



Appeal Decision

Hearing held on 27 August 2025

Site visit made on 28 August 2025

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2025

Appeal Ref: APP/P0119/W/25/3360622

Land on the south-west side of Duck Street, Tytherington, GL12 8QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) (the Act) against a refusal to grant outline planning permission.
 - The appeal is made by Richborough Estates Group Limited, Reginald Pearce, Rachel Shiles and Judith Davis against the decision of South Gloucestershire Council (the Council).
 - The application Ref is P23/03195/O.
 - The development proposed is the erection of up to 75 dwellings, public open space including a new community orchard and associated works including drainage, with a new access to serve Mill Farm from Duck Street.
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Decision

1. The appeal is dismissed

Preliminary Matters

2. This is an outline application with all matters apart from access reserved for later consideration. I have therefore treated any information concerning these reserved matters as being informative but nonetheless illustrative. Moreover, I only had details of the places where the 2 proposed access points for vehicular traffic would connect with the adjacent highway (one to Walnut Field and the other to Duck Street). Access within the scheme and pedestrian access points into the site are not before me at this stage.

Main Issues

3. The main issues in this case are
 - a) whether the development would be contrary to the spatial strategy,
 - b) whether this would be a sustainable location for new housing,
 - c) its effects on heritage assets,
 - d) its impact on the character and appearance of the areaand
 - e) whether public benefits would outweigh any heritage harm identified, and, if development plan conflict would result from any or all of the above, whether that harm would significantly and demonstrably outweigh the benefits of the scheme.

Reasons

Spatial strategy

4. In the *South Gloucestershire Local Plan: Core Strategy* (the Core Strategy) Policy CS15 identifies the minimum housing requirements. It seeks to allocate a proportion of the district's housing outside of the North & East Fringes of Bristol urban area, and in small windfall sites. As the housing figures it provides are minima, and as there is nothing that specifically excludes housing in the open countryside, I see no conflict with that policy.
5. Core Strategy Policy CS5 says that in rural areas small scale development may be permitted within settlement boundaries, while Core Strategy Policy CS34 seeks to maintain such boundaries. However, outside of those boundaries, in the open countryside, new development will be strictly limited, and the types of housing that will be permitted in such an instance are found in Policy PSP40 of the *South Gloucestershire Local Plan: Policies, Sites and Places Plan* (the Local Plan). The appeal site is outside of Tytherington's settlement boundary, with the proposed housing element being separated from that boundary by the recent residential scheme at Walnut Field. It does not fall under any of the exceptions given in the above policies.
6. Accordingly, I conclude that by being outside the settlement boundary of Tytherington, this development does not accord with the spatial strategy, and is in conflict with Core Strategy Policies CS5 and CS34, and Local Plan Policy PSP40.

Location

7. The *National Planning Policy Framework* (the Framework) seeks to encourage significant development to be focussed on locations which are, or that can be made, sustainable through limiting the need to travel and offering a genuine choice of transport modes. Because of its size I consider this development can be reasonably seen as significant. The Framework goes on to say that opportunities should be pursued for promoting walking, cycling and public transport use.
8. This is reflected in Core Strategy Policy CS8, which says new developments that generate a significant demand for travel will be more favourably considered the nearer they are to existing/proposed public transport infrastructure and existing facilities/services. It is then expanded upon in Policy PSP11 of the *South Gloucestershire Local Plan: Policies, Sites and Places Plan* (the Local Plan). In Policy PSP11(3)(i) it states that residential development should be located on safe, useable walking and cycling routes that are an appropriate distance to key services. Where that is not the case, Local Plan Policy PSP11(3)(ii) goes on to say such residential development should then be an appropriate distance to a suitable bus stop served by an 'appropriate public transport service' linking to major settlement areas. The supporting text then gives details of what the Council considers to be the key services and the appropriate walking and cycling distances to them. I have no reason to question or challenge the services stated or the distances given. While it was not satisfactorily explained why the appropriate walking and cycling distance between a service and the site was measured in a straight line rather than by a realistic route, that has had no bearing on my decision.

Services and facilities

9. It is reasonable to assume that services and facilities are generally going to be more accessible to those living in towns when compared to those in rural areas. This is not only because they are likely to be closer, but also a greater variety could be expected

with a stronger and more diverse range of pedestrian, cycle and public transport links. However, the Framework does not preclude development in and around smaller settlements on this ground, accepting that opportunities to maximise sustainable transport solutions will vary between rural and urban areas.

