
Appeal Decision

Site visit made on 1 November 2016

by Elaine Benson BA (Hons) DipTP MRTPI

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

Decision date: 15 February 2017

Appeal Ref: APP/C1625/W/16/3153556

Land to side of 32 Hopton Road, Cam, Gloucestershire GL11 5PB

- 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 William Freebury against the decision of Stroud District Council.
 - The application Ref S.16/0949/FUL, dated 27 April 2016, was refused by notice dated 17 June 2016.
 - The development proposed is erection of residential dwelling. Formation of new access and associated works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the whether the location of the proposed development is acceptable, having regard to the policies of the development plan relating to the scale and distribution of new housing development.

Reasons

3. The appeal site is elevated above the level of the adjacent Hopton Rd, a country lane. It is bounded by hedges on 3 sides, including the roadside, and has one open boundary. The site lies between 30 Hopton Rd, a single storey dwelling and an access leading to the grade II listed Old School House which stands at a right angle to Hopton Rd. The listed building has been converted to form Nos 32a and 32b Hopton Rd. The access also leads to a modern bungalow at No 32 which is set well back from the road between the Old School House and the site of the proposed dwelling, with its garden extending behind the appeal site. The buildings are in generous plots. There are open fields on the opposite side of the road. Because it is not entirely surrounded by built development, the site could not reasonably be described as an infill plot as the appellant suggests.
4. The area around the site has a rural character with open fields to the east and generally sporadic development along the western side of the road. The surrounding area is not designated as a sensitive landscape.

Policy Context

5. The Council can demonstrate a housing land supply in excess of 5 years and its policies controlling the use of land within the 2015 Stroud District Local Plan

(LP) can be considered up to date. The LP policies are in accordance with the National Planning Policy Framework (the Framework). LP Policy CP1 reflects the presumption in favour of sustainable development set out in the Framework. LP Policy CP2 identifies strategic growth and development locations. Among other things it indicates that outside strategic sites, housing development will take place within settlement development limits. It continues that limited development will take place outside of these designated areas and in accordance with other policies of the LP. The supporting text for this policy states at paragraph 2.70 that smaller scale development is expected to come forward at those settlements identified in the LP's settlement hierarchy, as set out in LP Policy CP3. Policy CP3 states that proposals for new development should be located in accordance with the District's settlement hierarchy and designates Cam and Dursley as a First Tier Accessible Local Service Centre.

6. In summary LP Policy CP15 seeks to protect the separate identity of settlements and the quality of the countryside. It states that proposals outside identified settlement development limits will not be permitted except where its 6 identified principles are met. The supporting text to this policy states (paragraph 6.9) that preventing the proliferation of development in areas away from existing settlement development limits is important, as they are not generally well located for the facilities and services their users need. The supporting text continues that the countryside in some locations may be important to avoid the coalescence of towns and villages and to retain their individual character and that these areas should be protected to retain visual and physical separation.

Appeal Proposal

Policy Considerations

7. There is no dispute that the appeal site is just outside the boundary of the settlement development limits of Cam which follow the southern and western boundaries of the appeal site. However, the appellant considers that there is no substantive difference between the strip of land to the west of the appeal site which is within the settlement development limits and the appeal site. He also notes that there is existing residential development on the adjacent site to the north and development resulting from the conversion of barns at Church Farm beyond that.
8. At the Local Plan examination the Inspector dealt specifically with the issue of settlement boundaries. The LP's approach of defining development limits was found sound in that it directs most new development to sustainable locations at the higher-tier settlements. The LP Inspector noted that this helps to prevent uncontrolled expansion and coalescence of settlements and safeguards the countryside from encroachment.
9. As the location of the boundaries is a matter for the development plan process and the LP is a recent document, it would not be appropriate through the course of an individual appeal proposal to seek to change long established boundaries that have so recently been found sound. Nonetheless, in the context of this appeal I have considered further why the boundary excludes the appeal site and the other sporadically developed land to its north, rather than following the line of Hopton Rd.

