



Decision Notice and Statement of Reasons

Site visit made on 28 March 2025

By C Shearing BA (Hons) MA MRTPI

A person appointed by the Secretary of State

Decision date: 6 May 2025

Application Reference: S62A/2025/0082

Site address: The Bull Inn Public House, 333 Crews Hole Road, Bristol BS5 8BQ

- The application is made under section 62A of the Town and Country Planning Act 1990.
 - The site is located within the administrative area of Bristol City Council.
 - The application dated 6 January 2025 is made by Wellington Pub Company and was validated on 10 March 2025.
 - The development proposed is described as 'demolition of existing building and erection of a new block of apartments comprising 9 dwellings (6 x 2 bedroom flats and 3 x 1 bedroom flats) together with the addition of PV panels and air source heat pumps'.
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Decision

1. Planning permission is refused for the development described above, for the following reasons:
 - 1) The proposal would result in the loss of a public house and community facility. It has not been sufficiently demonstrated that the loss would be acceptable having regard to the policy requirements, and the proposal would conflict with Policy DM6 of the Site Allocations and Development Management Policies 2014, and Policy BCS12 of the Core Strategy 2011.
 - 2) The proposal would cause harm to the character and appearance of the Avon Valley Conservation Area and would result in the comprehensive loss of a non-designated heritage asset, which are not sufficiently outweighed by public benefits or other considerations. The proposal would conflict with Policy DM31 of the Site Allocations and Development Management Policies 2014, and Policy BCS22 of the Core Strategy 2011.

Statement of Reasons

Procedural matters

2. The application was made under Section 62A of the Town and Country Planning Act 1990, which allows for applications to be made directly to the Planning Inspectorate where a Council has been designated by the Secretary of State. Bristol City Council (the Council) have been designated for non major applications since 6 March 2024.
3. Consultation was undertaken on 18 March 2025 which allowed for responses by 17 April 2025. Responses were received from the parties listed in Appendix 1 and a number of interested parties and local residents also submitted responses. The Council submitted an officer report which included details of consultation responses and which sets out the Council's objections to the proposed development on a number of grounds. I have taken account of all written representations in reaching my decision. I also carried out a site visit on 28 March 2025, which enabled me to view the site, the surrounding area and the nearby roads and footways.

Main Issues

4. Having regard to the application, the consultation responses, comments from interested parties, the Council's report, together with what I saw on site, the main issues for this application are:
 - The acceptability of the loss of the public house, having regard to the development plan;
 - The effects of the proposal on local heritage and on the character and appearance of the area;
 - Effects on parking and highway safety, and;
 - Effects on the living conditions of the occupiers of nearby residential properties, and of future occupiers of the development.

Reasons

Loss of the Public House

5. Policy DM6 of the Bristol Local Plan: Site Allocations and Development Management Policies 2014 (the SADMP) states that proposals involving the loss of established public houses will not be permitted unless it is demonstrated that: the public house is no longer economically viable; or a diverse range of public house provision exists within the locality. The supporting text acknowledges the role of public houses in providing opportunities for social interaction as well as facilitating community activities. This is expanded upon in the Council's 'DM6: Public Houses Practice Note' 2022 (the Practice Note).
6. The applicant considers the second criteria of DM6 to apply here, relating to the provision of a diverse range of public houses in the locality. The applicant refers to two alternative public houses within 800m of the application site and I have no strong reason to doubt that they would

provide broadly comparable facilities to those previously offered at The Bull Inn.