10. The services in Tytherington include a shop/post office, 2 places of worship, a public house, a village hall, a play area and some sports provision. While the shop/post office has limited opening times and a restricted stock that would be unlikely to supply a family with its weekly shopping, it is a valuable asset and a useful source of day-to-day essentials. Many of these facilities are listed among the 'key services' found in the supporting text to Local Plan Policy PSP11, and they fall within what that text identifies as appropriate walking and cycling distances from the site. I consider the routes from the site to these facilities are suitable. Although concern was raised about the width of the pavement along Duck Street, the passageway through from Walnut Field is a reasonable and adequate alternative. I recognise too that there are no dedicated cycle lanes or similar in the village, but that is not uncommon in rural areas and it does not follow that cycling on the carriageway is unsafe.
11. The appellants are proposing to supplement what is available in the village by providing on the site a small section of allotment, and additional open space. Moreover, financial contributions are to be made towards enhancing sports pitches and facilities in Tytherington. All these are to be secured through a legal agreement that has been submitted under section 106 of the Act (the legal agreement), and as I understand them to be policy-compliant I consider they accord with the requirements of Regulation 122 in the *Community Infrastructure Levy Regulations 2010* (the Regulations). The appellants are also to provide 2 Local Areas of Play and a Locally Equipped Area of Play, which could be secured by condition. Although these facilities would be primarily for residents on the development, they would also be available for use by other villagers in Tytherington.
12. Primary and secondary schools fall within the appropriate walking and cycling distances found in the policy. I accept though that they are nonetheless some way from the site (especially when taking into account the actual rather than the straight line distance), and given the nature of the intervening roads, it is unlikely school children in general, and primary school children in particular, would walk or cycle that far. However, through the legal agreement the appellants are making a contribution to school transport that I again understand to be policy compliant and so in accord with the Regulations. Although this may not fall under the definition of an 'appropriate public transport service' to these schools that is found in Local Plan Policy PSP11(3)(ii), I nonetheless consider it suitable. It is possible that some of the children at the development may attend schools that are not served by the intended school transport. However, there is no reference to identifying multiple places of education in the policy, beyond merely one at primary level and another at secondary. As such, I consider there is no justification for securing access to a variety of schools.
13. Consequently, the only remaining key services in Local Plan Policy PSP11 that lie outside of the designated appropriate walking and cycling distances are major employers, health services and pharmacies, and destinations for weekly shopping and other comparison shopping. This is not a situation that I expect to be untypical for a village of this nature. The nearest of each of these services is found in Thornbury and they lie between 2.5km and 4km from the site. The connecting road from Tytherington has a pavement along almost its entire length, being broken in just a few places by a lay-by and by junctions and access points. However, there is a need to cross the carriageway on occasions, and it is unlit with little surveillance. It also involves going up a relatively steep hill, and negotiating the junction with the A38, while the distance

to each of these services is far in excess of those stated as appropriate in Local Plan Policy PSP11. As a result, while I cannot say that none of the scheme's residents would choose, on occasions, to walk or cycle to those facilities, I consider it will never be more than a very small minority of trips. I have therefore given little weight to the adequacy of that road for cyclists and pedestrians.

14. I accept that, although much less likely, residents may opt to go elsewhere for work, shopping and/or health care. In this regard I have taken into account the submissions contending the inadequacy of the other roads out of the village for pedestrians and cyclists. However, given the distances that would be involved, these key services are likely to be so far away as to mean it would be unreasonable to assume people would walk or cycle to them, and so the attractiveness of these lanes for such modes of travel does not have a bearing on my reasoning. Reference was also made to the public footpath network. This is no doubt enjoyable to use for recreational purposes on pleasant days. However, from the parts of this that I saw, even assuming it provided a shorter route to services, I consider its attractiveness would be limited in bad weather or in the dark, while again the distances involved and its condition would make it unappealing for those with mobility issues.
15. It was said that there was insufficient capacity in the GP Surgeries around, but I have been made aware of no request to expand these premises. This is therefore not a matter to which I can attach appreciable weight.
16. Although not identified as a key service in Local Plan Policy PSP11, the legal agreement is seeking to enlarge the Thornbury Library and increase its stock. Again, this appears to be in line with policy and so I am satisfied that the agreement, in this regard, is compliant with the Regulations.
17. As a result, because this development would not be located on safe, useable walking and cycling routes that are an appropriate distance to all the stated key services, I consider there is not compliance with Local Plan Policy PSP11(3)(i). I am then required to test the scheme against Local Plan Policy PSP11(3)(ii) and its relationship to appropriate public transport.

Public transport

18. In considering the appropriateness or otherwise of public transport in the South Gloucestershire area, it is reasonable to assume that any passenger will be forfeiting, to a degree, the flexibility and independence associated with personal car travel, as they are constrained by when the bus can collect them and where it will take them. Furthermore, buses operating in any form of service can be delayed or cancelled, and the timetabling may mean passengers have to leave meetings before they have finished, or arrive at appointments particularly early. Such services are also not always 'door-to-door' but can necessitate a certain degree of personal mobility at either end of the journey. These matters must therefore be accepted in assessing compliance against Local Plan Policy PSP11(3)(ii).
19. It is inevitable as well that any service could be improved if there was the opportunity for increased trips. This is no doubt one of the reasons though why the supporting text to the policy defines what the Council considers an '*appropriate public transport service*' to be. Broadly these comprise the length of journey time, the number of services (at least 5 a weekday and 3 at weekends), and, during the week, a service arriving at the destination (which in this instance I take to be Yate and Thornbury) before 0900h and a service leaving after 1700h, thereby seemingly implying 3 services need run between 0900h and 1700h. Although the 3 requirements in this definition are described as '*a minimum*', there is little given to show clearly what

circumstances would justify a wider definition, or what any wider definition would include.

