

Appeal Decision

Site visit made on 6 February 2017

by Jonathan Manning BSc (Hons) MA MRTPI

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

Decision date: 27 February 2017

Appeal Ref: APP/C1625/W/16/3159974

Land off Bristol Road, Whitminster, 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 G Morse against the decision of Stroud District Council.
 - The application Ref S.16/0240/FUL, dated 29 January 2016, was refused by notice dated 1 April 2016.
 - The development proposed is residential development with altered access and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's second reason for refusal requires the provision of affordable housing as part of the scheme. However, since the Council's refusal of the application, it is now not seeking an affordable housing contribution. From the evidence that is before me and having particular regard to the Government's Planning Practice Guidance (the PPG) that advises that '*contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area)*' (Paragraph: 031 Reference ID: 23b-031-20161116), I agree with this view and have not considered this matter any further in my decision. However, the Council is of the view that the scheme should still make provision for outdoor play space. This matter is considered further below.

Main Issues

3. Having regard to the above preliminary matter, I consider that the main issues of the appeal are: the effect of the proposal on the character and appearance of the area; whether the scheme is required to make provision for outdoor play space; and whether the proposal represents sustainable development, having regard to the Council's spatial strategy.

Reasons

Character and appearance

4. The appeal site is located on the A38 Bristol Road and is currently an open piece of land between two clusters of houses that run in a linear pattern along the road. Open countryside lies to the west, east and south. Although the M5 motorway runs to the southeast of the site, it is separated from the appeal site
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by several large open fields. The settlement of Whitminster lies to the north of the appeal site.

5. I agree with the Council that the area surrounding the appeal site has a largely rural context with far reaching views of open countryside to the west, albeit I accept the appeal site is located on a busy road. Whilst there are some commercial developments close by, these are located on the edge of the settlement. When leaving the settlement of Whitminster down the hill towards the appeal site, I observed that there was a distinct sense that you were leaving the urban area and entering the open countryside, despite the broken linear development along the eastern side of the road.
6. I consider that the open area of the appeal site that separates the two clusters of linear development contributes positively to the rural context of the area. The gap, in my view, creates a sense of more sporadic development, particularly the further away from the village one travels, more akin to its rural context. The proposal for three dwellings would join the two clusters of houses together to create a continuous line of linear development on the eastern side of the road. I agree with the Council that this would have a noticeably urbanising effect and as a continuous line of linear development would have the appearance of sprawling development away from the village into the countryside, causing harm to the character and appearance of the area. Whilst the appeal site is well screened from views to the east and despite the views of the appellant, I consider that this harm would be experienced from views to the west. In addition, the identified harm would be seen by the users of the road and other passers-by. I consider that this harm could not be overcome by any soft or hard landscaping.
7. I acknowledge that the site has been overgrown in the past and has a scruffy appearance. The appellant also maintains that the scheme would result in the visual improvement of the site and also if left open, it would be vulnerable to fly tipping. However, even if I was to accept that there would be some visual improvement to the site itself and there would be some benefit in terms of the fly-tipping, these matters do not individually or in combination outweigh the harm that would be caused to the character and appearance of the wider area.
8. In conclusion on this main issue, the proposal would cause harm to the character and appearance of the area. The scheme therefore runs contrary to Policy CP14 of the Stroud District Local Plan (2015) (the Local Plan), which seeks to secure high quality development, which protects, conserves and enhances the built and natural environment.

Outdoor play space

9. The Council's second reason for refusal relates to the provision of outdoor play space. Policy ES15 of the Local Plan requires new residential development to provide for appropriate outdoor playing space, to achieve a standard of 2.4ha per 1000 population. The scheme does not make such provision and would therefore run contrary to Policy ES15 of the Local Plan.
10. However, since the adoption of the Local Plan, there have been changes to government policy in relation to circumstances when affordable housing and tariff style planning obligations should not be required. As set out above, the PPG advises that contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no

more than 1,000 square metres (gross internal area). This proposal falls within these parameters and from the evidence that I have before me, I consider that the provision of outdoor play space is a tariff style planning obligation.

11. The PPG is a material consideration of significant weight and the Council has provided little evidence to demonstrate why the requirement of Policy ES15 of the Local Plan should not be outweighed by government policy as set out in the PPG in this case. There is also little evidence to suggest that the provision of 3 additional houses close to the village of Whitminster would cause any unacceptable harm in this regard. Given all of this, I consider that the scheme should not be required to make provision for outdoor play space and the conflict with Policy ES15 of the Local Plan should not weigh against the scheme. Although, this is a matter of neutral weight in the planning balance.

