



Decision Notice and Statement of Reasons

Site visit made on 4 December 2025

By C Shearing BA(Hons) MA MRTPI

A person appointed by the Secretary of State

Decision date: 9 January 2026

Application Reference: S62A/2025/0133

Site Address: Stoke Lodge Playing Fields, West Dene, Shirehampton, Bristol BS9 2BH

- 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 14 October 2025 is made by Cotham School and was validated on 5 November 2025.
 - The development proposed is described as 'works to install 8no. CCTV poles and cameras'.
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Decision

1. Planning permission is refused for the development described above, for the following reasons:
 - 1) The proposal, by reason of the design, scale and siting of the proposed poles, would cause harm to designated and non-designated heritage assets, contrary to Policy BCS22 of the Bristol Core Strategy 2011 and policies DM26 and DM31 of the Bristol Site Allocations and Development Management Policies 2014.
 - 2) The application fails to demonstrate that the proposal would not have harmful impacts on important trees surrounding the site. Harm to, or loss of those trees would conflict with Policy BCS9 of the Bristol Core Strategy 2011 and Policy DM17 of the Bristol Sites Allocations and Development Management Policies 2014.
 - 3) The proposal would cause a harmful loss of privacy to the occupants of the neighbouring properties, contrary to Policy BCS21 of the Bristol 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 which allowed for responses by 17 December. I have taken account of all written representations received within that period. For the avoidance of doubt, I have treated the Council's response to the application as that which it provided to the Planning Inspectorate. I carried out a site visit on 4 December 2025 which enabled me to view the site and the surrounding area.
4. During the course of the planning application, the government published a consultation National Planning Policy Framework (the Framework), which sets out changes to the Framework along with other changes to the planning system and accompanied by a Written Ministerial Statement. As the proposed reforms are in draft and may be subject to change before the final document is published, I have given them only very limited weight at this stage. Having regard to the determining issues of this application, it has not therefore been necessary to consult the parties on the changes and, in reaching my decision, I have had regard to the Framework of December 2024.
5. I note there are some discrepancies among the submitted documents in respect of the locations of the poles and associated cabling. I have considered the proposals on the basis of the proposed drawings since, if planning permission were granted, these would form the approved drawings.

Main Issues

6. I consider the main issues to be the effect of the proposal on: heritage assets, important trees, and; the living conditions of nearby occupants with particular regard to privacy.

Reasons

Heritage

7. Stoke Lodge is a grade II listed building located off Shirehampton Road and which is enclosed on three sides by the playing fields. Accordingly I must have regard to the statutory duty of Section 66(1)¹ which requires special regard to be had to the desirability of preserving the building or its setting.
8. Stoke Lodge was a former house, listed by reason of its architectural and historic interest, as set out in the list entry. Based on the information before me, the building was intended to give the impression of a baronial hunting lodge, set among a substantial package of land used by the owners. As such the building was closely affiliated with its landscape setting. The setting in which Stoke Lodge is experienced has inevitably

¹ Planning (Listed Building and Conservation Areas) Act 1990

been subject to change arising from the surrounding housing development and, to some extent, the paraphernalia associated with the playing fields giving it a more domestic character. Nonetheless, while its rural character has been diluted, the vast openness of the playing fields and its mature trees continue to provide an open and verdant surrounding to the listed building.