20. The initial premise of Local Plan Policy PSP11(3)(ii) is that a bus stop facility has to be an appropriate distance from the site. There is such a bus stop in the centre of the village that is sufficiently accessible from the scheme to meet this requirement.
21. At the time of the Hearing the public transport serving the village comprised a Demand Responsive Transport Service (a DRT service), which had been in place since 2023. This did not run to a fixed timetable but rather came in response to bookings made online, via the mobile phone app, or over the phone, 24 hours or less in advance. The DRT service operated 3 8-seater vehicles, and these served an area containing very roughly some 12,000 homes. I was also told of a Community Transport Bus that was operating. Whilst a part of the public transport provision, this is intended for those who, for whatever reason, cannot use existing transport services, with its use limited to passengers who meet certain specific criteria. At no point has it been suggested that, by itself, it constitutes the '*appropriate public transport service*' sought by policy.
22. However, on the day the Hearing was held it was announced that a fixed timetable service would be introduced and this started running on 1 September. This now goes from Yate, through Tytherington and on to Thornbury and Cribbs Causeway and back again, (and is known as the Y2C service), with 11 timetabled services a day in each direction (Monday to Saturday). It was intended that this should operate alongside the DRT service.
23. Turning first to the merits of this particular DRT service, I was referred to an appeal decision in the nearby village of Wickwar. In that, the Inspector found the DRT service, which is the same as the one serving Tytherington, was to meet an important social objective but was unlikely to bring about a material change in modal share from the car to public transport and would not offer a genuine choice of transport modes for destinations outside Wickwar. However, that decision dates from 2023 when the DRT service was very new, and indeed it was accepted the service could evolve in the light of experience. As I now have been given more evidence about how the DRT service has operated over the subsequent years, that decision has not had a decisive effect on my reasoning.
24. The evidence I have received though about the merits or otherwise of the DRT service has, in many respects, been conflicting and inconclusive. Many local residents made submissions to say it was unreliable, with the vehicles being fully booked, the timings being undesirable, or the journey times varying tremendously. While the number of these representations was significant, the information they gave was nonetheless anecdotal and unquantified. I also share the appellants' view that it could well be self-selecting, and those who thought it a good service would be less likely to have commented. The Council, in turn, supplied raw data from the West of England Combined Authority about the outcomes of the various requests for use of the service, which also, on the simplest reading, seemed to show an amount of adverse experience. However, it was unclear as to what the various categories covered or the reasons behind the figures they contained. Finally, the appellants submitted a survey reporting the outcomes of 18 trips they had made, whether in reality or virtually (and this has since been supplemented with details of a few more). This showed a positive experience, but again it is limited in number and dates and does not cover, for example, whether it can be used twice a day, morning and evening, throughout a week for commuting.
25. The definition of an '*appropriate public transport service*' found in the policy does not appear to account for something akin to the DRT service, though there is clearly no

reason, in principle, why it could not be appropriate for a village such as Tytherington. Having regard to the evidence presented concerning the operation of this service, when compared to one operating a fixed timetable, its flexibility is, in theory at least, a strength, as passengers can be picked up when they want and be taken to one of numerous possible destinations, rather than being required to travel at a time and to a route that the timetable dictates. However, in contrast a fixed timetable service has a range, a regularity and a consistency of journey times that means travellers can predict with more confidence when the bus will be coming, and arrange long-term appointments and commitments accordingly. It is also reasonable to assume a fixed timetable service would have larger vehicles than the 8-seater ones the DRT now uses.

26. On balance, and having regard to the varied and diverse evidence before me, in my judgement it has not been shown its accessibility, capacity and dependability are sufficient to mean that the DRT service alone would constitute the '*appropriate public transport service*' required by Policy PSP11(3)(ii). As such, whilst those with no access to private transport would have to use it as there was little alternative, it would be unlikely to encourage a modal shift for those who had use of a car.
27. However, as it currently operates I find that the Y2C service alone would be an '*appropriate public transport service*' to serve the development in particular and Tytherington more widely. With the number of buses in each direction every day, and in particular the 2 services arriving in Yate and Thornbury before 0900h and the 3 leaving those towns after 1700h, currently it would comfortably satisfy the definition in the supporting text to Local Plan Policy PSP11(3)(ii). That text goes on to say that the larger the development then the more frequent and extensive the bus service needs to be, no doubt reflecting a relationship between the increased size of a development and the increased demand it would place on such a service. As the number of timetabled services on this route is roughly twice the minimum the policy suggests, I consider it complies with this requirement.
28. The Council said the Y2C service did not offer enough flexibility in the late afternoons and evenings to accommodate, for example, school clubs or those who had to work until 1700h. I recognise that residents may well want to travel, especially in the evenings or on Sundays, at times that are not served by the Y2C timetable. That though is not uncommon with public transport in areas such as this, and I am aware that entertainments and similar activities are not listed as key services or facilities. Moreover, the criteria in the policy only require one bus to leave the destination after 1700h, while this service significantly exceeds that by offering 3, while at the same time running more services than required between 0900h and 1700h. I also see no reason why these additional matters should be introduced specifically in relation to Tytherington and would not be applicable to any site being tested against Local Plan Policy PSP11(3)(ii). As a result, this concern of the Council's does not take this service outside of the definition found in the policy. The Council also said the Y2C service is not open to those with mobility issues and had insufficient storage. Storage on the buses, again, is not cited in the criteria. In relation to those with mobility issues, that is refuted by the appellants. As I anticipate the bus operators have certain obligations in relation to such access, I am persuaded by the appellants' position.
29. Furthermore, the Council submitted evidence to claim the DRT service was in fact no longer operating now, while the appellants have made submissions to the contrary. Given my findings in relation to the suitability of the Y2C service though, whether or not the DRT service remains operational at present has no bearing on the current situation when assessing compliance or otherwise with Local Plan Policy PSP11(3)(ii).

