by Claire Hawkes of Turley
Jeff Richards BA(Hons) MTP MRTPI	Turley
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Elizabeth Fitzgerald BA(Hons) DipTP MRTPI	Barker Parry Town Planning Ltd
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Julian Moss BA(Hons) MSc PhD	WSP
Jane Jarvis BSc(Hons) DipLA MA CMLI	Senior Landscape Officer, South Gloucestershire Council
Robert Nicholson BA(Hons) BTP PGDip MRTPI IHBC	Conservation Officer, South Gloucestershire Council
<i>In addition, Council officers Kerry Cox, Eileen Medlin and Charmian Eyre-Walker contributed to the housing land supply round table session</i>	
INTERESTED PARTIES	
Robert Houghton	Parish Councillor, Wickwar Parish Council
Mrs Baker	Local resident
Annette Ganesh	Local resident
Joe Ganesh	Local resident
David Graham	Wickwar Environmental Action Group



John Cross	Wickwar Residents Action Group
Sharon Cross	Wickwar Residents Action Group

## DOCUMENTS SUBMITTED DURING THE INQUIRY

ID1	Appearances for the Council
ID2	Draft S106 Agreement
ID3	Letter from Gloucestershire Wildlife Trust of 30 October 2023
ID4	Opening statement for the appellant
ID5	Opening statement for the Council
ID6	Draft conditions
ID7	Petition submitted by Wickwar Residents Action Group
ID8	Letter from Wickwar Residents Action Group
ID9	Plan from Core Strategy
ID10	Gloucestershire Wildlife Trust letter of 2 November 2023
ID11	Plan of SSSI
ID12	WECA email of 6 November 2023
ID13A	Gloucestershire Wildlife Trust email of 30 October 2023
ID13B	Gloucestershire Wildlife Trust email of 2 November 2023
ID14	Bundle of correspondence between WECA and the Council
ID15	Ecology Briefing Note by EDP
ID16	Amended visualisations submitted by Mr Gardner
ID17	Heritage note (agreed)
ID18	Presentation by Jon Kingswood submitted by Cllr Romaine
ID19	Extract from Proposals Map
ID20	Draft S106 Agreement 8 November 2023
ID21	Note on bus contributions submitted by the Council
ID22	Updated Regulation 122 Statement
ID23	North Yate housing delivery note
ID24	Statement by Wickwar Residents Action Group
ID25	Final draft S106 Agreement 10 November 2023
ID26	Closing submissions for the Council
ID28	Closing submissions for the appellant