9. The tree belts surrounding Stoke Lodge have provided physical separation between the building and the playing fields, again in part diluting the ability to appreciate the building among an open setting. At the time of my site visit, when foliage on the trees would likely be at its most sparse, there was little intervisibility between the main house and the eastern side of the playing fields.
10. From the western part of the playing fields, however, there is greater appreciation of Stoke Lodge within this open setting. Parts of the former walled garden to the north of the main building, as well as the integral 19th century gazebo, are visible, as well as a rubble stone outbuilding between the main house and the walled garden. Glimpses are also afforded towards the main house and its ornamental roof forms. Views from the western side of the playing field therefore contribute positively to the way in which the heritage asset is experienced and its value as a former country home is appreciated. I also note the findings of an Advisory Panel who consider the nature of the surrounding trees, including the central Turley Oaks, contribute to the appreciation of the planned parkland setting evidenced on historic maps. Despite the absence of a current functional connection, the playing fields therefore have a visual as well as a historic connection to Stoke Lodge and, despite not forming part of the curtilage of the listed building, I find they are a positive and important element in its setting and how its significance is appreciated.
11. The Council have identified the playing fields themselves as a non-designated heritage asset (NDHA) and this is similarly referenced in the decision notice of an earlier planning application on the site². Planning Practice Guidance (PPG) acknowledges these as having a degree of significance, meriting consideration in planning decisions. The Council's case in this regard is compelling and identifies the value of the playing fields as historic parkland which I shall not repeat here. This has been carried out in light of Historic England's heritage values. While this is heavily at odds with the applicant's conclusions on the NDHA, it references historic mapping showing single land ownership and the site's historic associations with not only Stoke Lodge but also its significance in the social and economic development of this part of Bristol. Having considered the evidence before me, and as the Council found the site to be an NDHA in 2023, I have similarly treated it as such.
12. The proposed installations, by reason of their height, design and regular distribution across the playing fields, would introduce visual clutter as modern structures of utilitarian appearance. Their height would very likely rise above the existing structures and boundary treatments, and would

² Bristol City Council reference 20/01826/F – dated 23.02.23

have urbanising effects which would be heavily at odds with the site's open and verdant character. While several would be positioned close to the site boundaries, where they may integrate to some extent with the boundary trees and paraphernalia, others would be set in from the boundaries, having greater visual prominence in localised views. As a consequence they would detract from the appreciation of the listed building in its setting. This would particularly be the case for those poles closest to the listed building which would appear visually prominent in views of Stoke Lodge from the playing fields. They would also heavily dilute the significance of the site as an NDHA. In turn the proposal would conflict with policies DM26 and DM31 of the Bristol Site Allocations and Development Management Policies 2014 (the SADMP) and BCS22 of the Core Strategy 2011 (the CS) insofar as they require development to respond appropriately to historic assets and expect development to conserve and, where possible, enhance heritage assets or their setting.

13. In terms of the effects on the designated heritage asset of Stoke Lodge arising from harm to its setting, this would be less than substantial harm for the purposes of assessment against the Framework. That harm would be at the upper end of the scale, given the height and regular spacing of the poles across the area, and adopting a precautionary approach in the absence of detailed information surrounding the visual effects of the proposal. I am required to give considerable weight and importance to that harm, in line with the statutory duty. The Framework requires that this harm be weighed against the public benefits of the proposal. Similarly, the Framework requires a balanced judgement regarding the effects on the NDHA, having regard to the scale of any harm or loss to the significance of the heritage asset. For the same reasons set out, I consider the harm to the significance of the NDHA to be significant. I return to these balancing exercises below.
14. There is also evidence to suggest the potential presence of Anglo-Saxon archeology surrounding an embankment on the site's boundary. While this contributes to the evidence supporting the historical significance of the area, given the extent of works in this part of the site I see no strong reason that archeological heritage could not reasonably be addressed by planning conditions and this would be a proportionate approach here. Harm could reasonably be avoided. There is not substantive evidence that the Sculpture Tree, or other neighbouring buildings, should be dealt with as heritage assets.

Trees

15. The site is subject to four Tree Preservation Orders (TPOs), relating to individual trees and groups of trees peppered around the site and its edges³. I observed these trees contribute positively to the character and appearance of the area for the reasons set out above, and have significant amenity value. The applicant has provided an Arboricultural Report which considers the effects of the development on trees. This acknowledges the

³ TPO numbers 1192, 1236, 451 and 1457

TPOs and also one veteran tree (T36), being an Oak on the northwestern site boundary.

