
Appeal Decision

Site visit made on 20 February 2017

by Elizabeth Hill BSc(Hons), BPhil, MRTPI

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

Decision date: 15 March 2017

Appeal Ref: APP/F1610/W/16/3163137

Land adjacent to Poole Keynes Village Hall, Poole Keynes, Cirencester, Glos, GL7 6EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by J & WR Hiscock against the decision of Cotswold District Council.
 - The application Ref 16/02570/OUT, dated 22 June 2016, was refused by notice dated 25 August 2016.
 - The development proposed is the erection of one detached dwelling.
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Procedural matters

1. The application is in outline form with all matters reserved for subsequent determination.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue in this case is: whether the proposal would provide a suitable site for housing, having regard to the proximity of services, the suitability of the local highway network and the character and appearance of the area.

Reasons

Planning policy

4. The proposed development would take place on a site adjacent to the village hall on the edge of the settlement of Poole Keynes. The Council has confirmed that Poole Keynes does not have a development boundary. Policy 19 of the adopted Cotswold District Local Plan 2000-2011 (LP) covers development outside development boundaries. The Council has acknowledged that, although they have a 5-year supply of housing land, the policies controlling the supply of housing are out-of-date since they only cover the position to 2011. In terms of paragraph 215 of the National Planning Policy Framework (NPPF), policy 19 restricts the supply of housing rather than boosting it in a positive manner. As such, I give the policy little weight and the Council has not relied on the policy for the refusal of planning permission. Although, as a matter of fact, the proposal would be contrary to policy 19 since it would provide new-build open market housing rather than helping to meet the social and economic needs of those living in rural areas, it needs to be considered in the context of sustainable development as set out in paragraph 14 of the NPPF.

5. The emerging Local Plan 2011-2031 (eLP) does not include Poole Keynes as a location for housing growth but this plan has limited weight, in accordance with paragraph 216 of the NPPF, since it has not yet been through public examination. Policy DS3 of the eLP supports small-scale development outside development boundaries but only when it is in a location accessible to services, job opportunities and public transport.
6. Although the site itself is not in any designated area, it is in a Settlement Protection Area, set out in policy UT.2 of the LP. However, the widely-drawn boundary of this area is intended to protect settlements from after-uses from mineral development than providing any limit to built development and has little relevance to this proposal.

Suitability of the site

7. Pool Keynes is a small settlement centred on the intersection of four roads, with the proposal on the outer edge of the village. The Council states that the only facilities in the village are the village hall and the church and that there are no employment opportunities in the immediate area. The nearest village is Oaksey, a little over 2km away, which has a post office, public house, school, church and village hall with youth and social activities. The nearest employment opportunities are at the Cotswold Water Park and Cirencester, with five buses per day leaving Somerford Keynes, roughly 3km from Poole Keynes. However, access to public transport and all other facilities, apart from the church and village hall, would either have to be by walking or cycling from Pool Keynes, on narrow roads which are unlit and with no footways or cycleways. In my view this would be sufficient to deter people from using non-motorised transport to reach places with public transport to workplaces and other facilities and cars would be used for such journeys.
8. The road to Kemble, which has a railway station and is about 2.5km away, is designated a Quiet Way promoted for non-motorised transport but this is narrow and unlit and would be unlikely to be used for daily journeys, especially in winter. There is a school bus but this service accounts for only some of the journeys that would be necessary from the proposed development, taxi services can be expensive and not all needs can be supplied via the internet. As such, it would not be in accordance with paragraph 35 of the NPPF which protects and exploits opportunities for the use of sustainable transport or policy DS3 of the eLP, which requires accessible locations for development outside development boundaries.
9. The site is on the edge of the village and is surrounded on two sides by a plantation and separated from the village hall by a wall, which forms a strong boundary to the village in this location. On the opposite side of the road, Gable Cottage has been extended beyond the village hall boundary with the site opposite, but this cottage with its garden extending into the countryside also forms a natural edge to the village, separating it from the more sporadic development around Westend Farm. The gap is important in providing a rural setting to this edge of the village and the wall to the village hall provides a suitable location for the boundary to development in this area.
10. The proposal would extend development into what is currently part of the countryside, the intrinsic beauty of which paragraph 17 of the NPPF says should be protected. LP policy 42 covers design and is up-to-date since it covers the principles of design set out in the NPPF. The policy requires development to

respect the character, appearance and local distinctiveness of the District. The village hall, which was formerly the school, and Gable Cottage, which the Council say was associated with the school, form uses which are on the edge of the village, separated from the rest of the residential area by spaces in the form of the grounds to Pool Keynes House and the areas to the front of Church Farm and the church itself, in an area where development is petering out into the rural area. The development of a modern dwelling in this location would unduly extend the village beyond the break of the boundary wall into the countryside beyond.