30. I have relatively little information about the circumstances around the Y2C service being established, but both this and the DRT service were funded on what is described as a *'trial'* basis only, with the funding for each due to end in March 2026. As the appellants say, *'[f]unding commitments beyond March 2026 are unknown'*, and after that date *'nobody knows what is going to happen'*. Moreover, being a *'trial'* implies some judgement has to be made as to whether or not either continues, and I have little knowledge of the terms of those trials so am unaware as to how they are progressing. Therefore, while I have no firm evidence to show the funding will stop, neither do I have any to show it will continue. Consequently, it could be that one or both of these bus services ran after next March, but an alternative scenario is that no funding is forthcoming for either. If this alternative occurred, this would mean that, quite probably by the time any Reserved Matters application on this site is determined, the village would no longer have any public transport service, whether appropriate or not, other than the Community Transport Bus. Indeed given the financial pressures that I was told rural public transport services were under, this alternative scenario can, by no means, be dismissed as unlikely. Whilst I do not have the evidence to show there is a *'high risk'* that will occur, on the submissions I have received I consider it to be a credible option.
31. I recognise the need to consider a case on the circumstances existing at the time of my decision and I acknowledge that in the policy definition of an *'appropriate public transport service'* there is no reference to it being secure or how long it must be expected to be operational. However, the emphasis on sustainable locations in the Framework, and its desire to promote walking, cycling and public transport use, must carry with it an element of the service providing some form of on-going benefit for the development. As a result, whether the bus service will run into the future, and, if so, for how long, must be material considerations of considerable weight in relation to this matter.
32. Therefore, although I have no firm guidance one way or another, on the evidence before me it appears that, at present, there is no funding for an *'appropriate public transport service'* to be operational to serve this significant development by the time it is first occupied. As a result, this is a material consideration that outweighs the current compliance of the Y2C service with Local Plan Policy PSP11(3)(ii).
33. In assessing this I appreciate that long-term certainty can rarely be achieved with rural bus services, as their funding is often fragile with commitments being for defined periods of time only. Inevitably therefore, when considering the role of public transport in serving rural housing schemes, there must be an acceptance that any services could cease at some point in the future, so meaning that they were operational for only a small part of the overall lifetime of the development. Given this, long-term certainty is not what I am seeking and indeed would not be realistic. Rather, I am confronted by a definite and imminent *'end date'* for the current funding with nothing to show it will continue thereafter. This to my mind is not the same as a situation where there is an established bus service. Then the emphasis will probably be slightly different, and there could well be a stronger assumption that funding will be rolled over unless changes in circumstance justify otherwise – a position that could be further supported if there is experience of the service already having had its funding renewed previously in an earlier funding cycle. Although the trial period for the DRT service has been extended, I understand this was just allowing the initial funding to be used over a longer time, rather than a decision being made for additional funding.
34. It was said that the presence of this development would encourage the maintenance of a bus service and be likely to increase its viability. There is little though to substantiate that claim or show that, in this regard, these extra houses would have a

material effect. If the bus services through Tytherington were being funded for a longer period that allowed the development to be built and occupied, then there is the prospect that its residents could make a tangible and measurable difference to the numbers of passengers. This in turn would affect the viability of, and need for, the services, and so add support to the likelihood of continued funding. As it is though, it is unlikely that even the Reserved Matters application will have been submitted by the time the decision is made concerning funding after next March, and so any contribution from the development to on-going need will be an anticipated projection at best.

35. Other Inspectors, having found themselves also with uncertainty over the future of bus services to developments, might well have determined their cases based on the situation at the time and afforded less weight to the possibility of the services being lost in the future. That though could well have been a consequence of the submissions made to them, the timescales involved or the nature of the development. In particular, I was referred to an appeal decision relating to land at Baldwins Gate Farm near Newcastle-Under-Lyme. In that the merits of the bus service serving this rural site were explored, and the Inspector noted that concerns were raised about its future. However, it was said the bus service was to be '*reviewed*' a couple of months later with '*no clear evidence of any imminent withdrawal*'. From this I infer that, when the decision was made, the funding in that instance did not have a definite 'end date', as in the case before me, but rather it had to be decided whether on-going funding would be stopped. As such, I consider it is materially different to this proposal.
36. I note too that, when assessing an application recently at Cromhall, the South Gloucestershire officers noted funding was not guaranteed for this DRT service after its 'end date', but found that did not mean that, when taken with another bus service in the village, the combined level of service was not compatible with Local Plan Policy PSP11(3). However, that was not an opinion reflected in the Council's eventual decision and, in any event, I see nothing in those officer views to lead me to change my findings.
37. Political pressure appears to have contributed to the introduction of the Y2C service. It does not follow though that this will mean funding will be given after March, or indeed that any monies that may be available in the wider pot for bus services across the area would be adequate to allow this one to be continued.
38. Residents told me that flooding on the lanes around often limited or prevented vehicles entering or leaving the village. There is little evidence though of the regularity or duration of such events. Based on what is before me, I find that these occurrences are not sufficient to affect my reasoning on this issue one way or another.
39. The appellants are proposing to pursue a Travel Plan to ensure a modal shift from the private car, identifying public transport and home working as the major alternatives. However, the conclusions I have come to in relation to funding of the bus services mean I am not satisfied that this aim will necessarily be delivered through this Plan or that the presence of the Plan would allay my concerns on this issue.