Sustainable development?

12. The appeal site is located outside of the settlement development limits of Whitminster. Policy CP2 of the Local Plan sets out the strategy for delivering the residual requirement for the period 2015-2031, which is to concentrate most development at a series of strategic locations. The policy goes on to advise that smaller scale development is expected to come forward at those settlements identified in the Plan's settlement hierarchy as set out in Policy CP3 of the Local Plan and shall take place within settlement development limits.
13. Policy CP3 of the Local Plan sets out a settlement hierarchy in order of preference where new development should be directed. Whitminster is identified as a third tier settlement. Such settlements are described as possessing *'a limited level of facilities and services that, together with improved local employment, provide the best opportunities outside the Local Service Centres for greater self containment. They will provide for lesser levels of development in order to safeguard their role and to provide through any Neighbourhood Plans some opportunities for growth and to deliver affordable housing'*.
14. Policy CP15 of the Local Plan deals with development outside of settlement boundaries. This identifies that in order to protect the separate identity of settlements and the quality of the countryside (including its built and natural heritage), proposals outside identified settlement development limits will not be permitted except in a number of circumstances. The scheme does not meet any of those circumstances. Whilst Policy CP2 of the Local Plan outlines that limited development will take place outside designated areas, in accordance with other policies of the plan, I have not been directed to any policy which supports the proposal.
15. The scheme therefore runs contrary to the Council's strategy as identified by Policies CP2, CP3 and CP15 of the Local Plan. These policies seek to maintain the quality of the countryside and promote sustainable growth within the District. It is not contested in this appeal that the Council has a demonstrable five year housing land supply and therefore such policies carry full weight. The Council has referred to Policy HC1 of the Local Plan. However, this addresses development within settlement development limits, which is not the case here. In any event, given the other development plan policies of relevance, this has not had a significant bearing on my decision.

16. The appellant relies heavily on the findings of another appeal Inspector¹ for a scheme in Kingswood. In that case the Inspector found that although the site was outside of the development limits of a Tier 3 settlement, it was still able to comply with the Council's development strategy when considered as a whole. Whilst this is noted, the Council has referred me to several other more recent appeal decisions² that took a contrary view to the Inspector's interpretation of the Council's development strategy in the case of the Kingswood appeal. Given my own findings on this matter, I afford more weight to the other decisions. Further, in the Kingswood decision the Inspector found that there would be limited, if any, material harm resulting from the scheme, which is not the case here, given my above findings in relation to the character and appearance of the area. Further, the other development was for 59 dwellings, which resulted in substantially greater benefits than would result from this scheme, these would have weighed more heavily in favour of that scheme in the planning balance. I therefore consider that the Kingswood appeal scheme is not particularly comparable to this proposal. Notwithstanding this, I am nonetheless mindful that each proposal must be considered on its own merits and whether a proposal represents sustainable development will depend on its own specific circumstances, which inform the planning balance.
17. I acknowledge that the scheme has suitable access to local services and facilities, along with public transport and this is not contested by the Council. However, I have identified that the scheme would cause harm to the character and appearance of the area. As a result of this and the above identified development plan conflict, I consider that the scheme does not fulfil the environmental role of sustainability. There would be some social and economic benefits associated with the delivery of three dwellings, including the vitality of the village through increased patronage to local services and facilities. However, despite acknowledging that the housing target in Policy CP2 is at *least* 11,400 dwellings over the plan period, these would be very modest, given the scale of the development and the fact that the Council can demonstrate a five year housing land supply. In terms of the planning balance, such social and economic benefits are not, in my view, sufficient to outweigh the identified harm in the environmental role. Therefore, the scheme does not represent sustainable development, when the National Planning Policy Framework is taken as a whole.

Conclusion

18. For the reasons set out above and having regard to all other matters raised, including the support of the Parish Council, the proposal does not represent sustainable development and there are no material considerations that outweigh the identified harm and the associated development plan conflict. The appeal is therefore dismissed.

Jonathan Manning

INSPECTOR

¹ APP/C1625/W/15/3011370, dated 17 February 2016.

² APP/C1625/W/15/3139586, dated 15 August 2016 / APP/C1625/W/16/3149222, dated 20 July 2016 / APP/C1625/W/16/3155821, dated 10 November 2016 / APP/C1625/W/16/3153058, dated 15 November 2016.