7. Both The Horse and Jockey and The Lord Raglan are at the extremity of the 800m walking distance specified in the Practice Note. In addition, I observed both to be positioned close to the top of the hill to the east, and to reach them from the application site would involve walking routes which are almost entirely up hill and which are steep in part and likely to be difficult and unattractive to certain members of the community. The Practice Note is clear that regard should be had to factors such as barriers to movement, including steep gradients, which is the case here. The Trooper is similarly a greater distance to the east beyond the crest of the hill. As such I do not consider these public houses, or others referenced which are further afield, to be within a reasonable walking distance of the site and they would not collectively continue to meet the needs and expectations of the whole community. Therefore part ii) of Policy DM6 is not met.
8. The applicant also addresses criteria i) of DM6, relating to the economic viability of the public house. The applicant's Viability Report (the VR) concludes that a leasehold occupation would not be adequate to provide the landlord with a return and the tenant with a reasonable income, and it would be insufficient to provide a reasonable income to the operator and service borrowings or provide a return on investment from owner-occupation. These factors point towards the public house being unviable. The VR refers to contributing factors including limits to the population served by the use as a result of the proximity to the river, the current state of repair which would require significant investment and the troubled history of the pub including changes to operators and a previously revoked license.
9. Nonetheless the report lacks substantive evidence to support its claims as set out in the Council's Practice Note and with reference to the CAMRA Public House Viability Test. In particular, it lacks audited accounts of at least three trading years, and it is not apparent why operation by private individuals would necessarily prevent this. While factors including staff costs, energy prices and business rates would contribute to overall working expenses, the report is based on generalised assertions and in the absence of specific account information it cannot be established that these trends would undermine the viability of this particular public house. Neither has evidence of any marketing efforts been provided. The Practice Note is clear that a public house being vacant or closed is not evidence that a renewed use could not be viable under new management, and the applicant should still demonstrate they have marketed the facility.
10. In addition, there is little evidence of efforts to diversify the offer of the premises, other than in the year 2000 surrounding hosting of private events. The VR refers to the absence of gaps in local service provision. However, it is not clear how this view is derived and it would appear to be at odds with the representations received from third parties. Given the limited information in this respect, and given the scale of the building and its proximity to a popular route for riverside walks, I cannot be satisfied that efforts have been made to diversify the pub's offer so to improve the viability of the public house.

11. While the building is in a state of disrepair, there is little information on the actual extent of works required or that this would necessarily prohibit a viable public house use. Despite reputational damage, it is also not apparent that issues relating to anti-social behaviour, which led to the license being revoked in 2023, would prevent the use from being viable under different management. I note the Council's observation that the area has the lowest crime rate in Bristol, which suggests that this would not necessarily be a problem which undermines the future viability of the use. For these issues in combination, it has not been satisfactorily demonstrated that the public house is no longer economically viable.
12. As neither of the criteria in Policy DM6 have been met, the loss of the existing public house would conflict with that policy overall, and with Policy BCS12 of the Core Strategy 2011 (the CS) which similarly states that existing community facilities should be retained subject to criteria. The proposal would also conflict with the Framework where it states that decisions should guard against the unnecessary loss of valued facilities and services, which the evidence suggests was previously the case here.

Heritage

13. The site lies within the Avon Valley Conservation Area (the CA) and accordingly Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention to be paid to the desirability of preserving or enhancing the character or appearance of this area.
14. The CA covers an extensive area immediately abutting the River Avon to the east of the city centre. The area has historically been associated with the city's industrial heritage, including coal-mining, quarrying and lead-mining activities of the 18th and 19th Centuries. The Council set out that Crews Hole developed to serve the mining and copper works in the vicinity and historic photographs and maps show the vast factories which occupied the river edge at that time. A remaining chimney at the top of Troopers Hill occupies a dominant position above the townscape and a further chimney exists closer to the application site at the lower part of Troopers Hill Road, close to a retained Chapel now converted to residential use. The public house would have been a central focus and important attribute, serving a working-class industrial community by providing respite and recreation. Together these remaining townscape features provide a reminder of the area's industrial heritage, among the backdrop of more contemporary homes which now serve the city.
15. The Bull Inn as it stands today dates from the early 1900s and the architects incorporated Queen Anne style detailing, red brickwork with limestone decorative detailing among two storey projecting elements to its front elevation, amounting to an elaborate and prominent principle elevation addressing the street. These elements contribute to the building's distinctive style which I understand to be typical of the public houses built for Georges Brewery across Bristol around that time. As such I find the rich variation in its materials and design features to be a heavy contributor to its significance, rather than a detracting feature. A freestanding decorative

ironwork sign also remains to the front of the building and adds to the building's interest and the appreciation of its significance.