11. The Council has said that the proposal would be in an isolated location. Paragraph 55 of the NPPF states that in rural areas housing should be located where it would enhance or maintain the vitality of rural communities but that isolated new homes should be avoided. In terms of enhancing or maintaining vitality, there are few facilities that would be supported in the village by the occupiers of the proposed dwelling. The site is not isolated in the sense of its relationship to other property, being on the edge of Pool Keynes, but the village is isolated in terms of its relationship to services and facilities. As such, it would be contrary to paragraph 55 of the NPPF. Paragraph 58 of the NPPF requires development to function well and add to the quality of the area. This would not be the case with this development, given its distance from services, jobs and public transport and adverse effects on the character and appearance of the area. In addition, paragraph 61 of the NPPF requires development to address the connections between people and places, which in this case would not be by sustainable means of transport.
12. The appellant claims that the site has previously been used for housing, having submitted a succession of older maps of the area. They show structures on the rear of the site, but there is no firm evidence that these were dwellings, and the subdivision shown on the maps does not necessarily relate to residential use. In any event, anything that was on the site has largely decayed and blended into the landscape in the process of time, with only rough hedging to differentiate it from the plantation area beyond. Therefore, from the definition given in the NPPF glossary, it cannot be regarded as previously-developed land.
13. Two other applications have been mentioned by the main parties that were considered by the Council. An application on land at Field Cottage, Fyfield was refused following two appeal decisions for development in that village. The Inspectors in these cases, which considered the nature of the roads linking the development sites with facilities and services, dismissed the appeals despite being less than one mile from another village with a number of facilities and services. An earlier application at The Long House, Tarlton had been approved by the Council but they now consider this to be out-of-date following the two appeal cases. In any event, these involve different settlements and this case has to be determined on its own merits.
14. Therefore I conclude that the proposal would not provide a suitable site for housing, having regard to the proximity of services, the suitability of the local highway network and the character and appearance of the area. As such, it would be harmful, since the development would create more movement by private car, and would also be harmful to the character and appearance of the area. It would be contrary to paragraphs 35, 17, 55, 58 and 61 of the NPPF and policy 42 of the LP.

Planning balance and conclusions

15. In this case, Policy 19 of the LP is out-of-date and there are no relevant policies in this case that indicate that development should be restricted in accordance with footnote 9 of the NPPF. Therefore, it is necessary to consider whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, assessed against the NPPF as a whole, under paragraph 14 of that document.
16. Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. In terms of economic considerations, the proposal would provide employment of a temporary nature during the construction of the dwelling, which has little weight. In terms of social considerations, the development would boost the supply of housing, but only by one dwelling, when there is already a 5-year housing land supply, albeit in a District which is constrained by an Area of Outstanding Natural Beauty and landscape designations and the appellant reports some local support for the development. In addition, the occupiers would potentially provide limited support to the church and uses at the village hall. However, the proposal would be an open market dwelling, not one which would be affordable or is claimed to meet other social needs in the village and therefore this matter has very little weight, since it could be located elsewhere. This is the basis on which development in this location would be contrary to policy 19 of the LP on a matter of fact reading. The appellant has claimed that the development would improve the appearance of the area, since the site has been neglected, but this could be done without the development of the site. There might be some biodiversity benefits as a result of the proposal but on a small plot with a dwelling these would have limited impact. All other matters are neutral in the balance.
17. I have already concluded that the proposal would not provide a suitable site for housing, having regard to the proximity of services, the suitability of the local highway network and the character and appearance of the area, having regard to policy 42 of the LP and the NPPF paragraphs set out in the conclusion on the main issue. This has significant weight against the proposal, relating mainly to the environmental dimension. There would be some benefits, notably in providing housing and construction work in social and economic dimensions, but these have little weight. As such, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits and the proposed development would not constitute sustainable development.
18. In terms of the development plan, policy 42 of the LP has full weight and I have already concluded that the proposal would be contrary to it. None of the other considerations put forward, including the policies of the NPPF, indicate that the proposal would be sustainable development and that it should be granted planning permission.
19. Therefore I conclude that, for the reasons given above, and having regard to all other matters raised that the appeal should be dismissed.

E A Hill

INSPECTOR