16. One of the poles would appear to be within the root protection area (RPA) of tree T43, an Oak to the rear of properties on Woodland Grove. Other poles are shown to be close to protected groups, including those referenced G5, G7 and G11. The Arboricultural Report identifies two of these groups as category B⁴ with a life expectancy of at least 40 years, and one as category C, with a life expectancy of more than 20 years.
17. The submission lacks details of the RPAs of those trees closest to the poles. Given their proximity, it is very likely that excavation works within the RPAs of protected trees would be necessary, associated with the installation of concrete bases and cabling. In the absence of details of the extent of encroachment into the RPAs and the depth and nature of the works, significant effects on the longevity and health of those trees, or their potential loss arising from root damage, cannot be ruled out. There would also be increased pressure to prune those trees in the future in order to maintain the equipment.
18. Separate applications may be necessary for certain works to those trees. However, the above harms would arise as a result of the implementation of the proposal before me. Therefore, the need for separate consent at a later date does not convince me that harm to the affected trees would be avoided.
19. Based on the site plan⁵, the associated cabling would avoid the site's important trees. The applicant has set out measures to protect trees near the site entrance during construction, and I have no strong reason to doubt they could be achieved effectively. The necessary further details and compliance could be secured by conditions if the proposal were otherwise acceptable. Further details of new planting could also reasonably be secured by condition to ensure it was appropriate to the site's historic character.
20. For the reasons given, and in the absence of evidence to the contrary, the proposal would cause unacceptable harm to protected and high amenity value trees on the site. The proposal would therefore conflict with Policy BCS9 of the CS and DM17 of the SADMP, which include that development should integrate important existing trees and that green assets should be retained wherever possible.

Privacy

21. While intended to monitor the playing fields, given their location the proposed CCTV could allow visibility towards the neighbouring properties which surround the site. Many of these properties have their private rear gardens and rear elevations, including habitable room windows, facing the playing fields. Those areas have a reasonable expectation of privacy.

⁴ BS5837 Categories

⁵ 2025 CCTV P01 "CCTV Application Site Plan"

22. The Planning Statement describes the fixed position of the cameras, which would not be capable of being moved to view other areas beyond those intended, and the provision of digital 'privacy zones'. The applicant has set out the school's CCTV Policy, which is exercised at its main school site and has regard to relevant data protection legislation. The applicant has set out the commitment by Governors to provide appropriate training to operators and to ensure that reasonable privacy expectations are not violated. Details of the school's Data Protection Impact Assessment are also provided, which provide further assurances on this matter. I have no strong reason to doubt these assertions and it is clear that other provisions, outside the planning system, exist to help ensure appropriate treatment of the recorded material.
23. Nonetheless, I am not convinced that these are measures which could reasonably be secured as part of any planning conditions, since they relate to relevant IT software and the school's internal procedures. I have therefore adopted a precautionary approach, that some loss of privacy to those neighbouring occupiers could reasonably occur. This would be in conflict with Policy BCS21 of the CS insofar as it requires new development to safeguard the amenity of existing development.
24. I note concerns for intrusion and loss of privacy for the public using the field, however I consider there to be a much lower expectation of privacy on this land and the effects in this regard would not be harmful.

Other Matters

Important Open Space

25. The site is designated as an Important Open Space by the Council's Local Plan. Policy DM17 of the SADMP includes that development on such areas will not be permitted unless it is ancillary to the open space use. In this case, the proposal is clearly intended in connection with its use as a playing field by the school. As such I am satisfied it would be ancillary to that use and compliant with the policy.

Biodiversity

26. The applicant has provided an Ecology Note which acknowledges the presence of two badger sets near the south-west and north-west ends of the playing field, which would appear to be consistent with the observations of third parties. A possible badger or fox den was also found towards the south east. Given the distance of the proposed installations from those sets, and having regard to the relevant guidance cited, it finds the effects on badgers would be negligible. There is not substantive evidence which would lead me to a contrary view and conditions could be used to secure a precautionary approach if the application were otherwise acceptable.
27. There are reports of bats using the site and I see no strong reason that the proposed installations would necessarily have adverse impacts on bat roosts or movements on the site. While there is mention of lighting among

some of the documents, this is not included in the supporting drawings or description of development, and I have not treated the proposal as including external lighting. Small indicator lights on the equipment is unlikely to entail harmful impacts on bats or other biodiversity. There is not substantive evidence of other protected species on the site.

28. The applicant has put forward that the proposal could achieve a 16.96% biodiversity net gain through new planting, exceeding the statutory requirement. While I note the concerns of third parties on this matter, I do not have strong reason to doubt that the proposal would be capable of achieving the 10% gain or of discharging the statutory condition.

