

Appeal Decision

Site visit made on 1 November 2016

by Stephen Hawkins MA MRTPI

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

Decision date: 13th December 2016

Appeal Ref: APP/G1630/W/16/3155357

Land rear of Grove View, Market Lane, Greet GL54 5BL

- 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 David Cornwell against the decision of Tewkesbury Borough Council.
 - The application Ref 16/00397/FUL, dated 4 April 2016, was refused by notice dated 1 June 2016.
 - The development proposed is erection of single storey detached building for holiday let.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are:
 - The effect of the proposal on the character and appearance of the area.
 - Whether having regard to the form of development proposed, the Development Plan and the National Planning Policy Framework, the proposal would accord with the principles of sustainable development.

Reasons

Character and appearance

3. The appeal site is in a sylvan setting, being largely surrounded by maturing trees of mixed deciduous species, making up a small woodland. I understand that the appeal site historically formed part of a brickworks. However, that use appears to have long ceased and the land has since been assimilated into its natural surroundings. Overall, the appeal site therefore has a secluded and rural character.
 4. The appeal site is accessed from Market Lane by a long track, which serves land and buildings used as a builder's store and also follows the route of a public footpath. Although for the most part the track runs between the gardens of existing houses, its informal surface and the presence of mature planting enclosing it on both sides, gives users of the track a sense of being led out of the built-up area into more rural surroundings.
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5. Part of the woodland separates the appeal site from the back gardens of houses in Grove View. These houses form the northern edge of the village, the main built-up part of which lies further south along Market Lane. There is only sporadic residential development to the north and the woodland is surrounded on three sides by open land. This land forms part of a wider area of undulating countryside, which together with the appeal site and the surrounding woodland is within a Special Landscape Area (SLA). Consequently in my view, for all the above reasons, in both visual as well as physical terms the appeal site relates more to the surrounding countryside than the built-up part of the village.
6. The proposed building would be sited in the centre of a cleared, levelled area in the woodland and it would mostly be surrounded by mature trees. It is proposed to retain all of the trees, which would be protected during construction works, although there would be crown lifting works to some of them. The proposed building would have a shallow roof pitch which, together with the natural finish of the external wall and roof materials, would reduce its overall visual impact.
7. Even so, the proposed building would be sited in a location unrelated to any existing buildings. Due to its significant overall size and bulk, the proposed building would be seen as the dominant feature in relation to the surrounding woodland, as opposed to being assimilated into its sylvan setting. Although the proposed building has been designed to resemble a log cabin, it would have an obviously residential appearance. Overall therefore, the proposed building would be viewed as an incongruous feature, at odds with and substantially eroding the currently secluded, rural setting and giving the appeal site and its immediate environs a more urbanised appearance. The presence of features surrounding the proposed building incidental to its intended use, such as private cars and domestic paraphernalia would, in my experience, further emphasise the alien appearance of the proposal in relation to its setting.
8. A visual assessment (VA) submitted with the application concluded that the proposed building would not adversely affect the character of the landscape. As well as visiting the appeal site itself, I viewed it from various locations along local roads and public footpaths. In doing so, I visited most of the viewpoints referred to in the VA. Overall, I found that the density of trees in the woodland surrounding the appeal site would largely tend to limit close-up or longer distance views of the proposed building in the surrounding landscape. However, when I visited, most of the trees were still in leaf. In my estimation it is likely that at least some of the screening effects provided by the woodland would be significantly diminished during the winter and early spring, in particular from the public footpath to the south of the appeal site. Consequently, the proposed building would be open to at least partial views from its surroundings for substantial parts of the year, thus extending the more localised visual harm identified above over a wider area.
9. In my view, the proximity of the woodland trees to the proposed building and the area around it shown on the submitted plans would also lead to future pressures to fell and thin out the woodland. This would be in order to provide more light, to create more of an outlook and to provide more useable amenity space for the future occupiers, as well as to deal with other matters such as remediation measures, leaf drop or building maintenance. I accept that some holidaymakers would be attracted by the appeal site's woodland setting. They might also accept limitations in terms of the outlook and amenity space

available, as they would only be occupying the proposed building for short periods. However, the proximity of the existing tree cover provided by the surrounding woodland is likely to cause problems of light levels both within the proposed building and for the use of the external amenity space. Moreover, there would be a very limited outlook from the proposed building, notwithstanding the proximity of expansive open countryside beyond the edges of the woodland.