Conclusions on this issue

40. Accordingly, with the Y2C service constituting an '*appropriate public transport service*' at the moment, the site offers suitable access to key services whether by walking, cycling or by public transport, that would not only adequately serve anyone living there who had no motorised vehicles for their own use, but would also encourage a modal shift for those who did. Therefore, given the current standard of bus service, I

conclude that at present the scheme would not be in conflict in this regard with Core Strategy Policy CS8, Local Plan Policy PSP11 or the Framework.

41. However, section 38(6) of the *Planning and Compulsory Purchase Act 2004* says development should be in accordance with the development plan unless material considerations indicate otherwise. In the light of guidance in the Framework, and as next March provides an imminent 'end date' for funding for the bus services with no one knowing what will happen afterwards, I consider the prospect that there could soon be no 'appropriate public transport service' through the village is sufficiently credible to be a material consideration that, in this case, justifies a decision otherwise than in accordance with the development plan. Therefore, mindful of its size, I conclude it has not been shown to a sufficient degree that the scheme would have appropriate access to key services whether by walking, cycling or by public transport, that it would allow good access for those who had no recourse to private transport, or that it would also encourage a modal shift for those who did.

Heritage

The Tytherington Conservation Area

42. The significance of the conservation area lies, in part, in it being a small historic settlement that has grown up organically over time, based around agriculture and associated industries. This is apparent in the range of buildings of various designs, arrangements and ages that it contains, the informal lanes that run through the village, and the open spaces and gardens that are found in between. As a result, its character and appearance still very much reflect these origins. Moreover, despite the motorway passing close by, and the recent housing schemes that are found around parts of the periphery, the significance of the conservation area is enhanced by its setting within a swathe of farmland, as this emphasises its agricultural past.
43. A finger of the conservation area extends down Duck Street to include the properties on the north-east side of that road, opposite the appeal site. From these, and from the road itself, there are views across the site towards the railway embankment to the south-west. Although identified as a key view in the Council's appraisal of the conservation area, the parties offered no specific reasons for this. However, it is nonetheless one of the public places from where the relationship between the historic settlement and the agricultural land around is most readily apparent. Consequently, from here, the open fields that form the site make a positive contribution to the significance of the designated asset as they add to the rural setting of the conservation area. However, this positive contribution is restricted to a great extent by the site being contained, with the railway embankment, the large barns to the south-east and the new housing to the north-west. As a result, it contributes a relatively small area to the countryside setting, and is not readily seen as part of a wider rural landscape.
44. When in the conservation area, approaching Walnut Field along Duck Street, one can now see the field on the north-east side of the site next to the road, as well as the hedging containing it to the south-west and the large agricultural building to the south-east. This area would remain undeveloped, as an orchard and a piece of recreational space, and so, in this view, much of its sense as part of an open, rural landscape would remain.
45. Moving further down the road along this finger of the conservation area, past the Walnut Field junction, or when in the properties on Duck Street that are opposite the site, the open, rural nature of the area subject of this appeal would be changed to a degree by the introduction of housing. The effect of this would be to diminish the rural

context in which the conservation area sits. However, both the illustrative plan and the parameters plan show the housing element, although on the slightly higher land, is to be set well back from this boundary, behind the intended orchard, the open space and some balancing ponds. As a result, while this area of openness would not totally mitigate the effects of the housing, it would nonetheless serve to down-play its impact when looking from Duck Street. Indeed, as an orchard was shown on historic maps of this site, and as such orchards used to be a common feature around Tytherington, there would be a heritage benefit from the re-establishment of this here. Overall though, there would therefore be some sense of the conservation area's agricultural setting being reduced.

46. From elsewhere within the conservation area, any awareness of the development would be very limited, due in part to the intervening housing on Walnut Field.
47. When looking towards the conservation area, the railway impedes views from the south-west, while I anticipate that from the south the topography would greatly restrict an appreciation of the conservation area from the lower plain beyond. However, a footpath crosses the site on a roughly north/south axis and when using this, it would be apparent that the relationship of this field to the village behind would be diminished.
48. Overall, by removing some of the agricultural land around the village the effect of the development on the setting of the conservation area would cause harm to the asset's significance. However, the contained nature of the site, the limited places from where there is intervisibility with the conservation area, the intended open space between the housing and Duck Street, the re-instatement of the orchard, and the size of the development in the context of the overall setting of the conservation area, when taken together, mean I consider the harm to be less than substantial, and indeed is near to the lowest end of that scale.

Mill House

49. This Grade II listed building stands to the south of the site. It dates from the late 16th Century, albeit with subsequent alterations, and takes the form of a typical Gloucestershire farmhouse of that period. It had wealthy owners who were strongly involved in the local cloth industry, and as a result, I was told its internal features, as well as its various extensions, illustrate their rising fortunes. Consequently, its significance is partly historic and partly architectural, while its special architectural and historic interest rest to a degree, in the building's detailing and form, which reflect its age and the owners' business and prosperity.
50. Initially it would, no doubt, have had a more open setting, which would have emphasised its agricultural origins and connections. However, it is now within a cluster of buildings. Looking from the north-west (when on the main body of the appeal site or on Duck Street) it sits behind a new farmhouse as well as a large barn. Housing is to its north-east and a further large barn is to the south-west. As a result, while the cluster is, at least in part, in a rural landscape, Mill House's immediate setting is now quite enclosed, albeit mainly by buildings of an agricultural purpose. The fields of the appeal site currently create a break between the settlement of Tytherington and this group of buildings and so, to a degree, maintain some sense of Mill House's original agricultural location and contribute positively to its setting.
51. The proposed housing element is to be bringing the built-up area of Tytherington down to the western side of this farm complex, and would be building on a portion of the intervening fields. Consequently, it would be diminishing the separation between the village and this listed building and, to some extent, be eroding its rural context. As a result, the scheme's effect on the setting of Mill House would cause some harm to

