
Appeal Decision

Site visit made on 7 November 2016

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 20 January 2017

Appeal Ref: APP/G1630/W/16/3156591

Harvest Home, Evesham Road, Greet, Cheltenham GL54 5BH

- 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 M Doughty (IM9 Ltd) against the decision of Tewkesbury Borough Council.
 - The application Ref 16/00477/FUL, dated 29 April 2016, was refused by notice dated 15 June 2016.
 - The development proposed is demolition of existing pub and erection of 3 new 5 bedroom dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing pub and erection of 3 new 5 bedroom dwellings at Harvest Home, Evesham Road, Greet, Cheltenham GL54 5BH, in accordance with the terms of the application, Ref 16/00477/FUL, dated 29 April 2016, subject to the attached schedule of conditions.

Preliminary Matters

2. The Council advises that the public house referred to in the application has already been demolished. Though the Council had no objection to its demolition in principle as it did not deem it worthy of listing and it was not considered to be an Asset of Community Value, it did not receive the relevant documentation though it had been sent. The demolition aspect was, therefore, included in the application which is the subject of this appeal, to regularise the position. I have considered the appeal on that basis.
3. The appeal site is located within the Winchcombe and Sudeley Neighbourhood Plan (WSNP) area. The Council advise that a referendum on the WSNP took place on 24 November 2016 which supported the plan. The WSNP will not be officially 'made' until it has been formally approved by the Council. The Council advise that the relevant meeting is scheduled shortly. Nevertheless, as it was successful at the referendum it is appropriate to afford it weight in decision making. Therefore, I have considered it in determining the appeal.
4. A Written Ministerial Statement (WMS) was published on 12 December 2016 concerning neighbourhood planning. Both parties have been given the opportunity to comment on the WMS. I have taken it and any comments into account in considering the appeal.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site was formerly occupied by the Harvest Home public house, since demolished, and is located in the rural village of Greet. It fronts onto Evesham Road at a junction with two other roads. It is flanked by and opposite residential development with the Great Western Railway line to the rear and open countryside beyond.
7. There is a mix of residential housing in Greet including detached and semi-detached dwellings, cottages and terraced bungalows constructed of a variety of materials such as render, brick and stone and in different styles. The layout of the dwellings also varies but many are set back from the road with front gardens often enclosed by hedges and relatively large rear gardens. There are green verges, trees, shrubs and other vegetation giving a verdant character befitting the rural location.
8. The Council's reason for refusal relates to the form and layout of the proposed dwellings. In particular, the Council refers to an uncomfortable juxtaposition of buildings with two large garages and the size of the parking and circulation area to the front. The garages have gables and pitched roofs that reflect design features of the main dwellings. They would be located to the side of plots 1 and 3 and would be subordinate to the main houses.
9. Gable end on to the road they would not be dissimilar in scale from some other double garages in the area, most notably at 'Toranova', immediately adjacent to the north west of the site. That dwelling also has a sizeable parking and turning area fronting the road as do some others in the vicinity.
10. It is accepted that 'Toranova' is an individual dwelling, whereas the proposal relates to three 5 bedroom houses, but that parking area and garage building is visible from the road though screened to some extent by vegetation. Whilst the shared entrance to the development would be fairly wide, there would be a low wall on either side and a central planter softening views.
11. It seems to me that the set-back of the three houses from the road is not untypical of the area and is sympathetic to existing building lines. They are also of a similar height to dwellings to the north west on the same side of the road. As the appellant point out, prior to its demolition, the Harvest Home public house, a substantial building, and its large open car park occupying about half of the site were in full view of the road.
12. Though large, the fact that the two detached garage buildings are perpendicular to the road and to the sides of the site helps to reduce their mass and visual impact. Overall therefore, I do not consider that the proposal would be visually intrusive in the street scene. Appropriate landscaping, secured by condition, would also enhance the appearance of the development. Indeed, the Council have suggested such a condition which is included in the schedule to this decision.
13. The Town Council and some local residents have objected to the design of the dwellings and the proposed materials to be used. However, I agree with the

Borough Council that there is a mix of building styles and materials found in Greet. Whilst the design has modern elements, I do not consider it or the proposed pallet of materials, including stone and render with plain roof tiles, to be out of keeping. In any event, approval of the specific materials to be used can be made subject to condition.

14. As the appeal site lies outside any recognised settlement boundary, Policy HOU4 of the Tewkesbury Borough Local Plan to 2011 – March 2006 (Local Plan) is relevant. It restricts such development to limited exceptions such as where dwellings are essential to the efficient operation of agriculture or forestry or in connection with the provision of affordable housing. The proposal would, therefore, conflict with that policy. The Council, however, states that the policy is out-of-date as it is based on now revoked Structure Plan housing numbers.
15. The Council also concedes that it cannot demonstrate a five year housing land supply. It follows that, in accord with paragraph 49 of the National Planning Policy Framework (the Framework), Policy HOU4, which restricts the supply of housing, is also to be considered out-of-date for that reason. Therefore, only limited weight can be attached to that policy.
16. In such circumstances, paragraph 14 of the Framework indicates that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole. The presumption in favour of sustainable development which runs through the Framework is explained in paragraph 7 as having three dimensions: economic, social and environmental.
17. The proposal would offer economic and social benefits including to the local economy during the construction period and following occupation. There would also be a contribution to the supply of housing made by three 5-bedroom family houses. Future occupants would be likely to contribute to the local community and the viability of services.
18. In environmental terms, for reasons that I have already explained, I do not agree with the Council that the proposal offends the principles of good design promoted in section 7 of the Framework. It would also be making use of previously developed land. Whilst the development would be beyond defined settlement boundaries it is within a rural village with some secondary services, including a garage and children's play area. It is approximately 1.5 miles from Winchcombe which has a greater range of services and some employment opportunities.
19. Whilst there would in all likelihood be reliance on the private motor car to some extent, the Framework recognises that transport solutions will vary from urban to rural areas. Therefore, I agree with the Council Officer's Report that Greet is not 'isolated' in the context of paragraph 55 of the Framework, which urges councils to avoid permitting new isolated homes in the countryside. The Council also accepts the principle of residential development at the location.
20. Though the Council's decision notice only cites the Framework in its reason for refusal, presumably because it accepts that relevant policies in its current development plan are out-of-date, the Council Officer's Report does refer to an emerging Joint Core Strategy (JCS) submitted for examination. Whilst Greet is not identified as a rural service centre or service village in the JCS, as the emerging plan is still undergoing examination, I give it limited weight. It is