Public Rights of Way

29. The position on the Public Rights of Way (PROW) has been raised by many interested parties and the Council has provided a copy of a Public Rights of Way and Greens Committee paper dated October 2025 which explains the background to the PROW and includes a plan of the site. It is not within the scope of my considerations to question these matters or have input into them. However, given the nature of the proposal before me, I see no strong reason that the proposal would adversely affect or prejudice access into the site. Nor should it prejudice the outcome of any future consideration of the PROW by a Planning Inspector later this year. I am also satisfied that the information provided by the applicant, and supplemented by the evidence including plans from interested parties and the Council, has been sufficient for me to complete my assessment in this respect.
30. Other concerns relating to works which may require planning permission are outside the scope of my considerations, and are matters for the Council to consider in its enforcement capacity. I am aware of the other concerns of local residents and interested parties which cover a range of issues. It is not necessary to consider all of those in detail, since their assessment would not alter the outcome of this application which is being refused for other reasons.

Planning Balance

31. In terms of the heritage balance, as set out above, the Framework requires the less than substantial harm to a designated heritage asset to be weighed against the public benefits. Where the harm to the NDHA is concerned, this requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.
32. In terms of public benefits, there would be biodiversity enhancements through the proposed new planting, which I ascribe moderate weight given the scale of the enhancements. The main public benefit, however, would be the provision of CCTV for use by the school, which would play a role in protecting children using the site for sports and recreation, which is undoubtedly important to their physical and mental health. The applicant describes a legislative need for safeguarding of children, arising through the Children's Act 2004 and its importance to education providers. The

applicant describes in general terms that potential weakness of areas of vulnerability around the school's perimeter undermines the ability of the school to operate a secure site and fulfil their legal safeguarding requirements. These issues are evidenced in the judgement of *Cotham School v Bristol City Council*⁶ in considering the registration of the land as a town or village green, and repeated in some of the comments made in support of the application.

33. Despite this, the applicant's case in this regard lacks detail and refers to safeguarding policies in generalised terms rather than focusing on the contribution that the proposal would make to meeting those aims and why they necessitate this proposal. Third parties highlight the intermittent use of the site by the school, accompanying adults and reduced numbers using the site, which is reasonably to be expected of a playing field separated from the main school campus. I consider these to be relevant factors in balancing the public benefits against the significant, long lasting harm which would occur to the designated heritage asset. The applicant refers to past damage and vandalism at the site and some photographs have been provided as part of the consultation process by a staff member, dating from 2016 and including more recent damage to the fencing. I also note comments from Avon and Somerset Police in support of the proposal, which are again disputed by many third parties who consider prevailing crime levels to be low. Nonetheless the overall picture of crime on the site itself is fairly rudimentary and appears to concern primarily the fencing in recent years, at a time when it has been subject to dispute. Despite this, there would undoubtedly be benefits of the proposal to deterring crime and vandalism, which weighs in favour of the proposal.
34. While not pursued by the applicant, I am mindful of Article 3(1) of the UNCRC⁷ which requires a child's best interests to be a primary consideration. The CCTV is intended in the best interests of the children, so they may exercise in a safe and monitored environment and the best interest of those children are at the forefront of my mind in this balancing exercise. More particularly, case law identifies that, although a primary consideration, the best interests of a child are not a determinative planning issue. However, no other consideration must be regarded as more important or given greater weight than the best interests of any child, merely by virtue of its inherent nature apart from the context of the individual case.
35. Overall, in weighing the issues I find them to be finely balanced. I acknowledge the importance of the proposal to enhancing security on the site and to the safeguarding of children and their best interests, which are a material consideration of significant weight. A degree of conflict with the relevant heritage assets is also likely in achieving the school's safeguarding aims. However, based on the facts of the case which are before me and the circumstances of the site and its use, I cannot establish that these considerations would amount to public benefits which would outweigh the harm to the designated heritage asset, to which I must give great weight.

⁶ *Cotham School v Bristol City Council* EWHC 1382(Ch) 10 June 2025 paras 189- 195

⁷ United Nations Convention on the Rights of the Child 1989

36. In terms of the wider planning balance, and taking into account the degree of harm to the NDHA as well as harms to important trees and to the privacy of neighbouring occupiers, I find the benefits of the scheme set out above do not amount to material considerations of sufficient weight to outweigh those harms or to make a decision other than in accordance with the development plan. I consider the effects of this decision on the affected children to be justified and proportionate.

Conclusion

37. The proposal would conflict with the development plan and there are not material considerations of sufficient weight, including approaches in the Framework, which indicate that a decision should be made other than in accordance with it. Having regard to all matters raised, planning permission is 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>