10. This matter was addressed in a 1997 dismissed appeal decision¹ for 2 dwellings at the appeal site (the 1997 appeal). This document also refers to a 1984 dismissed appeal decision for 1 dwelling here². Having read the Inspector's description, the site and surroundings appear to have changed little in the intervening period. The Inspector also referred to a settlement hierarchy and a settlement boundary line which appear similar to those which are extant today, as verified by the Local Plan Inspector's comments provided by the Council.
11. The 1997 appeal Inspector stated in paragraph 7 that he regarded "with caution the line drawn for the settlement boundary" and preferred "his own judgement about where the village limits lie". He concluded that No 30 is an outlying dwelling and that the appeal proposal would have extended the built form of the village outwards into the adjacent countryside to link up with it.
12. I assessed this matter carefully at my site visit. It appears to me that when approaching Cam from the mostly open and undeveloped neighbouring fields, the area around the listed properties is where built development begins on both sides of Hopton Rd. Having also walked the reverse route from the village I consider the appeal site is at the point where there is a 'trailing off' of development. Here the village becomes countryside as the density of built development decreases. Notwithstanding that the proposed dwelling would be set back from the frontage behind a hedge and that the earlier scheme was for 2 houses, I agree with the 1997 Inspector that development at the appeal site would form a visual link with No 30 and would amount to an intrusion into the countryside, beyond the limits of the village development, and would result in the loss of an important rural gap.
13. The appellant states that the appeal proposal complies with the LP as the settlement of Cam and Dursley is identified as a First Tier settlement under its Policy CP3. However, the supporting text to this policy points out that the settlements set out within this hierarchy all have defined settlement limits or development limits, within which suitable development may be permitted (Paragraph 2.76). To my mind, this is not supportive of development outside the designated boundaries of First Tier settlements, such as the appeal site.
14. Furthermore, Policy CP3 should be read alongside Policy CP2 which allocates new residential development to strategic allocations and within settlement development limits. I have considered whether development at the appeal site would constitute the 'limited development' that can 'take place outside of these designated areas and in accordance with other policies of the LP' as set out in Policy CP2. To my mind the 'limited development' in Policy CP2 does not include housing development which is specifically to take place 'within settlement development limits'. That policy goes on to say that such limited development must be in accordance with other policies in the plan. One such policy is CP15. None of the 6 principles identified in Policy CP15 apply to the appeal proposal. Accordingly, in my judgement the lack of support for the proposal having regard to Policy CP3 and the failure to comply with the provisions of Policy CP15 mean that the appeal proposal cannot be considered to be the 'limited development' permissible outside the settlement development limits and the proposal would therefore also fail to comply with Policy CP2.

¹ T/APP/C1625/A/96/274540/P2

² T/APP/C1625/A/84/15753/P5

15. The proposal is for a single house and in itself this would not result in the coalescence of a settlement in this location. However, the incremental development of many similar such sites on the outer edges of settlement development limits could well amount to the unplanned expansion of settlements and a resulting loss of countryside that would conflict with the strategic aims of the LP.
16. The appellant refers to a committee report recommending planning approval for the erection of a dwelling on a site in Crawley Hill, Uley³ which is outside a Third Tier settlement boundary. The report states that the site would not normally be considered suitable for further development because it is outside any defined settlement limits. A number of factors including that the site is close to the village facilities and bus stops are noted. The site is described as surrounded by a number of dwellings, to a degree that the site surroundings are described as built-up, rather than within the countryside. It is clear from the officer report that the site context in Crawley Hill is quite different to that around the current appeal site. I consider therefore that the sites are materially different and the Crawley Hill on-balance decision which refers to the planning harm caused by the site's location and other limited harm does not set a precedent for the appeal before me.

Sustainability

17. The officer reports notes that the site is sustainably located close to a settlement with good access to facilities and services. There are no reasons to disagree. However, in accordance with the Framework there should be a holistic interpretation of sustainability and in this appeal there are factors other than these locational elements which need to be taken into the overall balance. The supporting text to LP Policy CP3 indicates that one of the primary aims of the settlement hierarchy is to promote sustainable communities. However the policy and its supporting text indicate that development should be directed to within defined settlement boundaries and not sites outside them such as the appeal site.
18. The appellant claims compliance with the aim of LP Policy CP7 to ensure that new development contributes to the provision of sustainable and inclusive communities because the dwelling would be single-storey. The supporting text to this policy indicates that it applies to housing developments of 10 dwellings or more. Nonetheless, as the scheme would provide a more physically accessible type of housing, possibly for elderly occupiers, it could be considered to be of social benefit. However, the proposal does not demonstrate convincingly how any of the community needs identified in the policy, such as fully accessible design or housing for older people, would be secured.
19. Whilst there are undoubtedly aspects of the appeal proposal that could be considered sustainable, it is my view that the identified conflict with the settlement hierarchy and the adverse effect of the proposed development on the character of the countryside in this transitional area mean that the development of the appeal site could not properly be described as fully sustainable development.