its significance. However, I had little to show there has been any sort of functional relationship between Mill House and the area to be occupied by housing in the proposal. Intervisibility between the 2 was also very limited, being achievable to a minor degree through the gap between the new farmhouse and its adjacent barn. Furthermore, from Duck Street views of Mill House are limited, while the intended open area and orchard on the south-west side of that street would maintain a sense of openness when travelling towards the listed building. There would also be the added benefit of the new orchard re-establishing a historic use on the site that I understand was once connected to Mill House.

52. Taking these factors into account, while the effect on the setting causes harm to the asset's significance, this harm is less than substantial, and, indeed, is very close to the lowest end of that scale.

Other heritage assets

53. The significance of the Grade II* listed Church of St James in the middle of Tytherington rests, to a degree, in the way it has stood for many centuries at the centre of village life, whether physically, spiritually, or in other ways. The scheme would not adversely affect that relationship, as the church would still be prominent and unchallenged at the heart of the settlement, and be a focus in the landscape. As such, its significance would not be harmed.
54. To the east of the cluster of buildings containing Mill House stands the Grade II listed Newhouse Farmhouse. The significance of this is primarily defined by its architectural and historic interest as a 17th Century farmhouse that has experienced little material alteration. While the site forms part of the wider rural context in which this building sits, I consider the relationship is so weak that the effect of the development on the setting of that building would not harm its significance.
55. On the opposite side of Duck Street to the appeal site is The Malt House, a non-designated heritage asset. It is understood that this dates back to roughly the later part of the 17th Century, and its primary interest is derived from it being an example of a post-medieval dwelling, albeit altered. It might also have been a malt house or similar. Its gable faces the site, and, by the presence of the intended open area next to Duck Street, I consider that its significance would not be harmed.
56. While there may be some archaeological interest on this land, that can be addressed by a condition requiring archaeological investigation before work commences. As a result, there would be no harm to the site's archaeological value.

Conclusions on this issue

57. Accordingly, I conclude that the effect of the development on the settings of the conservation area and the Grade II listed Mill House would cause harm to the significance of each of these 2 designated heritage assets. However, for the reasons given I consider this harm would be less than substantial, and indeed would be near to the lower end of that scale.

Character and appearance

58. Putting aside the effect on the conservation area, the site would be redeveloping an arable field as a housing estate, and repurposing a pasture field as associated open space. This will inevitably change the character of the site by giving the impression of extending the built-up area, and so would affect the local landscape character at this point.

59. However, from the west and south-west it would be concealed to a great extent by the railway, while from the higher land to the north-east it again would not be readily apparent. As stated above it could be seen from Duck Street, albeit screened to a degree by the existing and proposed intervening planting, but from further east the gently undulating landscape and the field boundaries would serve to conceal it. Looking from the plain to the south-east it would be apparent on the skyline, and the character of the footpath through the site would also change. In both of those situations though, there would be an awareness of the large agricultural buildings adjacent with their utilitarian appearance. While these are an accepted part of the rural landscape, they would nonetheless serve to reduce to an extent any sense there may be of the proposal extending out into the countryside.
60. I have noted the growth of Tytherington in recent years, but have no basis to find the additional units now proposed would cause harm by being a disproportionate addition to the village. Although it was said that the arrangement of the development and the positioning of the housing at the back of the site behind the hedge would isolate it from the village, that is not a view I share. Rather, with the inevitable links through to the open space and Walnut Field, it would appear suitably integrated into the village fabric when in the immediate vicinity.
61. I recognise this site is partly seen in the context of the village. However, although constrained to a degree, in my view it nonetheless forms part of the wider local landscape. While I accept that its impacts in this regard could well be mitigated to a great extent by existing and intended planting, and by the presence of the railway and the large farm complex adjacent, I nonetheless conclude there would be some harm to the character and appearance of the area. As such it would conflict with Core Strategy Policies CS9 and CS34, which seek to conserve and enhance the character of the local landscape.

Other matters

Highways

62. Visibility from both vehicular access points, and also at the junction of Walnut Field with Duck Street, would allow the safe entry to and exit from the site. Whilst concern was raised about congestion on the routes through the village, there is no basis to consider the residual cumulative effects of the development on the road network would be severe. Tytherington is approached along typical rural lanes, and to my mind the scheme would not have a material effect on their use. Similarly, I noted the junction of the road from the village with the A38, but again the scale of what is before me would not harm its operation.

Affordable housing

63. It is proposed that 40% of the housing would be defined as affordable. This exceeds the 35% requirement in Core Strategy Policy CS18. It is to be secured through the legal agreement, which, in relation to this matter, I consider to be in accord with the Regulations.