16. There is dispute surrounding the extent to which the building has been altered since its construction. However, even if the bays were additions, I nonetheless consider they are part of the early development of the building and it is not apparent that they undermine its historic significance. A later extension is, however, apparent to the building's southern side, likely added in the 1980s and comprising a blank front elevation and pitched roof above. Despite appearing as a somewhat utilitarian addition, its reduced ridge height and set back from the adjoining gable feature allow the form of the historic building to remain apparent. Based on the evidence, the internal spaces have been subject to changes and adaptations in connection with the building's varying management as may be expected.
17. Both the Council and the applicant consider the existing building to constitute a non-designated heritage asset (NDHA). The Council report the building is identified as a monument on its Historic Building Record and, in response to the application, Historic England have commented the building to have architectural and historic significance. Based on the evidence, and given the findings of my site visit, I have no strong reason to reach a contrary view and I have considered the building as a NDHA. In addition, the building contributes positively to the character and appearance of the CA through its distinctive architecture and its historic association to the development of the area. It is appreciated primarily in localised views along Crews Hole Road which is a busy spinal route through the CA.
18. The applicant considers the building does not meet the criteria for a designated heritage asset. However, this is not for my consideration and it does not reduce the weight which I give to the importance of the NDHA and the CA. It is also asserted that the building's quality is insufficient to warrant retention and, for the reasons set out, I do not find that to be the case.
19. The proposal would entail the demolition of the existing building and the comprehensive loss of the NDHA. This would constitute harm to the NDHA and its contribution to the CA would be permanently lost and the character and appearance of the CA would be heavily diluted as a result. Accordingly, the proposal would neither preserve or enhance the character or appearance of the CA. Accordingly, the proposal would conflict with Policy DM31 of the SADMP which sets out the expectation to conserve and where appropriate, enhance a heritage asset, as well as BCS22 of the CS, which do not distinguish between designated and non-designated assets.
20. The Framework sets out that heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance. Insofar as the effects on the CA are concerned, I find the level of harm to be less than substantial, taking account of the scale and nature of the CA taken as a whole. However, I find that harm to be at the higher end of the scale, given the proposal entails the building's wholesale removal. The Framework requires that I give great weight to the conservation of the CA as a designated heritage asset. Accordingly, paragraph 215 requires that

this less than substantial harm be weighed against the public benefits of the proposal, which I return to below.

21. Turning to the NDHA, the scale of harm would be significant, given the building would be permanently lost. The Framework sets out that, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and significance of the heritage asset. This is similarly considered below.

Character and Appearance

22. Notwithstanding the findings in respect of heritage effects, the residential uses which now exist in the surrounding area comprise a diverse mix of housing types and styles. This includes flatted development directly behind the site on Bull Lane and more traditional housing typologies set around a series of cul-de-sacs on the opposite side of Crews Hole Road. As such the character of residential properties in the area is varied.
23. The proposed redevelopment would comprise three floors with the top floor set within the roof slopes, served by windows and openings within gable features. Despite the building's increased width, it includes a series of vertical elements including projecting bays, aligned with the gable features above. Together these elements help to break up the massing of the building and provide visual relief and interest to the elevations. Given the varied character of the area, the proposed building would sit comfortably within its context. While its height would be taller than the existing, due to its position nestled into the hillside I do not consider this would appear unduly prominent, particularly in the context of the taller blocks on Bull Lane to the rear.
24. There are not any substantial or particularly notable trees on the site, although trees on the bank above the existing building are shown to be retained. The proposal would introduce additional soft landscaping to the site, helping it to merge with the landscaped hillside beyond.
25. Overall, notwithstanding the findings above in respect of the removal of the existing building, the design of the proposed building would preserve the character and appearance of the area. It would comply with Policy BCS21 of the CS and policies DM26 and DM27 of the SADMP which together relate to design quality and the need for development to respect local character and distinctiveness.