10. The pressure to remove trees from the woodland would in turn exacerbate the harmful appearance of the proposed building in its wider surroundings. I appreciate that the appellant intends to undertake further screen planting in the woodland. However, in the longer term the future of the existing trees or proposed planting could not be secured by imposing conditions. Moreover, imposing conditions to require further screen planting would not address the above objections, not least because attempting to 'hide' the proposed building from the otherwise generally open surrounding landscape is more likely to draw greater attention to its presence.
11. For all of the above reasons, I find that the proposal would cause unacceptable harm to the character and appearance of the surrounding countryside and consequently, the SLA. Therefore, the proposal would not accord with saved Policy LND2 of the adopted Tewkesbury Local Plan (LP), as it would not protect the landscape character of the SLA and it would adversely affect the quality of the natural and built environment and its visual attractiveness. Moreover, because for the reasons explained above the proposal would not protect the existing trees, it would not accord with saved LP Policy NCN5.
12. Although not referred to in the Council's reason for refusal, the appellant has also made reference to saved LP Policy TOR4 concerning log cabin sites. However, the proposal would also not accord with this Policy, as it would not protect the natural landscape of the SLA with regard to its siting and landscape design and impact on local amenity.
13. Therefore, the proposal would be inconsistent with the National Planning Policy Framework (the Framework) core principles at paragraph 17, as it would not secure a high quality design or contribute to conserving and enhancing the natural environment. It would also be inconsistent with the more detailed advice in sections 7 and 11 of the Framework concerning the requirement for good design and conserving and enhancing the natural environment.

Sustainability

14. The village of Greet does not have a defined residential development boundary in the LP, but my findings above are sufficient to conclude that it lies outside of the boundary of the village. The proposed building is intended to be used by holidaymakers and it would not be used for permanent residential accommodation. I have taken the appellant's willingness to accept conditions restricting the use of the proposed building into account. Even so, the proposal would not accord with saved LP Policy TOR2, as it would involve the development of serviced and self-catering accommodation outside of a residential development boundary and it does not entail the renovation and improved use of existing buildings.
15. Nevertheless, the location of the appeal site outside of any residential development boundary is not, in itself, an indication as to whether the proposal

would be sustainable. In this respect, the LP does not fully reflect the Framework advice in section 3 of supporting economic growth in rural areas in order to create jobs and prosperity by amongst other matters, supporting sustainable rural tourism. In relation to this matter I shall therefore afford more weight to the Framework, which sets out the approach to achieving sustainable development at paragraph 7. This indicates that all three, mutually dependent objectives-economic, social and environmental-must be achieved in order for development to be sustainable.

16. I accept that the proposal would provide some economic benefits. The proposal would be likely to generate and sustain jobs, some in the construction sector in the short term, as well as others in the management and maintenance of the holiday let in the medium and longer term. It would also bring wealth from holidaymakers into the local economy in the medium to longer term, supporting other local businesses. The increased local employment would also provide a social benefit.
17. However, those benefits would all be small-scale. The proposal would not fully achieve the social role, as it would not create a high quality built environment. Moreover, the proposal would not achieve the environmental role, as it would not contribute to protecting and enhancing the natural environment. Therefore, the proposal would not achieve all of the three objectives required to accord with the principles of sustainable development set out in the Framework. As a result, it would not amount to sustainable rural tourism.

Other matters

18. On the decision notice the Council also refers to the proposal failing to accord with its saved LP Policy TPT1, which sets out criteria for access for development. The Council did not object to the proposal on highway safety grounds. I made my own assessment of the levels of visibility from the track where it joins Market Lane, the levels of traffic on the lane and the levels of traffic that would be generated by a holiday let. I have not found any reason to conclude other than that the proposal would not cause any unacceptable harm to highway safety.
19. I accept that the proposal would not have any unacceptable adverse effect on any wildlife interests. I have also taken account of the matters raised by interested parties, in particular those in support of the proposal. I acknowledge that the proposal would not unacceptably harm the privacy of occupiers of neighbouring properties and that it would contribute to an increase in the number of holiday lets in the area.

Planning balance

20. There would be some small-scale economic and social benefits arising from the proposal. However, the adverse social and environmental impacts of the proposal would significantly and demonstrably outweigh any benefits, when assessed against the policies in the Framework taken as a whole. Consequently, the proposal would not amount to sustainable development as defined in the Framework and the presumption in paragraph 14 would not apply.

Conclusion

21. The proposal would fail to accord with the Development Plan and the Framework.
22. For the reasons given above I conclude that the appeal should be dismissed.

Stephen Hawkins

INSPECTOR