The Planning Inspectorate

Appeal Decision

Site visit made on 11 October 2016

by William Fieldhouse BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 October 2016

Appeal Ref: APP/G1630/W/16/3155592
Rear of Ashley Villa, Badgeworth Lane, Badgeworth, Cheltenham

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Rob McKelvey against the decision of Tewkesbury Borough Council.
- The application ref 16/00250/FUL, dated 16 March 2016, was refused by notice dated 2 June 2016.
- The development proposed is a new dwelling and a detached garage to the rear of Ashley Villa, a garden boundary to Ashley Villa, and a new access within the existing curtilage.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. An appeal was dismissed last year for the erection of two single-storey houses at Ashley Villa[1]. In so far as they are relevant to the current proposal, I shall pay due regard to the findings of my colleague Inspector.

Main Issues

3. There is no doubt that the site is in the Green Belt, and therefore the main issues are:

   - whether the proposal is inappropriate development for the purposes of national and development plan policy relating to Green Belts;
   - the effect that the proposal would have on the openness of the Green Belt and on the character and appearance of the area; and
   - if the proposal represents inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

[1] Appeal ref APP/G1630/W/15/3130721 dismissed 2 December 2015.

Reasons

The Site, its Surroundings, and the Proposal

4. Ashley Villa, a detached house, is the last property on the eastern side of Badgeworth Lane on the northern edge of the small village. To its rear are two detached single-storey buildings, one a residential annex and the other a separate dwelling in a converted light industrial building. These three residential units have associated garden and parking areas.

5. The proposed dwelling, garage and new access drive would be on the southern end of a triangular-shaped area of grassland to the north of the existing three residential units beyond existing boundary fencing and vegetation. Whilst the planning application form refers to a "brownfield site within an existing residential curtilage", the Council advises that the proposed development would be on agricultural land. The previous appeal Inspector did not consider the site to be previously developed, and I have been provided with no substantive evidence to lead me to a different conclusion.

Whether the Development would be Inappropriate in the Green Belt

6. The National Planning Policy Framework ("NPPF") makes it clear that development in the Green Belt is inappropriate other than for a limited number of defined purposes[2]. As the development would be on an undeveloped greenfield site outside the existing village, and there are no mechanisms in place to ensure that it would deliver affordable housing for local community needs under policies set out in the development plan, it would not be for any of those defined purposes.

7. Policy GRB1 of the Tewkesbury Borough Local Plan (adopted in 2006) ("local plan") pre-dates the NPPF and does not allow the erection of new dwellings in the Green Belt (other than replacements in certain circumstances), whereas policy SD6 of the emerging Gloucester Cheltenham Tewkesbury Joint Core Strategy (submission version November 2004) ("JCS") states that development will be restricted to the limited types of development which are deemed appropriate by the NPPF.

8. I therefore conclude on the first main issue that the proposal would represent inappropriate development for the purposes of national and development plan policy which, by definition, would be harmful to the Green Belt and should not be approved except in very special circumstances[3].

Openness, Character and Appearance

9. Openness is an essential characteristic of Green Belts that essentially depends on the amount of built development in an area[4]. Whilst a small domestic shed would be removed from the site, the erection of a substantial new house and a detached garage would clearly lead to a significant reduction in the openness of this land on the edge of, but outside, the built up area of the village.

[2] NPPF paragraph 89.
[3] NPPF paragraph 87.
[4] NPPF paragraph 79.

10. Furthermore, the site and the remainder of the triangular-shaped area edged blue on the submitted plan currently make a positive contribution to the setting of the village due to its essentially rural character derived from its location, openness and boundary hedges. The proposal would introduce new domestic buildings and associated land uses that would be poorly related to the existing built form of the village.

11. I also share the Council's concerns about the design of the proposed dwelling, including its bulk, asymmetrical shape, elongated form, and fenestration which would mean that it would appear as an intrusive and unsightly feature. As well as from within the site, it would be seen along the new access drive; from the main road through and over the boundary hedgerow when approaching from the north; and potentially from the adjoining public footpath during winter months. Attempting to screen the site with additional planting would be unlikely to be wholly effective, and in any case this would not alter the fact that a large new building existed in an inappropriate location in the countryside.

12. I conclude on the second main issue that the proposal would lead to a significant loss of openness to the area, thereby undermining one of the essential characteristics of Green Belts as defined in the NPPF. Furthermore, it would represent an encroachment into the countryside that would materially harm the character and appearance of the area, contrary to one of the purposes of including land in the Green Belt and the objectives of national policy which seeks to retain and enhance the visual amenity of the Green Belt[5]. The proposal would also be contrary to local plan policies GRB1 and LND4, and policies SD6 and SD7 of the emerging JCS.

Other Considerations and Balancing Exercise

13. Even though the Council accepts that it is unable to demonstrate a five year supply of deliverable housing sites, the presumption in favour of sustainable development set out in the NPPF does not apply in this case given that the proposal represents inappropriate development in the Green Belt[6]. Only very limited weight can be given to the public benefits of providing one additional dwelling even though it would no doubt be of great private benefit to the appellant and his family by creating additional good quality accommodation in a pleasant setting on the edge of the village where they currently live. I have not been provided with any substantive evidence to demonstrate that there are any particularly unusual personal circumstances that make this case significantly different from many others that would involve the erection of a new house in the countryside to be occupied by a family.

14. Whilst there may be bus services to larger villages, Cheltenham and Gloucester, the lack of shops and other facilities within easy walking distance means that future occupants of the proposed dwelling are likely to use private motor vehicles for most trips to and from home.

15. The Council and the local highway authority are concerned that it has not been demonstrated that sufficient visibility can be provided from the proposed access meaning that the proposal could compromise highway safety

[5] NPPF paragraphs 80 and 81.
[6] NPPF paragraph 14 and footnote 9.

contrary to local plan policy TPT1. As I am dismissing the appeal for other reasons I do not need to consider this matter further.

16. I have found that the proposal would be inappropriate in the Green Belt, that it would lead to a significant reduction in openness, and harm the rural character and appearance of the area. Furthermore, future residents would be likely to be heavily dependent on the use of private motor vehicles. The substantial harm that would be caused would not be clearly outweighed by the other considerations that I have identified, and therefore very special circumstances to justify the proposal do not exist[7].

Conclusion

17. For the reasons given above, I conclude that the appeal should be dismissed.

William Fieldhouse

INSPECTOR

[7] NPPF paragraph 88.