Highways and Parking

26. The proposal includes eleven off-street parking spaces including one suitable for wheelchair users, and this is just below the car parking standards contained in the SADMP. However, as those standards represent a maximum provision, the quantum of car parking spaces is acceptable and compliant with Policy DM23 of the SADMP and BCS10 of the CS insofar as it seeks to prioritise sustainable means of transport. Electric charging points could reasonably be conditioned to comply with the policy requirement. Similarly, while the level and nature of cycle parking spaces falls short of

the policy requirement, as there is adequate space on the site, this could be addressed through the imposition of a planning condition if the proposal were otherwise acceptable.

27. Having regard to the comments of the Council's Transport Development Management Officer, the proposed accesses are capable of providing safe access to the site, subject to further details and conditions relating to the points of access and visibility splays. The Council consider that the proposal should secure additional works to the highway and Policy BCS10 of the CS supports the provision of a network of routes to encourage walking and cycling. Suggested works include the reinstatement of the full width of the footpath on the western side of Crews Hole Road, installation of a crossing towards the northern end of the site to connect to the footways by the river, and installation of waiting restrictions outside the site. These works would facilitate cycle and pedestrian movements through providing links to the nearby river footways. The Council state these could be secured through a S278 agreement and a condition has been suggested. Since the application is being refused for other reasons, I have not considered this matter further.

Living Conditions- Existing Occupiers

28. The site adjoins other residential properties behind on Bull Lane, as well as on the opposite sides of Niblett's Hill and Crews Hole Road. While the new windows and balconies of the proposed development would be visible from the existing windows of the surrounding properties, given the distance between them and, in combination with the separation by roads and the hill slopes, there would not be a harmful loss of privacy to the adjoining occupiers nor harmful losses of sunlight or daylight. The increased height of the building would be more apparent from private views, particularly from those properties further up the hill to the east. However, given its scale, distance of separation and as the top floor accommodation would be set predominantly within the roofslopes, any change in outlook would not amount to unacceptable harm to the living conditions of those occupants.
29. There is not substantial evidence to demonstrate that the proposal would give rise to an unacceptable increase in noise as a result of its proximity to the hill side and reflected noise. In addition, and in the absence of evidence to the contrary, the noise generated by the residential use of the property is unlikely to be substantially greater than could be experienced from the former public house use if it was reinstated. Noise and disturbance could be experienced during the construction process, however, this would be for a limited period and could be controlled by planning conditions as well as other legislation outside the planning process if necessary. For the reasons given the proposal would not cause unacceptable effects on the occupiers of existing nearby properties.

Living Conditions- Future Occupants

30. All the proposed units would be at least dual aspect with windows in the front and rear of the building providing opportunities for natural lighting, ventilation and outlook. Those units on the edges of the building would additionally have some windows in the side elevations. At the back of the

building the openings would face towards the retaining wall and slopes of the hill, likely to create more dark and oppressive conditions within those rooms at the back, particularly at the ground floor level. However, the units would each be an acceptable size and layout, and would provide a good standard of accommodation when considered overall. The private ground level amenity spaces at the back of the building would also likely be dark and constrained due to their orientation and position below the hill slope. However, those units would have access to the open communal space at the back of the site and the proposed outdoor spaces are, on balance, considered acceptable.

31. I have no strong reason to believe that the proposed air source heat pumps would cause unacceptable disturbance to future occupants, and details of their noise levels and any attenuation measures, if necessary, could reasonably be secured by condition.

Other Matters

32. It has been demonstrated that the proposal would be capable of delivering biodiversity net gain on site, at a level in excess of the statutory 10%. A Preliminary Ecological Appraisal has also been provided which considers the suitability of the site for protected species. This found the building to have negligible potential for bats, given the lack of obvious access points for bats into the loft spaces and lack of evidence of their presence, and it is poor for foraging bats. The report finds the site unlikely to support other protected species and I have no strong reason to doubt that finding. The proposal is therefore acceptable in respect of these issues.
33. The site is close to a number of Sites of Nature Conservation Importance including the River Avon approximately 70m to the west of the site and the Conham Vale and Dunbridge Farm Woodland adjacent to the southern site boundary. However, given the position of the proposed building, the proposal would not have unacceptable effects on those areas.
34. If the proposal were otherwise acceptable, conditions could reasonably be imposed relating to other matters including site drainage, land contamination and measures to mitigate for climate change.