also relevant that the Council advises that planning permission has recently been given for other housing schemes in Greet, recognising that it does have some services and its proximity to Winchcombe town centre.

21. The WMS states that where a Council cannot demonstrate a five year housing supply relevant policies for the supply of housing in a recently made neighbourhood plan should not be considered out-of-date, unless there is a significant lack of housing supply. The WMS refers to a three year supply of deliverable housing sites as one of the criteria which affects that consideration. No clear information has been put to me regarding the precise extent of the housing supply shortfall.
22. Irrespective of the position, I have considered relevant policies within the WSNP including those specifically referred to in subsequent correspondence from the Council. Policy 1.1 states that new development must respect the character and appearance of the surrounding area. Policies 5.1 is also concerned with local character and surroundings and ensuring that new development complements and enhances the prevailing size, height, scale, materials, layout, density and access of any surrounding development and provides, where necessary, appropriate landscaping. I have already dealt with those issues, where they are in dispute and relevant to the appeal proposal, above.
23. Policies 5.2 and 5.6 of the WSNP deal specifically with off-street parking and garden sizes. I consider that there is more than adequate provision for both in the proposed development. Policy 3.1 identifies where residential development will be supported and allows for development beyond allocated sites subject to various criteria, including complying with policies related to location and connection with the rest of the town.
24. In relation to Policy 1.4 which concerns sustainable connections, the Council consider Greet to be sufficiently near Winchcombe to constitute an appropriate location for development. Given that the Council have already accepted the principle of development on the site and other housing schemes have been given permission in Greet, I do not consider that there would be any significant conflict with the principles and policies of the WSNP.
25. Taken all of the above factors into consideration, I conclude that the proposed development would not harm the character and appearance of the area. It follows that it is not in conflict with the objectives of section 7 of the Framework or the associated Planning Practice Guidance which, amongst other things, requires development to be well designed and encourages it to promote local character and reinforce locally distinctive patterns of development. As I have not identified any adverse impacts of granting permission, they cannot significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.
26. Though Policy HOU4 of the Local Plan is considered out of date the development would be still be contrary to it. However, that conflict is outweighed by other material considerations including the provisions of the Framework and paragraph 14 in particular.

Other Matters

27. Concern has been expressed by Winchcombe Town Council and local residents about the safety of the access and egress onto the road. Whilst I have considered that aspect, I note that the concern is not shared by the highway authority or the Borough Council and I do not give it significant weight. It has also been suggested that the surface materials to be used in the parking area could spill onto the road and create a hazard. A condition has been included regarding the surfacing immediately adjacent to the road, as suggested by the highway authority.
28. Trespass onto neighbouring land has been referred to but that would be a private civil matter and is not a material planning consideration.

Conditions

29. I have considered the conditions suggested by the Council, making minor modifications if necessary. A condition setting a time limit for commencement of the development is required by statute. I have altered the limit to 3 years which is the normal time limit attached to permissions granted on appeal. It is appropriate that there is a condition requiring the development to be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning.
30. Conditions regarding materials, landscaping and the bin store are necessary to ensure that the character and appearance of the area is protected. It is appropriate to include conditions relating to the parking and turning area and its surface in the interests of highway safety. A condition requiring a Construction Method Statement is necessary to minimise the impact on the public highway and enable the efficient delivery of goods and services.

Conclusion

31. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jonathan Tudor

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall be commenced before the expiration of three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P1518 02/99; P1518 02/98A; P1518 02/100C; P1518 02/201A.
- 3) Building operations shall not be commenced until samples of the roofing tile and walling stone proposed to be used have been submitted to and approved in writing by the local planning authority and all materials used shall conform to the samples so approved.
- 4) No development shall take place until there has been submitted to and approved by the local planning authority in writing, a comprehensive scheme of

landscaping, which shall include indications of all existing trees (including spread and species) and hedgerows on the land and details of any to be retained together with measures for their protection during the course of development.

- 5) All planting, seeding or turfing in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written consent to any variation.
- 6) Before the development hereby authorised is brought into use details of the bin store shall be submitted to and approved in writing by the local planning authority and the bin store shall be constructed in accordance with the approved details.
- 7) The surface of the access and turning/parking area within 5 metres of the carriageway edge of the public highway shall be of a bound material.
- 8) The buildings hereby permitted shall not be occupied until the vehicular parking and turning facilities have been provided in accordance with the submitted plan P1518 02/99, and those facilities shall be maintained available for those purposes thereafter.
- 9) No development shall take place until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:
 - i. provide for the parking of vehicles of site operatives and visitors;
 - ii. provide for the loading and unloading of plant and materials;
 - iii. provide for the storage of plant and materials used in constructing the development;
 - iv. provide for wheel washing facilities;
 - v. specify the intended hours of construction operations; and,
 - vi. include measures to control the emission of dust and dirt during construction.