
Appeal Decision

Site visit made on 12 September 2016

by Rachel Walmsley BSc MSc MRTPI

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

Decision date: 28 December 2016

Appeal Ref: APP/C1625/W/16/3148655

Land to south of Sheepscombe Lane, Painswick neighbouring 'The Park' settlement, Gloucestershire

- 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 Guy Wooddisse against the decision of Stroud District Council.
 - The application Ref 15/1297/FUL, dated 1 June 2015, was refused by notice dated 10 December 2015.
 - The development proposed is the erection of eight 3-5 bedroom market houses and nine 1-3 bedroom affordable dwellings.
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Decision

1. The appeal is dismissed.

Main issues

2. The Statement of Common Ground before me confirms that the main parties agree to the provision of affordable housing to meet an evidenced need, the lack of alternative sites for affordable housing and the absence of harm to highway capacity and safety. The areas of disagreement relate to the impact of the development on the Painswick Valley and the Cotswolds AONB and to the accessibility of the development. In light of the evidence before me, I find no substantive reason to take a different view and therefore the main issues are:
 - (i) whether the proposal would result in a sustainable pattern of development with particular regard to accessibility to services and the policies within the Local Plan¹; and,
 - (ii) the effect of the proposal on the landscape, with particular reference to the Painswick Valley and the Cotswolds Area of Outstanding Natural Beauty (AONB).

Reasons

Sustainable development

3. Policies CP1 and HC4 of the Local Plan recognise the importance of sustainable development which includes meeting the local need for affordable housing within locations where residents can access services and facilities. Policy HC4 recognises that meeting this need within rural areas can be difficult and

¹ Stroud District Local Plan (Adopted November 2015).

suggests that affordable housing should adjoin an identified accessible settlement. As set out in the Statement of Common Ground, parties agree that the appeal site is 500 metres north of the defined settlement limit of Painswick, but within approximately 800 metres of the town centre.

4. 800 metres equates to a walk of approximately 10 minutes. Within Painswick Town Centre there are a number of facilities to meet the daily needs of future residents. A footpath and pedestrian crossing would connect residents with the town centre, providing a safe and accessible route into town. The Council's Highways Officer raised no objections to the crossing point proposed or to the footpath improvement works; indeed the off-site transport works would be a welcome benefit to the local area. In the absence of any evidence to the contrary I find that pedestrians would have a safe and accessible means to access the facilities within the town centre and on foot. The undulating terrain between the appeal site and the town centre, the exposure to inclement weather and the busyness of the A46 could deter residents from walking. However, residents would have the option to access the town centre by bus. 200 metres from the proposed development would be a bus stop, connecting the site with Painswick and areas beyond.
5. That said policy HC4 was recently adopted in November 2015 and therefore I attach full weight to it. The policy is explicit in allowing affordable housing provided it adjoins a settlement development limit. The development would not be entirely for affordable housing and would not adjoin the settlement limit of Painswick and therefore, by implication, would be unsustainable and contrary to policy HC4 of the Local Plan.

Effect on the Painswick Valley and the AONB

6. The appeal site is a large undulating field, adjoining Sheepscombe Lane and The Park, an existing residential area. The site is visible from surrounding roads and footpaths and from longer distance views across the valley within which the site sits. Within immediate views of the site, the appeal site is appreciated as an open field which includes trees and landscaping on its boundaries. Within longer distance views, the site contributes to the rural character of the AONB and the wider Painswick and Slad Valley Character Area, within which dispersed settlements within valley bottoms and on hillsides sit.
7. The emphasis within policies CP14 and ES7 of the Local Plan and paragraph 115 of the National Planning Policy Framework (the Framework) is to protect, conserve and enhance the natural environment. Paragraph 115 and policy ES7 in particular, give great weight to the conservation and enhancement of the natural and scenic beauty of the landscape.
8. Developing the site would change its character to a more urban one. This change in character would be notable. The houses would be visible from the roads and public footpaths nearby, including from the A46 and immediately north and north east of the site². Indeed, it is acknowledged within the Statement of Common Ground that with the proposed landscaping in place, the development would have a moderate adverse and minor-moderate adverse effect on views close to the development, from the nearby lane and public footpath³.

² Views 15, 16 and 17 of the Landscape and Visual Impact Assessment.

³ Views 4, 12, 13, 14 of the Landscape and Visual Impact Assessment.

9. The development would be appreciated within the context of the Painswick Valley and the AONB which is characterised by small settlements in valley bottom and hillside locations. The development would be similarly located on a hillside location. I have no doubt that the development would be visible on the hillside. However the development would be set down from the highest levels of the valley and as found, would not be isolated from existing development. The proposal, therefore, would not be uncharacteristic of built development within the AONB; a small settlement within a hillside location. This is supported by the conclusions of the landscape and visual impact assessment and as agreed within the Statement of Common Ground that the development within these longer distance views would have a negligible adverse effect.
10. Viewpoint 5 of the Landscape and Visual Impact Assessment from the north of the site is one which parties have been unable to agree on in terms of the impact of the development. Within this view the development would be visible. However, the houses would not be in isolation of other built development, and with the landscaping proposed and the position of the development set below the highest levels of the valley, the development would be integrated into the landscape. As a result the development would have a minor impact on the viewpoint 5.
11. I recognise the effort taken to ensure that the development would complement the topography of the area and note that no objections were raised to the form, scale or design of the proposal. In addition, the development would not be isolated from existing development as it would extend the built form of The Park which adjoins the site and therefore would not appear wholly incongruous within the landscape. I also accept that the landscaping proposed would help to merge the development with the landscape. However, this does not address the fact that the development would be a sizeable extension of the Park and would be highly visible, changing the character of the area considerably and to a more urban one. This impact on the more immediate views of the site would detract from the scenic beauty of the area. The development would, therefore, be contrary to policies CP14 and ES7 of the Local Plan. In light of paragraph 115 of the Framework, I am to give great weight to this harm.

Balancing and Conclusion

12. The development would contribute to the local need for housing via a windfall site, the need of which is acknowledged within the Local Plan and identified within a recent appeal case⁴. In addition the mix and quantum of affordable housing proposed is agreed between parties, as set out in the statement of Common Ground. It is also agreed that the development site is the only site that is both suitable and available for the development of affordable homes in Painswick. I also have before me a signed and dated unilateral undertaking to secure the provision of affordable housing. The development would also benefit the local area financially and socially, bringing people into the area to help sustain local services and facilities and contributing to the New Homes Bonus.
13. Balanced against these benefits is the unsustainable nature of the development by virtue of its location and the harm to the scenic beauty of the AONB which I attach great weight to. The benefits identified do not overcome the harm. There is clear conflict with policy HC4 in that the proposal does not meet the

⁴ REF APP/C1625/W/15/3053120

criteria for considering exception sites and the site is subject to over-riding environmental constraints, namely the AONB harm.

14. Overall, therefore, the development would be unsustainable and would have a harmful effect on the AONB. The development would be contrary to the development plan and the Framework and therefore the appeal is dismissed.

R Walmsley

INSPECTOR