Planning Balance

Heritage Balance

35. In respect of the balance required by paragraph 215 of the Framework, the main public benefit arising from the proposal would be the provision of nine new homes. These would contribute to the national objective to boost the supply of homes, as well as the supply in Bristol which is of particular importance given the undersupply of land for homes reported by the Council. These would comprise a mix of smaller units of 1 and 2 beds and would contribute to the local need for units of this size. These new homes would be on a previously developed site, in a sustainable location, close to the city centre and with access to services and facilities including public transport links and attractive walking routes by the river. The Framework acknowledges the important contribution which small and medium sized

sites can make towards the housing requirement of an area, and are often built-out relatively quickly. The proposal would deliver new soft landscaping to the wider site and the associated benefits of biodiversity net gain. It would also entail the tidying of the site and putting the site back into use, and associated works to the highway could be secured if the proposal were otherwise acceptable. Other public benefits may arise from the proposal which attract some weight, including the economic benefit associated with the construction process and ongoing expenditure into the local economy by future residents. Taken together, I give these benefits considerable weight, given the scale of the proposal.

36. Where the proposal has been found to be policy compliant in other ways, these are neutral matters rather than public benefits which weigh in favour of the development. This includes the design of the replacement building which may be acceptable, but does not amount to an enhancement. Paragraph 215 invites consideration of securing the optimum viable use of the building. However, for the reasons set out above relating to the loss of the existing public house, I am not convinced that the proposal represents the only viable use of the site. Paragraph 125c) of the Framework supports the use of suitable brownfield land in settlements for homes. However, for the reasons set out in particular relating to the existing land use, I do not consider the site has been shown to be one which can be described as suitable. The provisions of that paragraph therefore do not weigh in favour of the proposal.
37. For the reasons set out, the public benefits of the proposal would not outweigh the harm identified to the designated heritage asset of the CA, which the Framework requires I give great weight.
38. In terms of the balancing exercise required in respect of the NDHA in paragraph 216, for the same reasons the benefits of the proposal would not outweigh the harm arising from the scale of the loss, which would be comprehensive and permanent.

Presumption in Favour of Sustainable Development

39. The Council accept that it is unable to demonstrate an appropriate land supply for housing, quoting a 3.75 year supply. As such the Council accept that the provisions of paragraph 11d) of the Framework apply to the application. The application of policies in the Framework that protect assets of particular importance, insofar as they relate to designated heritage assets, provide a strong reason for refusing the development proposed. The proposal would not therefore benefit from the presumption in favour of sustainable development set out in the Framework.

Conclusion

40. For these reasons, and having regard to all other matters raised, the proposal does not accord with the development plan as a whole and there are not material considerations of sufficient weight which indicate that a decision should be made other than in accordance with it. Planning permission is therefore refused.

C Shearing

Inspector and Appointed Person

Informatives:

- i. In determining this application the Planning Inspectorate, on behalf of the Secretary of State, has worked with the applicant in a positive and proactive manner. In doing so the Planning Inspectorate gave clear advice of the expectation and requirements for the submission of documents and information, ensured consultation responses were published in good time and gave clear deadlines for submissions and responses.
- ii. The decision of the appointed person (acting on behalf of the Secretary of State) on an application under section 62A of the Town and Country Planning Act 1990 ("the Act") is final, which means there is no right to appeal. An application to the High Court under s288(1) of the Town and Country Planning Act 1990 is the only way in which the decision made on an application under Section 62A can be challenged. An application must be made within 6 weeks of the date of the decision
- iii. These notes are provided for guidance only. A person who thinks they may have grounds for challenging this decision is advised to seek legal advice before taking any action. If you require advice on the process for making any challenge you should contact the Administrative Court Office at the Royal Courts of Justice, Strand, London, WC2A 2LL (0207 947 6655) or follow this link: <https://www.gov.uk/courts-tribunals/planning-court>

Appendix 1 - Consultee responses

Bristol City Council- Local Planning Authority