Biodiversity

64. As the site is on the edge of a village in the countryside, it is to be expected that it is used by wildlife for foraging and for transit. However, I have no evidence to show its potential as a habitat would be unreasonably affected, or that protected species would be unduly harmed by the works. Furthermore, there is opportunity for environmental improvement and, in the interests of biodiversity, this could be delivered through the imposition of suitably worded conditions. Although not a policy requirement, a

Biodiversity Net Gain of at least 10% is proposed. The nature of the development appears to allow reasonable scope for this to be achieved, and it can be secured by condition. As such, I consider the effects of the scheme on biodiversity and wildlife will be acceptable.

65. Although numerous local residents said it was Grade 2 agricultural land, I have no reason to challenge the appellants' evidence that said it was Grade 3b.

Drainage and water supply

66. Residents expressed concerns about the capacity of the sewers, and their tendency to overflow. It was also said that water pressure was very low. While I note their experiences, I have no technical evidence from the utility suppliers to indicate the scheme would cause unacceptable harm in this regard. Consequently, it is not a matter on which I can resist the proposal.

Living conditions

67. Opportunity would exist at reserved matters stage to ensure the reasonable living conditions of neighbouring residents were safeguarded. While a railway runs alongside the site, this is a mineral line carrying occasional, albeit long and slow-moving, minerals trains. Indeed one passed during my visit, and the relationship of some of the new houses on this scheme to this railway is likely to be similar to that of the existing recently approved Walnut Field homes. Overall, while concern has been raised about possible noise experienced by future residents from this rail source, the evidence before me does not show that to be a reason for the refusal of planning permission or be otherwise a justification for a condition concerning acoustic details.

Heritage and Planning balances

68. Accordingly I have found harm, albeit less than substantial, would be caused to the significance of the conservation area and the listed Mill House. I have also found the scheme would be contrary to the spatial strategy and would cause limited harm to the character and appearance of the area. Moreover, given the funding situations in relation to the DRT and Y2C bus services, there is a credible prospect that, by the time it is developed, this site could have inadequate access to various key services by foot, by bicycle, or by an '*appropriate public transport service*'. To my mind this is a material consideration sufficient to outweigh the current compliance with Local Plan Policy PSP11(3),
69. The Framework states that heritage assets are an irreplaceable resource, and great weight should be given to an asset's conservation. It adds that any harm to the significance of a designated heritage asset requires clear and convincing justification. Moreover, if less than substantial harm is caused to its significance, that harm should be weighed against the public benefits. I will call this the heritage balance.
70. There is then a further balance under section 38(6) of the *Planning and Compulsory Purchase Act 2004*, which I have mentioned already, and this I will refer to as the planning balance. In considering this balance, Framework paragraph 11 is a key material consideration, which says that decisions should apply a presumption in favour of sustainable development. It goes on to say, in paragraph 11(d), that for decision-taking this means that where the policies which are most important for determining the proposal are out-of-date (including situations where the local planning authority cannot demonstrate a necessary housing land supply) permission should be granted unless (i) the application of policies in the Framework (listed in Footnote 7 and including in relation to designated heritage assets) provides a strong reason for

refusal or (ii) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits.

71. This is reflected in Core Strategy Policy CS4A, which says that when the relevant policies are out-of-date permission will be granted unless material considerations indicate otherwise. However, the policy confirms that in making this decision account will be taken of circumstances similar to those in Framework paragraphs 11(d)(i) and 11(d)(ii), albeit worded to reflect an earlier version of the Framework.
72. The appellants have raised a number of benefits and factors to be weighed against the alleged harms in these balances. Firstly, it is common ground between them and the Council that the Council cannot identify a supply of specific deliverable housing sites sufficient to provide a minimum of 5 years' worth of housing against their local housing need. Rather, it can only demonstrate a supply of 3.97 years (according to the appellants) or 4.36 years (according to the Council). As a result, they said that building up to 75 additional houses would be a much-needed boost to address this deficit.
73. Secondly, the scheme is to deliver a level of affordable housing above policy requirements in a district where, according to the appellants, there is an acute need. Again, it was said the scheme would make a valued contribution in this regard, as well as diversifying the social mix of the settlement.
74. A further point, and once more an area of common ground between the main parties, is that Core Strategy Policies CS5 and CS34, as well as Local Plan Policy PSP40, are out of date due to the housing land supply shortfall. As a result, while there remains a conflict with these policies the weight attached to it should be reduced.
75. Finally, the scheme would have economic benefits for the village both during construction and afterwards, as well as through Council Tax and New Homes Bonus, and there would be a Biodiversity Net Gain of at least 10%, improvements to footpaths, on-site open space and allotments, and some flood alleviation.
76. Moving on to the weight I should give to the stated benefits and the identified harms, the delivery of up to 75 additional units in the light of the housing land supply shortfall should be given significant weight at least. This is irrespective of whether I use the figure identified by the Council or opt for the one suggested by the appellants, as the precise position in the range bookended by these 2 figures does not materially alter the weight to the benefit of providing these new homes. I recognise too the great benefits of providing more affordable housing, especially in excess of policy, in a district where meeting demand going forward is going to be a challenge, and the effects this may have on the village's social mix. While the appellants have invited me to give this substantial weight, the Council has said the weight it should be given is slightly lower at the level of significant. I afford moderate weight to the economic benefits concerning increased spending in the village, to Biodiversity Net Gain, and to on-site open space, while the weight I afford to Council Tax and New Homes Bonus is less again as it may not be used in connection with this scheme. Mindful of the scale of the problem and the extent of what is offered, I afford limited weight to flood alleviation, while I also attach limited weight to the footpath improvements as I am not persuaded that any benefits arising from that are particularly great or necessary.
77. I agree too that the housing land supply situation means the policies that seek to focus residential development within settlement boundaries are out-of-date. Furthermore, given that, I find the policies that strictly limit development in the countryside are out-of-date as well, as building on settlement edges is often a consequence of being unable to meet housing needs in settlement boundaries. I therefore afford limited

weight to the conflict with Core Strategy Policies CS5 and CS34 and also with Local Plan Policy PSP40.