Conclusion on the Main Issue

³ Council Reference S.15/1250/FUL

20. I conclude on the main issue that the proposed development would amount to an unacceptable encroachment into the countryside and would conflict with the development strategy for the District. It therefore conflicts with Policies CP1, CP2 and CP15 and does not meet the criteria for new development outside the settlement development limits.

Other matters

21. The design of the proposed dwelling reflects that of a single storey farm building at Church Farm to the north of the appeal site and it would have a traditional appearance in keeping with its rural surroundings. I agree with the Council that there are no reasons to object to the proposal on these grounds.
22. The appeal site is close to the Grade II Listed Old School House and the Grade I Listed Parish Church of St George stands beyond it, closer to the village. I have had special regard to the duty to consider the desirability of preserving these buildings and their settings.
23. The proposed building would be low-rise and it would be set back towards the rear of the plot. Due to its limited height and location the proposed dwelling would not encroach into the key views of the listed buildings or other vistas or otherwise fail to preserve their settings. Notwithstanding the views of neighbouring occupiers to the contrary, the Council concurred with its conservation officer and concluded that the proposed development would not harm the significance of these designated heritage assets or harm their settings. There are no reasons to disagree. As the appeal is dismissed there is no need to consider the use of planning conditions to control the impact of domestic paraphernalia or garden structures on the setting of the listed buildings. I conclude that there would be no conflict with LP Policy ES10.
24. The appellant describes the appeal proposal as a windfall site. The Council's evidence is that a small sites windfall allowance has been identified in the LP and that windfall development would only be permitted within urban areas and defined settlement limits. In accordance with the glossary in Annex 2 of the Framework, windfall sites are described as those 'which have not been specifically identified as available in the Local Plan process. They normally comprise previously-developed sites that have unexpectedly become available.' Based on the evidence with this appeal, including that the appeal site is not previously developed, I conclude that the appeal site is not a windfall site. Nonetheless, this conclusion makes little difference to the issues in dispute.
25. I note that the appeal proposal was made following the refusal of 2 earlier planning applications for a two-storey dwelling and a contemporary single-storey dwelling⁴ when the appellant sought to overcome the concerns raised. He indicates that the reason for refusing the current appeal proposal introduced a new issue, which is the main issue in this appeal. The reasons for this inconsistency remain unclear. But in any event I am required to determine this appeal based on the evidence before me.
26. I have considered other LP policies referred to in the various submissions. However, in this appeal I have focussed on the main issues in dispute. There is a Neighbourhood Plan for Cam in the very early stages of preparation and it has not yet been submitted to the Council. I agree with the Council that it can

⁴ S.15/0990/FUL & S.15/2398/FUL

be given no weight in this decision. No highway safety objections were raised by the Council and from what I observed at the site visit there are no reasons to disagree.

27. A number of concerns have been raised by neighbouring residents that the proposed dwelling would harm their living conditions, including by adversely affecting their amenity space and due to the differences in ground levels. However, the proposed dwelling would be sited some distance from its neighbours and in my judgement there are no supportable reasons to disagree with the Council's view that there would be no adverse impact on the living conditions of neighbouring occupiers.
28. In addition to the points addressed above, neighbouring occupiers object to the current appeal proposal based on matters discussed in the 1997 appeal decision. However, other aspects of this previous decision can be given very little weight as the previous appeal sought outline planning permission for the erection of 2 dwellings and this development is materially different to the scheme before me. Furthermore, the appeal was determined in the context of an earlier, now superseded, development plan and against national planning policy and guidance which has also been replaced.
29. The appellant refers to an allowed appeal at Chestnut Park, Kingswood reference APP/C1625/W/15/3011370 relating to outline planning permission for a scheme of up to 51 dwellings. The appellant has not pointed out in any detail how he considers that this appeal decision addresses points made by local residents. Given the significantly different scale of the proposal and the location of the site in another village, I can give the Kingswood decision little weight in the appeal before me.

Conclusion

30. For the reasons I have set out the proposed development would fail to comply with the development plan. I have had regard to all other matters raised but they do not affect my conclusion that the appeal should be dismissed.

Elaine Benson

INSPECTOR