78. Of the other harms I have identified, I recognise the importance of protecting designated heritage assets, and attach great weight to the harm to the significance of both the listed building and the conservation area. However, although I have given it great weight, that harm is nonetheless very limited, being at the lowest end of the spectrum of less than substantial in each case, and the limited nature of this harm must be reflected in the weight it is afforded in the balances.
79. Turning to the accessibility of the location to key services by means other than by private motorised transport, I accept that the concept of sustainable development goes far wider than just issues around access to services and facilities. Indeed, in many respects this scheme sits well against the overarching objectives of such development that are found in paragraph 8 of the Framework. For example, it would contribute to the number of homes in the district, and it would have some economic benefits, supporting vitality of Tytherington. It would also assist the social mix in the village, and it would improve biodiversity among other things. Moreover, based on the indicative plan, I have no reason to consider it would not be a well-designed place with accessible open space.
80. However, in considering sustainable development to my mind accessible services, and the need for housing to be in the right place are fundamental planks of sustainable development. Such development should also be mitigating and adapting to climate change, which I consider does not accord with the prospect of reliance on the private car. As such, despite the scheme having positive elements in relation to sustainable development, I afford substantial weight to my conclusions around the sustainability of the location.
81. Undertaking the heritage balance, even if I adopt the Council's position and afford significant weight to the affordable housing and to the additional units (in the face of the housing land shortfall it identified), then, despite giving it great weight, the harm to the heritage assets is outweighed by these 2 areas of public benefit because that harm is so limited. Consequently, in the light of the guidance in the Framework, I conclude that the effect on the significance of these 2 heritage assets is not a reason to resist the development. As a result, I consider any conflict with Local Plan Policy PSP17, which says harm to an asset should only be allowed if that harm is outweighed by public benefits that cannot be delivered elsewhere, or with Core Strategy Policy CS9, which also concerns heritage assets, is not a basis to resist the scheme.
82. My findings on the heritage balance mean the application of policies listed in Footnote 7 in the Framework do not provide a strong reason for refusal. As a result, the planning balance should therefore be considered in the light of Framework paragraph 11(d)(ii).
83. Given my views on the sustainability of the location, it could be argued this is not sustainable development and so does not fall under paragraph 11(d) in the Framework at all. Putting that to one side though and nonetheless undertaking the balance, even affording substantial weight to the additional housing and the affordable housing as invited by the appellants, in my judgement these benefits, when taken with the others cited, are clearly and demonstrably outweighed by my concerns arising from the current situation in relation to the funding of the public transport and the effect this has on the sustainability of the location. This judgement is further compounded when the limited harms around spatial strategy, and character and appearance, are included. I am aware of no other material considerations that would

indicate otherwise. Therefore, in accordance with Core Strategy Policy CS4A and Framework paragraph 11(d)(ii), I conclude planning permission should be refused.

Conclusion

84. For the above reasons, the appeal is dismissed.

JP Sargent

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

A Bennett	Highways consultant
S Choongh	Barrister instructed by Richborough Estates Group Limited
T Copp	Heritage consultant
T Hutton	Planning consultant
J Roberts	Affordable Housing consultant
J Stacey	Affordable Housing consultant

FOR THE LOCAL PLANNING AUTHORITY:

L Fitzgerald	Planning consultant
M Kidd	Transport Development Control Manager
C Merrett	Barrister instructed by South Gloucestershire Council
R Nicholson	Conservation Officer
T Price	Senior Enabling Officer (Strategic Housing)
K Ross	Enabling Programme Manager (Strategic Housing)

INTERESTED PARTIES:

J Allen	Local resident
J Chandler	Local resident
M Lipton	Local resident & Parish Councillor

DOCUMENTS RECEIVED AT OR AFTER THE HEARING

FROM THE APPELLANTS:

APP1: Email to the Planning Inspectorate (dated 31 August 2025) concerning the introduction of the Y2C service

APP2: Email to the Planning Inspectorate (dated 17 September 2025) responding to the emails from the Council and the Parish Council in LPA3 & PC1

APP3: Email to the Planning Inspectorate (dated 23 September 2025) responding to the emails from the Council and the Parish Council in LPA4 & PC2

FROM THE LOCAL PLANNING AUTHORITY:

LPA1: Additional condition

LPA2: A3 copy of the illustrative layout

LPA3: Email to the Planning Inspectorate (dated 11 September 2025) responding to the appellants' email in APP1 & including a signed section 106 Agreement

LPA4: Email to the Planning Inspectorate (dated 22 September 2025) responding to the appellants' email in APP2

FROM THE PARISH COUNCIL:

PC1: Email to the Planning Inspectorate (dated 5 September 2025) responding to the appellants' email in APP1

PC2: Email to the Planning Inspectorate (dated 22 September 2025) responding to the appellants' email in APP2